

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

-----X		
ANDREA TANTAROS,	:	Index No.
	:	
<i>Plaintiff,</i>	:	
	:	
-- against --	:	<b><u>COMPLAINT</u></b>
	:	
NOMIKI KONST and IRENA BRIGANTI,	:	
	:	
<i>Defendants.</i>	:	
-----X		

**ANDREA TANTAROS**, by her attorneys, Judd Burstein, P.C., as and for her Complaint against Defendants **NOMIKI KONST** and **IRENA BRIGANTI**, alleges as follows:

**PARTIES**

1. Plaintiff Andrea Tantaros (“Tantaros”) is a resident of New York County, State of New York. As of April 2016, she was employed by Fox News Network, LLC (“Fox News”) as an on-air political analyst appearing primarily on the show “Outnumbered.” In April of 2016, she was removed from the air by Fox News in retaliation for her spurning the sexual advances of, *inter alia*, Roger Ailes and Bill O’Reilly. Until October of 2016, Tantaros was nonetheless paid her salary by Fox News. In October of 2016, after suing Fox News, Roger Ailes, William Shine, Dianne Brandi, Irena Briganti, and Suzanne Scott for, *inter alia*, sexual harassment and retaliation, Fox News terminated its employment agreement with Tantaros on the pretextual ground that she had breached her employment agreement with Fox News by appearing on Good Morning America.

2. On information and belief, Defendant Nomiki Konst (“Konst”) is a resident of Queens County, New York. She is a political commentator who has been desperately seeking a regular role as a token left-wing commentator on Fox News shows such as “The O’Reilly Factor.”

3. Tantaros does not know where Defendant Irena Briganti (“Briganti”) resides. However, she works at Fox News’s offices in Manhattan on a daily basis. Commencing in 2013 through today, Briganti has been employed as a Senior Vice President of Fox News with the responsibility of overseeing Fox News’s media relations department.

**TANTAROS’S CAUSE OF ACTION FOR LIBEL PER SE**

4. On April 18, 2017, Konst published a “tweet” (the “Konst Tweet”) in which she knowingly and falsely claimed that “Bill O’Reilly kicked me off a weekly spot on his show after Andrea Tantaros physically attacked me and threatened me[.]”

5. On information and belief, as discussed below, Konst published the Konst Tweet at the behest of Briganti in order to blunt an imminent lawsuit by Tantaros against Peter A. Snyder (“Snyder”) and Disruptor, Inc. for lodging a disgraceful social media campaign for Fox News against Tantaros (at the direction, *inter alia*, of Bill Shine, Co-President of Fox News) through the use of fake social media accounts known as “sock puppet” accounts.

6. On April 10, 2017, counsel for Tantaros sent an email to Snyder’s counsel, a former candidate for the “Lieutenant Governor of the Commonwealth of Virginia,” informing him that Tantaros was going to sue Snyder during the week of April 17, 2017. The email stated, in relevant part:

I have received reliable information that, in the face of media inquiries about your work, you are desperately trying to save your reputation by covering your tracks with respect to New Media Strategies’s and Disruptor Capital’s use of, *inter alia*, [www.girlsoffox.com](http://www.girlsoffox.com) (and many other websites, twitter accounts and blogs) as “weaponized” digital tools for Fox News, Roger Ailes, and Bill Shine.

What the general public has yet to learn, however, is that after leaving New Media Strategies, you have continued your work of creating outrageously abusive and salacious fake social media campaigns against various “enemies,” including Ms. Tantaros, identified to you by Bill Shine at the direction of Roger Ailes.

I intend to attach to my complaint ... materials traceable to you and your contractors, and I have no doubt that the discovery tools afforded by the Federal Rules of Civil Procedure will provide even more evidence of your misconduct. The use of tools such as robots.txt files may work in covering your tracks with media, but they will fail with a federal judge.

Given your history of black-out drinking, perhaps you may not remember - though I am certain your wife, Burson, does - the conversation you had with Ms. Tantaros at your Nantucket home ..., as well as the detailed conversations you had with her when you unsuccessfully sought to hire her to head a new public affairs division at New Media Strategies.... In these conversations you explained your use of sock puppet accounts, fake websites and internet trolling to accomplish Fox News's goals. Significantly, in your discussion with Ms. Tantaros, you admitted that you were now using Disruptor Capital to continue the work you had done for Fox News through New Media Strategies.

That you would make these admissions to Ms. Tantaros about the work you did for Fox News (but not against Ms. Tantaros at the time) is entirely credible considering the facts that:

- (A) Ms. Tantaros worked with your wife in Washington;
- (B) You and your wife were close enough with Ms. Tantaros to have her as a recurring guest in your home in Nantucket ...; and
- (C) You used to secretly forward emails between you and Bill Shine to Ms. Tantaros. Moreover, your widely-known drinking problem makes it all the more likely that you were incredibly indiscreet.

7. On April 18, 2017, Salon.com published an article that provided some details concerning Fox News's past employment of Snyder's former company, New Media Strategies:

During the [Roger Ailes] era, the network's ferocity in defending itself against inconvenient facts and journalists it deemed unfair became legendary among the small group of people who cover the media business. Under its former head, the network employed a team of "black room" operators who allegedly obtained phone records and credit reports of reporters disliked by Ailes. According to news reports, private investigators working for the company were dispatched to follow journalists, apparently to find out whom they were meeting. According to sources, sometimes Fox News corporate funds were used for such endeavors; other times, Ailes paid for them himself.

