

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

-----X	:	
JULIE ROGINSKY,	:	Index No.: _____
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
FOX NEWS NETWORK LLC, ROGER	:	
AILES, and BILL SHINE,	:	<u>COMPLAINT AND JURY DEMAND</u>
	:	
Defendants.	:	
-----X	:	

This is an action by plaintiff Julie Roginsky (“Roginsky” or “Plaintiff”) against Fox News Network LLC, and against its former Chairman and CEO, Roger Ailes, and current co-President, Bill Shine (collectively, “Defendants”), for gender discrimination and retaliation in violation of the New York City Human Rights Law, New York City Administrative Code § 8-107 (“NYCHRL”). Roginsky alleges as follows:

PARTIES

1. Roginsky is a resident of New York, New York, who is currently employed by Defendant Fox News Network LLC (“Fox News”). She has been a paid contributor/on air personality on numerous Fox News shows since 2011.
2. Roginsky is the founding partner of Comprehensive Communications Group. She has two decades of public and private sector experience as an adviser on strategic communications, political strategy and public relations. She has advised Fortune 500 companies, start-ups, non-profits and dozens of elected officials, including U.S. Senators Cory Booker and Frank Lautenberg, members of the House of Representatives, and state legislators.
3. Prior to joining Fox News, Roginsky was a contributor at CNBC.

4. Roginsky served on the Board of Directors of the Women's Campaign School at Yale University. She received both her B.A. and M.A. with honors from Boston University.

5. Fox News Network LLC is a cable television news and entertainment company that operates, among other things, the Fox News Network, Fox Business News, and Foxnews.com.

6. Fox News maintains its principal place of business in New York, New York, where the acts complained of occurred.

7. Defendant Roger Ailes ("Ailes") is a resident of Cresskill, New Jersey. Ailes was the Chairman and CEO of Fox News when much of the harassment, discrimination and retaliation against Plaintiff took place.

8. Defendant Bill Shine ("Shine") is the co-President of Fox News Network and serves as the current head of news and programming at Fox News and Fox Business Network. Shine retaliated against Plaintiff because of her complaints of harassment and retaliation and because Plaintiff refused to malign Gretchen Carlson and join "Team Roger" when Carlson sued Ailes for sexual harassment. Shine aided and abetted Ailes' acts of retaliation and harassment.

JURISDICTION AND VENUE

9. This Court has jurisdiction over this action because it is a court of general jurisdiction in law and equity of the State of New York.

10. Venue is proper pursuant to CPLR § 503(a) because Plaintiff and at least one of the Defendants reside in this County.

NATURE OF THE CASE

11. This case arises from violations by Defendants of the New York City Human Rights Law, New York City Administrative Code §8-101 et seq. Fox News, Ailes and Shine

unlawfully harassed, discriminated against, and retaliated against Roginsky and sabotaged her career after she refused Defendant Ailes' sexual advances and complained about them.

12. Fox News and Ailes discriminated against Roginsky on the basis of her gender by making her deserved promotion to a regular spot hosting "The Five" contingent upon having a sexual relationship with Ailes. Fox News and Ailes thereafter retaliated against Plaintiff when she refused to have a sexual relationship with Ailes. Shine aided and abetted the discrimination and retaliation by Fox News and Ailes by failing to take reasonable measures to protect Roginsky from, and condoning, the unlawful conduct. Fox News and Shine further retaliated against Plaintiff by refusing to give her the promised permanent hosting position for which she was well-qualified. Defendants Fox News and Shine also retaliated against Plaintiff because she refused to publicly disparage Gretchen Carlson when Carlson filed sexual harassment claims against Ailes in July 2016.

COUNT ONE

(Discrimination, Harassment and Retaliation by Defendant Fox News in Violation of the New York City Human Rights Law)

13. After working for nine years in a number of high profile jobs in politics, and founding her own political consulting and public relations firm in 2003, Roginsky began appearing as a commentator on Fox News in 2004.

14. Roginsky was a hard-working and successful commentator at Fox News who appeared frequently between 2004 and 2011.

15. Fox News offered Roginsky a contract as a panelist/pundit/commentator in regular rotation on Fox News programs in 2011. This contract was renewed in 2012, 2013 and 2015.

16. In early 2015, Bob Beckel, one of the regular hosts of “The Five,” could not be located by the producers of the show. With less than an hour’s notice, Roginsky was called in to replace him. Beckel was thereafter taken off the show and Roginsky began appearing on it two to three times per week.

