

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

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HILDA G. CORREA-LAPOLLA and MAUREEN
WALSH,

Index No.:
Date purchased:

Plaintiffs,

SUMMONS

-against-

Plaintiff designates New
York County the place of
trial. The basis of venue is
Defendant's principal place
of business.

FOX NEWS NETWORK, LLC,

Defendant.

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To the Above Named Defendant:

YOU ARE HEREBY SUMMONED to answer the Verified Complaint in this action at the Supreme Court of the State of New York, New York County, and to serve a copy of your Answer, or if the Verified Complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within twenty (20) days after the service of this Summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Verified Complaint.

Dated: New York, New York
December 12, 2016

Yours, etc.

DEALY SILBERSTEIN &
BRAVERMAN, LLP

By: 

Milo Silberstein
*Attorneys for Plaintiffs Maureen
Walsh and Hilda Correa-Lapolla*
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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HILDA G. CORREA-LAPOLLA and MAUREEN
WALSH,

Index No.:
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Plaintiffs,

-against-

VERIFIED COMPLAINT

FOX NEWS NETWORK, LLC,

Defendant.

-----X

Plaintiffs Hilda G. Correa-Lapolla (“Correa-Lapolla”) and Maureen Walsh (“Walsh”) (collectively, the “Plaintiffs”), by their attorneys Dealy Silberstein & Braverman, LLP, as and for their Verified Complaint against Defendant Fox News Network, LLC (“Fox News” and/or “Defendant”), allege as follows:

NATURE OF THE ACTION

1. This is an action for damages stemming from (1) violations of the New York State Human Rights Law (“NYSHRL”); and (2) violations of New York City Human Rights Law (“NYCHRL”).
2. During their tenure at Fox News, which portrays itself as a conservative television channel with traditional family values, Plaintiffs were forced to endure a workplace permeated with vulgarity and pervasive sexism. Fox News allowed male employees to use “locker room” language in its offices with no repercussions, while women were objectified and it was made clear that they were there to be seen and not heard.
3. This hostile environment was created and condoned, at the very highest level, by former President of Fox News, Roger Ailes, and advanced by other Fox News executives throughout the organization.

4. Plaintiffs, who were well qualified for their positions, as demonstrated by their long tenure at Fox News and positive performance evaluations, were terminated for pretextual and retaliatory reasons because they did not conform to Fox News' stereotypical expectations of women in the Fox News workplace and because they complained about Fox News' preferential treatment of men.
5. For years, in order to retain and protect their jobs, Plaintiffs obediently and silently endured a hostile work environment of sexism and gender discrimination.
6. However, when Fox News hired Bradley Stenson, a male makeup artist, and consistently and blatantly showed him favored treatment, Plaintiffs had simply had enough and began to complain to executives at Fox News.
7. After Plaintiffs began to raise concerns about Fox News' preferential treatment of Stenson, who was less experienced than Plaintiffs and had demonstrated performance problems, Fox News began a campaign to terminate them.
8. Following Plaintiffs complaint to production manager Peter Flores ("Flores") regarding disparate treatment at Fox News, particularly about the favoritism displayed towards male colleague Bradley Stenson, Plaintiffs were terminated on October 23, 2014 in an act of unlawful retaliation.

THE PARTIES

9. Plaintiff Walsh is an individual who resides at 313 Gorge Road Cliffside Park, New Jersey 07010.
10. Plaintiff Correa-Lapolla is an individual who resides at 38-03 215th Street Bayside, New York 11361.

11. Fox News is a limited liability company organized under the laws of the State of Delaware. Its principal place of business is in New York County, New York.
12. At all relevant times, Fox News was an “employer” within the meaning of all applicable statutes.

VENUE AND ADMINISTRATIVE PREREQUISITE

13. Venue is proper in this Court pursuant to CPLR § 503 based upon Fox News’ principal place of business.
14. Following the commencement of this action, a copy of the Complaint will be served on both the New York City Commission on Human Rights and the Office of the Corporation Counsel of the City of New York, satisfying the notice requirements of the NYCHRL.