That ultra-aggressive approach to promotion during the Ailes era also extended to the online world, where Fox News employees and contractors were dispatched to do

battle against not just mainstream media reporters but also against small-time bloggers and even website commenters. Fox News even went so far as to create at least two anonymous websites that attacked the competition.

\* \* \*

Under Ailes, Fox News did not limit its promotion efforts to the realm of media criticism. The network also retained the services of a now-defunct public relations firm called New Media Strategies to create and operate a series of homespun-looking websites designed to market women who worked as hosts or correspondents in a manner that can only be described as overtly sexist.

Creating and operating the websites was part of a larger series of marketing services that New Media Strategies provided Fox News.

\* \* \*

New Media Strategies employees created several blogs dedicated to specific women, including former correspondent Laurie Dhue and former “Fox and Friends” co-host Kiran Chetry, all of which were linked into a larger portal website called Girls of Fox News....

\* \* \*

... [T]he vast majority of the content on Girls of Fox News consisted of frequently misspelled reactions to unintentionally suggestive screenshots, and videos of Fox News Channel employees crossing their legs or appearing to make kissing gestures.

\* \* \*

While the site has not functioned in nearly 10 years, the domain girlsoffoxnews.com appears to have been continuously renewed by its owner. That individual or entity has also chosen to use a privacy protection service that anonymizes it from public-record searches.

Web users typing in the domain today are redirected to a Yahoo search for “Fox News” or “Breaking News,” via a domain monetization company called Sedo.

\* \* \*

Although Girls of Fox News was shuttered in 2007, careful readers were able to peruse some of the site’s content through the use of the Wayback Machine, a service provided by the Internet Archive that lets users view virtual snapshots of websites as they appeared at various times in the past.

As Salon began reporting this story by interviewing Snyder and others familiar with the New Media Strategies and Fox News relationship, the owner of girlsoffoxnews.com appears to have devised a method to remove the blog from the Wayback Machine. This required the use of a file called robots.txt, which can be configured to block archiving software like that used by the Internet Archive. Salon did not tell Snyder about the Dhue and Chetry websites and as of this writing they remain publicly accessible. As might be expected, the operator of the domain did not respond to a request for comment.

8. At 9:56 p.m. on April 18, 2017, Tantaros's counsel informed Snyder's counsel that Tantaros was going to commence litigation against Snyder on April 19 or 20, 2017, and asked him if he would accept service of the Complaint in that litigation.

9. On information and belief, Snyder alerted Fox News that Tantaros's lawsuit against him was imminent.

10. At 11:13 p.m. EST on April 18, 2017, **just one hour and 17 minutes after Tantaros's counsel informed Snyder's counsel that Tantaros was going to be suing Snyder in the next day or two**, Konst sent out the Konst Tweet, which referred to an event which, if it did happen (it did not), necessarily took place more than a year ago because Tantaros has not even entered Fox News's offices since she was removed from the air.

11. On information and belief, Konst issued the Konst Tweet at the direction of Briganti, who was seeking to undermine Tantaros's credibility before Tantaros sued Snyder. The basis for this information and belief is:

- a. At 11:21 p.m., **just eight minutes after the Konst Tweet was published**, it was retweeted by Oliver Darcy ("Darcy") of Business Insider. Darcy is well known in the industry as one of the "journalists" who Briganti uses to disseminate "information" when she want to seek to discredit a person deemed by Fox News to be an enemy. The almost immediate retweeting of

the Konst Tweet corroborates the fact that Darcy was acting as a shill for Briganti;

- b. There is no rational explanation for why, completely out of the blue, Konst would bring up a supposed year-old event;
- c. The timing of the Konst Tweet -- **one hour and 17 minutes** after Tantaros's counsel informed Snyder's counsel that Tantaros would be going forward with her lawsuit against Snyder no later than April 20, 2017 -- is highly suspicious; and
- d. Konst had a strong motive to do Briganti's bidding because Konst desperately wants to appear regularly on Fox News.

12. Konst's statement in the Konst Tweet that "Andrea Tantaros physically attacked me and threatened me" was false.

13. On information and belief, Konst sent out the Konst Tweet at the behest of Briganti in an effort to curry favor with Fox News so that she could appear regularly on Fox News.

14. Konst had actual knowledge that the Konst Tweet was false.

15. Briganti either knew that the Konst Tweet was false or had a high degree of awareness of its probable falsity.

16. The Konst Tweet constituted libel *per se* because it accused Tantaros of committing a crime and would tend to injure her in her profession.

17. Konst published the Konst Tweet to her 59.4 thousand Twitter followers without privilege or authorization.

18. Tantaros has been damaged thereby in an amount to be determined by a jury.

19. In addition, because Briganti's and Konst's conduct was wanton, willful, malicious, and solely designed to harm Tantaros through lies, punitive damages should be awarded as determined by a jury.

**WHEREFORE**, Tantaros demands Judgment awarding her compensatory and punitive damages as determined by a jury, as well as such other and further relief as deemed just and proper by the Court.

Dated: New York, New York  
April 19, 2017

JUDD BURSTEIN, P.C.

By: \_\_\_\_\_  
Judd Burstein  
Five Columbus Circle, Suite 1501  
New York, New York 10019  
(212) 974-2400  
(212) 974-2944 (Fax)  
jburstein@burlaw.com  
*Attorneys for Plaintiff*