

NEW YORK STATE SUPREME COURT
BRONX COUNTY

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TICHAONA BROWN, TABRESE WRIGHT,
MONICA DOUGLAS, MARK LEGRIER,
MARIELA LINDSAY, VIELKA ROJAS,
GRISELDA BENSON, MAURETTA THOMAS,
SENAMI TOLODE, CLAUDINE MCLEOD and
ELIZABETH FERNANDEZ,

Plaintiffs,

v.

TWENTY-FIRST CENTURY FOX, INC., FOX
NEWS NETWORK LLC, DIANNE BRANDI, in
her individual and professional capacities, and
JUDITH SLATER, in her individual and
professional capacities,

Defendants,

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Index No.: 22446//2017E

**DEFENDANT JUDITH
SLATER’S ANSWER TO
SECOND AMENDED CLASS
ACTION COMPLAINT**

Defendant Judith Slater, by her attorneys, Morvillo Abramowitz Grand Iason & Anello P.C. (“MAGIA”), for her Answer in Response to the Second Amended Class Action Complaint (hereinafter, “Second Amended Complaint” or “SAC”), respectfully states as follows:

PRELIMINARY STATEMENT

This case is really about a malicious public relations campaign conducted under the false pretense of employment discrimination litigation—with the intended and transparent purpose of defaming Defendant Judith Slater, in the hopes of extorting a jaw-dropping financial settlement from Ms. Slater, Fox News Network, LLC (“Fox News”), and its parent, 21st Century Fox (“21st Century”). Plaintiffs apparently believe that a frivolous lawsuit gives them cover to mount a smear campaign and destroy Judy Slater’s life with abandon.

Taking a callous, irreverent approach to the actual facts, the Plaintiffs lodged frivolous racial discrimination allegations against Ms. Slater in order to generate publicity and widely disseminate their false and misleading accusations that Ms. Slater subjected them to a racially hostile work environment. Douglas Wigdor (“Wigdor”), a partner of Wigdor LLP, even publicly admits that he and his clients are using inflammatory allegations against Ms. Slater as a marketing device. Apparently, as Wigdor told Bloomberg, he and his firm care about “perception”—not facts: “When we write our complaints, *there’s an effort on our part to make it as colorful as possible.* We’re writing in a way that puts the company on its heels. Because we know that these companies have multimillion [dollar] marketing resources. *Now we’re suing this company and trying to change the public perception.*” (emphasis added). Wigdor also said that “[m]y clients like” the racially inflammatory rhetoric in the complaints filed against Ms. Slater. Thus, Wigdor’s own words admit that the allegations in the Plaintiffs’ SAC (and prior complaints) are not meant to track what actually happened, but to create a public perception irrespective of the actual facts.

Apparently believing he can take advantage of the generous defamation privilege available under New York law to protect legitimate complaints, Wigdor cobbles together a false narrative and takes to his soapbox to publicize it regardless of the truth. He repeatedly makes outlandishly false statements understanding that the more outrageous his characterization, the more likely he is to extort Fox into paying a large settlement to his clients. While he may argue that this is the price of free expression in this country, this conduct is a blatant abuse of the litigation process.

In this case, however, Plaintiffs’ outlandish allegations cannot be reconciled with their own words and deeds. Plaintiffs Douglas and Brown, whose allegations serve as the foundation of the

Plaintiffs' discrimination claims, actually were Ms. Slater's friends. In fact, Douglas and Brown confided in Ms. Slater about intimate details of their lives. For example, in February 2017, a few months before Douglas sued Ms. Slater, Douglas shared with her close friend, Ms. Slater, that Douglas's mother was in a hospital intensive care unit and was refusing potentially life-saving treatment. Douglas texted Slater a series of heart-felt text messages about her mother's condition and a group of intimate family photos, showing Douglas's mother in her hospital gown with family members by her side. This text exchange—and numerous similar emails and text messages between Ms. Slater and Douglas—demonstrate that Douglas's claim that Ms. Slater harassed her “in a vile and sadistic manner” is a farce. Brown exchanged similar personal text messages with Ms. Slater—evidencing a mutually warm friendship between the two. In a Judas-like betrayal, Douglas and Brown have profoundly distorted their relationships with Ms. Slater to generate damaging publicity, and to obtain their own thirty pieces of silver.