FACTS

Background Facts Regarding Plaintiff Correa-Lapolla

15. Plaintiff Correa-Lapolla began her employment as a makeup artist at Fox News in 1996 and worked in that position until her pretextual termination on October 23, 2014.
16. Throughout her tenure with Fox News, Plaintiff Correa-Lapolla received positive performance reviews, as well as periodic raises and bonuses.
17. Plaintiff Correa-Lapolla was repeatedly requested by Fox News on-air talent to work as their makeup artist.

Background Facts Regarding Plaintiff Walsh

18. Plaintiff Walsh worked for Fox News as a makeup artist for more than ten (10) years and worked in that position until her pretextual termination on October 23, 2014.
19. Throughout her tenure with Fox News, Plaintiff Walsh received positive performance reviews, as well as periodic raises and bonuses.

20. Plaintiff Walsh received several high profile assignments at Fox News, including being assigned to do the makeup of popular Fox News anchor Megyn Kelly, in which capacity she traveled on assignment with Ms. Kelly.

Hostile Work Environment

21. Fox News operates as a boys' club that protects male employees at all costs.
22. Women employed by Fox News are expected to be docile and compliant.
23. Women who speak their minds and insist on equal treatment fail to conform to Fox News' expectation of women and are retaliated against.
24. During Plaintiffs' employment with Fox News, Fox News consistently showed a preference towards male employees.
25. Male executives at Fox News consistently referred to women in the hair and makeup department as "overpaid drama queens."
26. In fact, Flores specifically asked stylist Erica Colòn to recruit male hair and makeup artists.
27. Flores was abusive and harassing towards the women in the hair and makeup department.
28. Flores proclaimed that he would run the hair and makeup department like a drill sergeant.
29. Flores often asked Plaintiffs and other female employees if they were "having their periods" when he believed they were acting irrationally.
30. Flores repeatedly said "women are crazy" in the presence of the predominantly female hair and makeup department that he supervised.
31. When Flores grew frustrated with female employees at Fox News he would repeatedly shake his head and state "You women."
32. Flores displayed a completely different attitude and personality towards male employees.

33. Specifically, on numerous occasions, Flores called Plaintiff Correa-Lapolla into his office, closed the door and screamed at her.
34. Plaintiff Correa-Lapolla was intimidated by Flores' behavior and was afraid for her well-being.
35. Flores did not scream at and torment the male employees who reported to him.
36. Afraid that reporting Flores' hostile behavior towards her would jeopardize her career, Plaintiff Correa-Lapolla remained silent.
37. However, after one particularly egregious incident when Flores yelled at Plaintiff Correa-Lapolla, Plaintiff Correa-Lapolla spoke to Jamie Ball ("Ball"), a female production manager who had overheard the incident.
38. Plaintiff Correa-Lapolla told Ball that if Flores verbally assaulted her again, she would press charges. Ball pleaded with Plaintiff Correa-Lapolla not to report this incident and said that she would speak to Flores about his outburst.
39. Upon information and belief, Ball did not speak to Flores about his behavior.
40. Flores' harassing behavior did not stop.
41. Thereafter, Plaintiff Correa-Lapolla reported Flores' hostile behavior to Flores' manager, Jeff Hark ("Hark").
42. Hark and Fox News took no action to address the hostile work environment.
43. Flores' hostile behavior continued.
44. Flores also made it clear that he had a favorite employee, the one male makeup artist Stenson.
45. Emboldened by Flores, Stenson displayed the same discriminatory behavior as Flores, referring to the women in the department as "bitches."

46. Stenson repeatedly called Plaintiff Correa-Lapolla a “beast” and openly mocked her appearance.
47. On or about June 28, 2014, in the Fox News hair and makeup room, Stenson displayed an appalling video of a transgender woman describing sexual acts in graphic language to Plaintiff Walsh, hairstylist Lena Jemmott (“Jemmott”) and anchor Kimberly Guilfoyle (“Guilfoyle”).
48. Plaintiff Walsh repeatedly requested that Stenson discontinue his offensive conduct, to no avail.
49. Upon information and belief, Guilfoyle reported Stenson’s offensive conduct to Fox News’ Human Resources department.
50. Later, on or about August 16, 2014, after an altercation with Jemmott, Stenson told Plaintiff Walsh “I am going to get you bitches.”
51. Stenson followed through on his threat and began a campaign to get rid of Plaintiffs.