17. Ailes repeatedly called Roginsky into his office for one-on-one meetings, telling her that he really liked her on “The Five.” During these meetings, Ailes would frequently steer the conversation to Roginsky’s personal life by asking, among other things, if she was dating anyone, why she was not married, what she was looking for in a man, and remarking that he did not understand why she was still single since she was so attractive.

18. During these meetings, Ailes additionally (and without irony) volunteered the advice that Roginsky should engage in sexual relationships with “older, married, conservative men” because “they may stray but they always come back because they’re loyal.” Ailes also remarked that he was loyal but that loyalty was a two-way street. These comments and their delivery made it clear that Ailes wanted a sexual relationship with Roginsky.

19. At these meetings, Ailes usually sat in a low armchair. He repeatedly insisted on a kiss “hello” requiring Roginsky to bend down to kiss him. Ailes would consistently position himself in such a way as to look down Roginsky’s dress.

20. During these meetings, Ailes repeatedly made sexist comments about the other members of “The Five.” For example, Ailes stated that Kimberly Guilfoyle would “get on her knees for anyone.”

21. Ailes led Roginsky to believe that she would receive a permanent position as a host on “The Five,” stating that Beckel would not return because he was a drug addict.

22. In or about the week of April 27, 2015, Ailes and Roginsky had what would be their final meeting. During this meeting, Ailes cynically toyed with Roginsky, saying that he would really like to give her a permanent spot on “The Five.” Immediately after this statement, Ailes remarked that “if it wouldn’t get us both into so much trouble” he would take Roginsky “out for a drink.” It was clear that Ailes had sexual intentions toward Roginsky given the history of his conduct toward Roginsky and the fact that there was no reason why Roginsky and Ailes would have gotten “into trouble” if they had simply conducted a professional meeting over drinks.

23. Ailes followed up this comment by saying, “since being seen in public together would get us into trouble maybe we could just do it privately in my office instead, so no one would know.” Roginsky responded that that was not a good idea. Ailes immediately and curtly dismissed Roginsky, and refused to meet with her ever again.

24. In retaliation for Plaintiff’s rejection of Ailes’ sexual advances in the summer of 2015, Ailes gave Roginsky’s regular spot on “The Five” to Geraldo Rivera, even though that seat on the show had typically been reserved for a liberal like Roginsky. Rivera was a registered Republican and not a liberal.

25. Although Roginsky remained in rotation on the show “Outnumbered,” she was rarely allowed to lead her own segments, unlike the other panelists on the show.

26. Roginsky repeatedly tried to schedule a meeting with Ailes to discuss being put back on regular rotation on “The Five.” Although prior to April 27, 2015, Ailes regularly called Roginsky into his office to tell her how much he liked her on “The Five,” she was never granted another meeting.

27. Prior to and during Ailes' last meeting with Plaintiff on or about April 27, 2015, he made it clear that he had the power to make anything happen for Roginsky and that he was acting as the fully empowered agent of Fox News. Ailes was clearly endowed with the express decision making power at Fox News and he communicated clearly to Roginsky that he could advance (or undermine) her career.

28. Roginsky refused to engage in a sexual relationship with Ailes. As a result, Fox News and Ailes retaliated.

29. In further retaliation for her unwillingness to have a sexual relationship with Ailes, Fox News and Ailes consistently denied plaintiff various opportunities, including but not limited to:

- a. pulling her off of regular rotation on "The Five";
- b. rarely allowing her to host her own segments on "Outnumbered" unlike every other panelist on the show;
- c. refusing to give Plaintiff a lucrative hosting job; and
- d. shunning, ostracizing and humiliating her.

30. Up to and including the time during which Roginsky was sexually harassed and retaliated against by Ailes, she was not advised that Fox News had a policy prohibiting sexual harassment. Similarly, Roginsky was not made aware of any reporting mechanism or policy prohibiting retaliation against those who complained about sexual harassment.

31. To the contrary, Roginsky knew that Fox News was completely controlled by Roger Ailes and that those who crossed him would be retaliated against by those who reported to him, including Bill Shine, Dianne Brandi, Suzanne Scott and Irena Briganti.

32. Like many victims of sexual harassment, Roginsky tried to keep her job and avoid being branded a gold digger and liar – the usual attack leveled by Fox News at many women who complain of harassment.

33. Roginsky had heard that Ailes used back channels to plant negative press stories about his own employees and knew that Briganti would lash out publicly against anyone who Ailes wanted to punish.