As an example of the racially inflammatory rhetoric used by Wigdor, Plaintiffs have made the false but headline-grabbing allegations that Ms. Slater subjected them to a work environment “more akin to Plantation-style Management than a modern-day work environment.” But nothing could be further from the truth. Ms. Slater was a hard-working accountant who worked her way up to the position of Senior Vice President and Controller at Fox News by training and promoting the employees she supervised—not by stepping on people below her. Indeed, it was Ms. Slater who hired and/or promoted each of the Plaintiffs, and it was Ms. Slater who hired and fostered a racially diverse staff—belying the Plaintiffs' absurd allegation that she “constantly express[ed] an unwillingness to even be near” the very people she hired.

On March 28, 2017, Plaintiffs Brown and Wright, who worked under Brown's supervision, commenced a lawsuit filled with misrepresentations against Ms. Slater, *Brown et al. v. Twenty-First*

Century Fox, Inc. et al., Case No. 22446/2017E (Bronx Sup. Ct) (the “Bronx Action”), maliciously alleging racial discrimination. On April 4, Plaintiff Douglas jumped on the gold-digging bandwagon and joined the lawsuit. Two days later, on April 6, Brown, Wright, and Douglas, along with Wigdor, gave an interview to George Stephanopoulos on CBS’s “Good Morning America.” During that interview, Brown, Wright, and Douglas called Ms. Slater a racist, claimed that she harassed Douglas because she was a breast cancer survivor, and said that Ms. Slater was part of a “cover up” of financial wrongdoing at Fox News—all vicious lies. The Plaintiffs publicized the interview on Wigdor LLP’s website and Twitter account, proclaiming that “at the highest levels,” Fox News “was on notice of Ms. Slater’s racist conduct for years and unfortunately did nothing about it.” The Plaintiffs’ allegations are outright false and defamatory.

These false allegations were then repeated by the other Plaintiffs, including former and current Fox News employees and temporary workers, eager to hop on the gravy train. On April 25, 2017, Brown, Douglas and Wright filed a motion seeking leave to amend the complaint in the Bronx Action to add seven more plaintiffs, including Kelly Wright, an on-air personality at Fox News.

The new claims added to the Bronx Actions were every bit as frivolous as the claims initially brought by Brown, Tabrese Wright and Douglas.

On the very evening that the Plaintiffs filed their proposed amended complaint in the Bronx Action, their attorneys issued a series of tweets announcing a press conference the next morning. The Plaintiffs enlisted Kelly Wright to speak on their behalf at the press conference. With most of the Plaintiffs sitting in two rows of chairs behind them, Wright and Wigdor delivered a barrage of lies about Ms. Slater to numerous members of the media.

The Plaintiffs used Wright as a tool to publicize their false allegations against Slater. Unlike every other plaintiff in the Bronx Action, Wright did not work in Fox News's accounting department and had never worked with or for Ms. Slater. Indeed, Kelly Wright barely had any interaction with Ms. Slater. Moreover, his employment contract with Fox News barred him from joining the lawsuit. Wright therefore had no business joining this lawsuit other than to serve as a stalking horse for the Plaintiffs.

The day after the press conference, April 27, 2017, Wright and Wigdor continued the Plaintiffs' publicity campaign on the TV show CBS This Morning. Wright acknowledged that he had allowed Wigdor to draft the racial discrimination claim in "very explosive language" which Wright *would not have used himself*. Specifically, Wright allowed Wigdor to allege that Fox News made him "*perform the role of a Jim Crow*," a claim with which he did not agree (emphasis added). When a CBS This Morning host asked Wright about that specific allegation, Wright tried to distance himself from it. Wright answered:

It's very explosive language and it actually comes from my attorney. My language would have been more like: I wanted to meet the demands that they had on me. Show up to work and perform my work one thousand percent, which is what I've done. And work at any task that they'd have given me, which is what I've tried to do.

...