Disparate Treatment

52. Flores and Hark treated Plaintiffs (female makeup artists) differently than they treated Stenson (male makeup artist).
53. Although Stenson performed poorly at his job, Flores and Hark clearly favored Stenson and gave Stenson preference over his longer tenured female colleagues.
54. Stenson spent long periods of time behind closed doors in Flores’ office and Flores openly referred to Stenson as his “spy” in the hair and makeup department.
55. For example, Flores allowed Stenson to work freelance and on union jobs while he was employed at Fox News, a nonunion company, while the female employees were not permitted to do so.

56. Additionally, Flores gave Stenson preferential treatment when it came to scheduling.
57. Notably, Flores arranged for Fox News to pay Stenson to be “On Hold”, meaning he was paid to stay at home and be available in case another employee did not come in.
58. Flores never arranged for any female makeup artists to be “On Hold.”
59. As set forth below, Plaintiffs were retaliated against and ultimately terminated for alleged “misconduct” stemming from private text messages on their personal devices, further demonstrating Fox News’ disparate treatment of Plaintiffs based upon their gender.
60. By contrast, Fox News never disciplined Stenson for his own egregious misconduct.
61. Plaintiffs repeatedly complained to Fox News executives, including Hark and Flores, about the preferential treatment given to Stenson based upon his gender.
62. On one such occasion in September 2014, Plaintiff Correa-Lapolla met with Liza Cohen in Human Resources to discuss the way she had been treated and to report –again- that Stenson had been afforded preferential treatment based upon his gender.

Pretextual Termination and Retaliation

63. On October 23, 2014, only approximately one (1) month after Plaintiff Correa-Lapolla met with Human Resources, Plaintiffs were terminated for alleged “misconduct.”
64. Upon information and belief, Fox News decided to terminate Plaintiffs well before October 23, 2014 and began to gather biased information to manufacture a reason to terminate Plaintiffs in retaliation for their having engaged in protected activity.
65. Regarding Plaintiff Walsh, Fox News alleged that she was being terminated for sending inappropriate photos and text messages to co-workers and friends on her personal iPhone.

66. Regarding Plaintiff Correa-Lapolla, Fox News alleged that she was being terminated for sending “threatening text messages” on her personal phone to a co-worker and hanging “threatening” signs in her work station.
67. These allegedly “threatening” signs hanging in Plaintiff Correa-Lapolla’s work space were inspirational quotes. Copies of the allegedly “threatening” quotes that were hanging in Plaintiff Correa-Lapolla’s works space are collectively annexed to the Complaint as Exhibit A.
68. These allegedly “threatening” signs displayed in Plaintiff Correa-Lapolla’s work space had been hanging open and notoriously for a year.
69. No manager, coworker or talent ever told Plaintiff Correa-Lapolla that they found the signs “threatening” or inappropriate.
70. In fact, five (5) of the quotes that were hanging in Plaintiff Correa-Lapolla’s work space are quotes from former President of Fox News Roger Ailes. The Roger Ailes quotes that hung in Plaintiff Correa-Lapolla’s workspace are:

Everybody fears the unknown. But I have a strong feeling there’s something bigger than us. I don’t think all this exists because some rocks happened to collide. I’m at peace. When it comes, I’ll be fine, calm. I’ll miss life, though. Especially my family.

I can’t stand cruel people. And if I see people doing something mean to somebody else just to make themselves feel important, it gets me really mad.

You never pull the trigger until you know you can win.

I only understand friendship or scorched earth.

There is a – deep down, underneath all the work I do, I think there’s a laziness in me.