34. In July 2016, when former Fox News host Gretchen Carlson filed a sexual harassment and retaliation complaint against Ailes, Fox News employees including contributor and Ailes' confidante Angela McGlowan, Executive Vice President for Programming Suzanne Scott and on-air host Kimberly Guilfoyle, as well as others, sought to recruit Fox News employees and contributors to retaliate against Carlson by publicly disparaging her. They characterized this retaliatory onslaught as supporting "Team Roger."

35. During this time period, McGlowan approached Roginsky to come out in favor of Ailes, stating "It's all hands on deck," meaning everyone must come together to show support for Ailes and disparage Carlson in retaliation for Carlson complaining of sexual harassment and retaliation by Ailes.

36. Roginsky refused to disparage Carlson or join "Team Roger," telling McGlowan that she believed that Gretchen Carlson's allegations of sexual harassment were true because she, too, had been sexually harassed by Ailes and when she rebuffed his advances, she, too, suffered retaliation. Roginsky told McGlowan that Ailes was a sexual predator and that she would not join in the smearing of Gretchen Carlson.

37. It later became clear that McGlowan told Dianne Brandi, Bill Shine and Suzanne Scott that Roginsky said that Ailes had sexually harassed and retaliated against her.

38. During the 2016 Republican National Convention (held in Cleveland, Ohio between July 18 and July 21), Roginsky became so uncomfortable with the increasing pressure from McGlowan and other Fox News employees to publically defend Ailes and attack Gretchen Carlson that she left the convention more than a day early.

39. Throughout the summer of 2016, Plaintiff attempted to secure a permanent slot on “Outnumbered” because one of the former regular hosts, Andrea Tantaros, left in April of 2016.

40. Angela McGlowan informed Roginsky that she should not approach Bill Shine, the main Fox News decision-maker following Ailes’ resignation on July 21, 2016, about a permanent hosting position until after the Presidential election.

41. Roginsky believed that with Ailes gone, perhaps the Fox News culture of misogyny and sexism would change; that perhaps the Murdochs would really protect women and other employees from the harassment and retaliation she had experienced, witnessed and heard about.

42. In late July 2016, while covering the Democratic Convention in Philadelphia, Pennsylvania (held between July 25 and July 28), Roginsky received calls from the press seeking comment on the sexual harassment allegations made against Ailes by Gretchen Carlson and a number of other women. Roginsky was also asked if she had knowledge of Shine harassing anyone. Roginsky informed McGlowan that she had received these calls.

43. After Roginsky revealed the press inquiries about Shine, Shine approached Roginsky to talk on July 29, 2016, after she returned from the Democratic convention. Agitated and panicked, Shine told Roginsky that “everything they are saying about Roger is true.”

44. On the Monday after the Presidential election, Roginsky read in Variety Magazine that Andrea Tantaros' seat on "Outnumbered" had been given to Meghan McCain instead of her. Shine and Fox News retaliated against Roginsky by failing to give her a permanent hosting position.

45. Roginsky also called Shine's secretary to request a meeting.

46. Within days of this conversation, Roginsky received a call from Fox News legal counsel, Dianne Brandi, who told her that Roginsky could not meet with Shine if she were going to "threaten a lawsuit" over Ailes' illegal conduct. Roginsky persisted in requesting a meeting.

47. Despite Brandi's knowledge that Roginsky had been sexually harassed by Ailes, neither Brandi, Shine, Suzanne Scott, McGlowan, nor anyone else at Fox News advised Roginsky to contact attorneys at the Paul Weiss law firm who were reportedly investigating Ailes' pattern of sexual harassment at Fox News. Nor did anyone at Paul Weiss ever contact Roginsky.

48. Roginsky knew that McGlowan would tell Fox News co-President Bill Shine, General Counsel Dianne Brandi, and Executive Vice President for Programming Suzanne Scott about her complaints of harassment and retaliation, and McGlowan did so.

49. Fox News never investigated Roginsky's complaints.

50. Roginsky secured a meeting with Shine on November 29, 2016. Shine asked Suzanne Scott to join the meeting. Shine and Scott asked Roginsky what she wanted and she replied that she wanted a regular show and that she had been promised a permanent spot on "The Five" by Ailes but when she refused his sexual advances she was denied the promised position in retaliation. They were not surprised to hear this; they already knew it.

51. Even after the November 29, 2016 meeting during which Roginsky personally recounted the harassment and retaliation by Ailes, Shine and Scott took no action to investigate.

Neither Shine nor Scott advised Roginsky to speak to anyone at Paul Weiss. No one from Paul Weiss contacted Roginsky.