71. The subject text messages that allegedly also formed the basis for Plaintiffs' termination were nothing more than private exchanges between friends, which could be categorized as either coworkers blowing off steam after a tough day of work or jokes that were shared privately between friends.
72. In fact, in responding to one of the text messages that allegedly formed the basis for Plaintiff Walsh's termination, Stenson replied "You are hysterical. LMAO [laughing my ass off]."
73. The subject text messages were purposely taken out of context by Fox News to justify Plaintiffs' discriminatory and retaliatory termination.
74. Additionally, the allegedly inappropriate text messages were from months earlier, thus demonstrating that the alleged "misconduct" was pretextual.
75. Neither of the Plaintiffs had ever been disciplined during their tenure at Fox News. However, when Fox News terminated Plaintiffs, it alleged that Plaintiffs were "physically threatening" coworkers who were concerned for their safety.
76. Plaintiffs had peacefully worked at Fox News for years without incident. It is preposterous on its face for Fox News to allege that coworkers who had worked alongside Plaintiffs for years suddenly became afraid for their safety.
77. Upon information and belief, Stenson concocted a plan to get rid of Plaintiffs and Fox News intentionally blew out of proportion Plaintiffs' conduct from months and years earlier in order to manufacture a reason to terminate them.
78. It is evident that any alleged investigation was biased from the start and that Fox News had already decided to terminate Plaintiffs before the alleged investigation began.

79. Upon information and belief, Fox News decided to terminate Plaintiffs in unlawful retaliation after they complained about Fox News' preferential treatment of Stenson.
80. Fox News alleged that it conducted an investigation prior to terminating Plaintiffs.
81. However, neither Plaintiff Walsh nor Plaintiff Correa-Lapolla was ever interviewed during the alleged "investigation," casting further doubt upon its legitimacy.

**AS AND FOR A FIRST CAUSE OF ACTION BY PLAINTIFS AGAINST DEFENDANT—
DISCRIMINATION IN VIOLATION OF THE NYSHRL**

82. Plaintiffs repeat and reallege each and every allegation contained in Paragraph 1 through 81 of the Verified Complaint with the same force and effect as if fully set forth herein.
83. Plaintiffs perceived the environment at Fox News to be abusive.
84. A reasonable person would find that there was frequent discriminatory conduct of a severe nature that was threatening and humiliating, and it unreasonably interfered with Plaintiffs' work.
85. Fox News created an abusive work environment for Plaintiffs because of their gender.
86. Based upon the foregoing, the Fox News discriminated against Plaintiffs in violation of the Human Rights Law of the State of New York, including Executive Law Sections 290 *et seq.* and Plaintiffs have been damaged thereby.
87. As a further and proximate result of these unlawful employment practices, Plaintiffs have suffered, and continue to suffer, mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence and emotional pain and suffering for which they are entitled to an award of compensatory damages.

**AS AND FOR A SECOND CAUSE OF ACTION BY PLAINTIFF MEHRMAN
AGAINST DEFENDANT- RETALIATION IN VIOLATION OF THE NYSHRL**

88. Plaintiffs repeat and reallege each and every allegation contained in Paragraph 1 through 87 of the Verified Complaint with the same force and effect as if fully set forth herein.
89. Fox News retaliated against Plaintiffs by terminating them in retaliation for engaging in protected activity, including, but not limited to, reporting the disparate treatment of female employees at Fox News.
90. As a direct and proximate result of Fox News' unlawful retaliatory conduct in violation of the NYSHRL, Plaintiffs have suffered, and continue to suffer, monetary and/or economic harm, including, but not limited to, loss of past and future income, compensation and benefits for which Plaintiffs are entitled to an award of damages.
91. As a direct and proximate result of Fox News' unlawful retaliatory conduct in violation of the NYSHRL, Plaintiffs have suffered, and continue to suffer, mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence and emotional pain and suffering for which Plaintiffs are entitled to an award monetary of damages.

**AS AND FOR A SECOND CAUSE OF ACTION BY PLAINTIFFS AGAINST
DEFENDANT –DISCRIMINATION IN VIOLATION OF THE NYCHRL**

92. Plaintiffs repeat and reallege each and every allegation contained in Paragraph 1 through 91 of the Verified Complaint with the same force and effect as if fully set forth herein.
93. Defendant discriminated against Plaintiffs by denying them equal terms and conditions of employment because of their gender and damaged Plaintiffs thereby.
94. Plaintiffs perceived the work environment at Fox News to be abusive.