52. At this November 29, 2016 meeting, Shine bizarrely asked Plaintiff if she had seen the Showtime documentary on the band The Eagles. Roginsky informed him that she had not. Shine responded that she should see it because the story of The Eagles was very similar to the story of Fox News, *i.e.*, in the same way that such brilliant musicians as Glenn Frey, Linda Ronstadt and Jackson Browne could only have come together at “one place and one time in history,” so it was with Bill O’Reilly, Sean Hannity, Suzanne Scott, Roger Ailes and Bill Shine coming together to form Fox News.

53. On December 12, 2016, Roginsky and Shine had another meeting. Shine brought up the sexual harassment claims against Ailes, now claiming that he didn’t believe the allegations until he recently asked one of his deputies to ask a female employee at Fox News whether she was on “Team Roger” and the employee broke into tears, presumably due to the fact that she, too, had been sexually harassed by Ailes. Shine falsely stated to Roginsky that this was the first moment he knew that the claims against Ailes were true.

54. In truth, Shine knew or reasonably should have known long before 2016 that Ailes had been engaging in sexual predation and harassment. Shine had directly participated in a secret multi-million dollar payment to Laurie Luhn who claimed to have suffered decades of sexual abuse by Ailes. Years before the Gretchen Carlson case, Shine and other senior executives at Fox News should have conducted independent investigations of Ailes’ conduct and taken steps to protect women like Roginsky from his predatory and harassing practices. Instead, Shine and other senior executives kept Ailes’ conduct secret and enabled it.

55. At this December meeting, Shine once again asked Roginsky if she had seen the Showtime documentary on The Eagles. Roginsky replied, once again, that she had not. Shine once again recommended it, somehow expressing the belief that Ailes, a habitual sexual harasser, and his enablers, were a gift to the nation, like The Eagles.

56. In retaliation for her complaints of harassment and retaliation by Ailes, and in retaliation for her refusing to malign Gretchen Carlson and join “Team Roger,” Fox News and Shine refused to give Roginsky a permanent hosting opportunity.

57. By refusing to give Roginsky a permanent hosting position, Fox News and Shine have significantly damaged, and will continue to significantly damage, her career path. A permanent hosting position has substantial benefits, including a much higher salary and more opportunities for speaking engagements and book deals.

58. Fox News knowingly violated the NYCHRL by engaging in intentional discrimination, harassment and retaliation with malice or reckless indifference to Roginsky’s protected rights.

59. As a direct and proximate result of Defendant Fox News’ conduct, Roginsky has suffered damage to her career path, adverse job consequences, including economic damages, and continues to suffer damages, including severe mental, physical and emotional stress, pain and suffering, anxiety, stress, humiliation, exacerbation of existing medical conditions and personal sickness, loss of enjoyment of life and damage to her reputation and career.

COUNT TWO**(Discrimination, Retaliation and Harassment by Defendant Ailes in Violation of the New York City Human Rights Law)**

60. Plaintiff repeats and re-alleges the allegations contained in all the preceding paragraphs of this Complaint as if set forth herein at length.

61. The New York City Human Rights Law prohibits unlawful discrimination, harassment and retaliation.

62. Defendant Ailes, as the Chairman and CEO for Fox at the time of the above complaints until his departure from Fox News in July 2016, was an upper-level manager/executive, supervisor and decision-maker regarding Roginsky and he was responsible for ensuring a work place free of discrimination and retaliation.

63. Defendant Ailes knowingly and willfully violated the NYCHRL by engaging in intentional discrimination, harassment and retaliation with malice and reckless indifference to Roginsky's protected rights.

64. As a direct and proximate result of Defendant Ailes' conduct, Roginsky has suffered damage to her career path, adverse job consequences, including economic damages, and continues to suffer damages, including severe mental, physical and emotional stress, pain and suffering, anxiety, stress, humiliation, exacerbation of existing medical conditions and personal sickness, loss of enjoyment of life and damage to her reputation and career.

COUNT THREE**(Retaliation by Defendant Shine in Violation of the New York City Human Rights Law)**

65. Plaintiff repeats and re-alleges the allegations contained in all the preceding paragraphs of the Complaint as if set forth herein at length.

66. The New York City Human Rights Law prohibits unlawful discrimination, harassment and retaliation.

67. Defendant Shine, as the former Senior Executive Vice President of Programming and the current co-President of Fox News since July of 2016, was and is an upper-level manager/executive, supervisor and decision-maker regarding Roginsky and he is and has been responsible for ensuring a work place free from discrimination and retaliation.