95. Fox News' actions as described herein constitute unlawful discriminatory practices as defined in the NYCHRL.
96. As a direct and proximate result of Fox News' unlawful employment practices, Plaintiffs have suffered, and continue to suffer, monetary and/or economic harm for which they are entitled to an award of monetary damages.
97. As a further and proximate result of the Fox News' unlawful employment practices, Plaintiffs have suffered the indignity of discrimination, the invasion of their right be free from discrimination, mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence and emotional pain and suffering for which Plaintiffs are entitled to an award of damages.
98. Because the Fox News' actions were performed with malice and without justification and excuse, Plaintiffs are entitled to an award of punitive damages.

**AS AN FOR A FIFTH CAUSE OF ACTION BY PLAINTIFFS AGAINST
DEFENDANT- RETALIATION IN VIOLATION OF THE NYCHRL**

99. Plaintiffs repeat and reallege each and every allegation contained in Paragraph 1 through 98 of the Verified Complaint with the same force and effect as if fully set forth herein.
100. Fox News retaliated against Plaintiffs by terminating Plaintiffs in retaliation for engaging in protected activities, including, but not limited to, reporting disparate treatment.
101. As a direct and proximate result of Fox News' unlawful retaliatory conduct in violation of the NYCHRL, Plaintiffs have suffered, and continue to suffer, monetary and/or economic harm, including, but not limited to, loss of past and future income, compensation and benefits for which Plaintiffs are entitled to an award of damages.

102. As a direct and proximate result of Fox News' unlawful retaliatory conduct in violation of the NYCHRL, Plaintiffs have suffered and continues to suffer, mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence and emotional pain and suffering for which Plaintiffs are entitled to an award monetary of damages.

WHEREFORE, Plaintiffs demands judgment in their favor and against Fox News, as follows:

1. On the first cause of action for discrimination in violation of the NYSHRL, for Plaintiffs and against Fox News, for an award of damages in an amount to be determined at trial;
2. On the second cause of action for retaliation in violation of the NYSHRL, for Plaintiffs and against Fox News, for an award of damages in an amount to be determined at trial;
3. On the third cause of action for discrimination in violation of the NYCHRL, for Plaintiffs and against Fox News, for an award of damages in an amount to be determined at trial;
4. On the fourth cause of action for retaliation in violation of the NYCHRL, for Plaintiffs and against Fox News, for an award of damages in an amount to be determined at trial;
and
5. Such other and further relief as the Court deems just and proper.

Dated: New York, New York
December 12, 2016

DEALY SILBERSTEIN &
BRAVERMAN, LLP

By: 

Milo Silberstein
*Attorneys for Plaintiffs Maureen Walsh and
Hilda Correa-Lapolla*
225 Broadway, Suite 1405
New York, New York 10007
(212) 385-0066

VERIFICATION

HILDA CORREA-LAPOLA being duly sworn, deposes and says:

I am a Plaintiff in the above captioned action. Each and every allegation in this Verified Complaint, dated December 12, 2016, to the best of my knowledge, is true, except as to matters alleged upon information and belief, and as to such matters, I believe them to be true.


HILDA CORREA-LAPOLLA

Sworn to me this

13th day of December, 2016



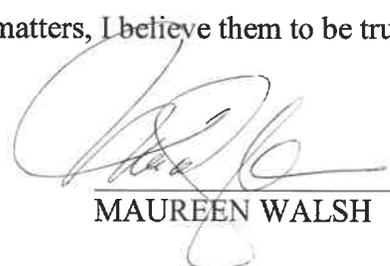
Notary Public

MARIA LOUISA BIANCO
Notary Public, State of New York
No. 02BI6328573
Qualified in New York County
Commission Expires 08/03/2018

VERIFICATION

MAUREEN WALSH being duly sworn, deposes and says:

I am a Plaintiff in the above captioned action. Each and every allegation in this Verified Complaint, dated December 12, 2016, to the best of my knowledge, is true, except as to matters alleged upon information and belief, and as to such matters, I believe them to be true.


MAUREEN WALSH

Sworn to me this

13th day of December, 2016



Notary Public

MARIA LOUISA BIANCO
Notary Public, State of New York
No. 02BI6328573
Qualified in New York County
Commission Expires 08/03/2019