68. Defendant Shine knowingly violated the NYCHRL by failing to take reasonable steps to protect women such as Roginsky from Ailes' sexual harassment and by retaliating against Roginsky because she complained about Ailes' harassment and retaliation and refused to disparage Gretchen Carlson and (falsely) laud Ailes. Shine engaged in intentional discrimination, harassment and retaliation with malice and reckless indifference to Roginsky's protected rights.

69. As a direct and proximate result of Defendant Shine's conduct, Ms. Roginsky has suffered damage to her career path, adverse job consequences, including economic damages, and continues to suffer damages, including severe mental, physical and emotional stress, pain and suffering, anxiety, stress, humiliation, exacerbation of existing medical conditions and personal sickness, loss of enjoyment of life and damage to her reputation and career.

COUNT FOUR

(Aiding and Abetting by Defendant Shine in Violation of the New York City Human Rights Law)

70. Plaintiff repeats and re-alleges the allegations contained in all the preceding paragraphs of the Complaint as if set forth herein at length.

71. The New York City Human Rights Law makes it an unlawful discriminatory practice for any person to aid or abet another's discrimination, harassment or retaliation in violation of the statute.

72. Defendant Shine knowingly aided and abetted Ailes' and Fox News' discrimination, harassment and retaliation against Roginsky.

73. Prior to Ailes' departure from Fox News in July 2016, Defendant Shine, as the former Senior Executive Vice President of Programming, was an upper-level manager/executive, supervisor and decision-maker regarding Roginsky and he was responsible for ensuring a work place free of discrimination and retaliation.

74. Shine knew or reasonably should have known long before 2016 that Ailes had been engaging in sexual predation and harassment, including against Roginsky. Shine had directly participated in a secret multi-million dollar payment to Laurie Luhn who claimed to have suffered decades of sexual abuse by Ailes. Prior to Ailes' departure, Shine knew or reasonably should have known that Roginsky was a victim of Ailes' harassment and retaliation because, among other things, there was no non-retaliatory reason for the adverse employment actions that Ailes was imposing on Roginsky. Shine was well aware that when Ailes abruptly began imposing adverse employment actions on a female Fox News personality such as Roginsky for no business-related reason, it meant that that female employee had rebuffed Ailes' sexual advances. Years before the Gretchen Carlson case, Shine and other senior executives at Fox News should have conducted independent investigations of Ailes' conduct and taken steps to protect women like Roginsky from his predatory and harassing practices. Instead, Shine and other senior executives kept Ailes' conduct secret and enabled it.

75. Shine failed to take reasonable steps to protect women such as Roginsky from Ailes' sexual harassment, and implemented the retaliatory adverse employment consequences directed by Ailes, and Shine thereby enabled and condoned Ailes' sexual harassment and retaliation, and Shine was directly involved in and condoned Fox News' retaliation against Roginsky after she complained about Ailes' harassment and retaliation and refused to disparage Gretchen Carlson and (falsely) laud Ailes.

76. As a direct and proximate result of Defendant Shine's conduct, Ms. Roginsky has suffered damage to her career path, adverse job consequences, including economic damages, and continues to suffer damages, including severe mental, physical and emotional stress, pain and suffering, anxiety, stress, humiliation, exacerbation of existing medical conditions and personal sickness, loss of enjoyment of life and damage to her reputation and career.

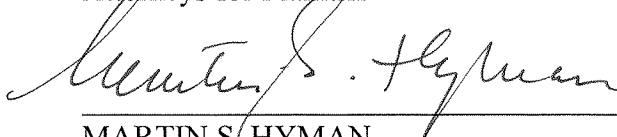
WHEREFORE, Plaintiff, Julie Roginsky, demands judgment in her favor against all Defendants, jointly and severally, and seeks the following relief:

- (a) Compensatory damages for all back and future loss of wages, lost income, benefits, retirement losses, stock benefits losses, pain, suffering, stress, humiliation, mental anguish, emotional harm and personal physical injury and physical sickness, as well as damage to her reputation, damage to career path, and loss of income stemming therefrom;
- (b) Punitive damages;
- (c) Attorneys' fees, pre- and post-judgment interest, reimbursement for the negative tax consequences of a judgment and costs of suit;
- (d) Reimbursement of expert witness fees and costs; and
- (e) Such other relief as the Court may deem just.

Dated: April 3, 2017

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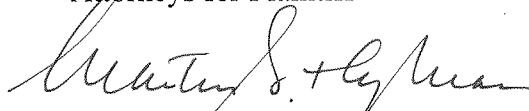
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JURY DEMAND

Plaintiff Julie Roginsky demands a trial by jury with respect to all issues properly triable by jury.

Dated: April 3, 2017

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