But what's happened is the leaders have not effectively pursued, I think, diversity and inclusion of all people in terms of turning a blind eye to equality over all spectrums of our shows.

(emphasis added). In other words, the real version of the facts was different than the narrative that Wright and the other Plaintiffs were selling to the media.

The Plaintiffs then continued to use their lawsuits as cover to defame Ms. Slater and drum up media attention to try and coerce a settlement out of Slater, Fox News and 21st Century. In or around May 2017, Wigdor submitted letters to Ofcom, the British regulator considering whether to

approve 21st Century's acquisition of Sky News. The letters repeated the Plaintiffs' lies about Ms. Slater. Then, the Plaintiffs used their communications with Ofcom to create a media blitz for their defamatory allegations. Wigdor gave interviews on The Media Show with BBC Radio 4, NPR, CNN's Reliable Sources, and BBC 2; and Kelly Wright and Wigdor gave a joint interview on NPR's Here and Now. In short, Plaintiffs used Wright and Wigdor to create an echo chamber of defamatory statements about Ms. Slater.

I. Plaintiffs' Allegations Are Baseless and Contrary to Reality

Judith Slater joined Fox News as the Director of Accounting in 1998. Ms. Slater, a Certified Public Accountant, was promoted over time to the position of Senior Vice President and Controller. Under Ms. Slater's nearly two decades of leadership, Fox News's accounting department grew into one of the company's most diverse departments, where most of the employees, including heads of multiple groups within the department, were minorities. Ms. Slater was responsible for the hiring and promotion of all accounting employees and approved the retention of temporary personnel placed in the accounting department at Fox News—including the very employees and temporary personnel who are now claiming that Ms. Slater discriminated against them.

In particular, Ms. Slater hired and promoted Plaintiffs Tichaona Brown and Monica Douglas through the ranks at Fox News. Ms. Slater hired Douglas in 1999, eventually promoted Douglas from an Accounts Receivable Coordinator to Supervisor, and then again from Supervisor to Manager. Likewise, Ms. Slater hired Brown in 2010 and promoted Brown from Payroll Supervisor to Manager. Ms. Slater also rewarded them with pay increases that, upon information and belief, were above market.

Similarly, when a position opened in Accounts Receivables, Ms. Slater was the person who identified Plaintiff Senami Tolode, then on temporary assignment at Fox News, as a

candidate to fill the open slot. Ms. Slater also agreed with Douglas that Plaintiff Mariela Lindsay should be given a permanent position, and Ms. Slater recommended her for a position at the company.

These very employees in the accounting group whom Ms. Slater hired, trained and promoted are attempting to turn reality upside down by falsely portraying their friendly and professional relationships with Ms. Slater as discriminatory and hostile. Contrary to the Plaintiffs' allegations and the press coverage generated by their publicity campaign, the accounting group was a professional and collegial place to work. The employees worked hard but also enjoyed themselves when possible, celebrating each other's birthdays and important life milestones, and comparing stories about their families, background, personal struggles, and the like. Although the employees would at times discuss and joke about issues of race and ethnicity, these conversations were not hostile or unwelcome.

Indeed, work emails and personal text messages confirm that the two Plaintiffs who had the most significant relationships with Ms. Slater, Brown and Douglas, maintained friendly, caring, and mutually supportive relationships with Ms. Slater. Both Brown and Douglas regularly joked with Ms. Slater, sharing both amusing anecdotes and serious stories about their childhoods, romantic relationships, and families. Brown and Douglas introduced racial and ethnic topics into conversations with Ms. Slater and the rest of the Accounting Department, joked about themselves and their cultural heritage, and mocked Ms. Slater for, among other things, her reserved appearance, her lack of knowledge of contemporary culture, and the way she danced. In short, Brown and Douglas initiated the very conduct that they now claim to be discriminatory and hostile.

Brown actually enjoyed a friendly, personal relationship with Ms. Slater throughout their time together at Fox News. For example, Ms. Slater—whom Brown called “JSla”—was part of Brown’s “crew,” as Brown termed the group of Fox News employees with whom she felt comfortable enough to call by nickname. Similarly, Brown referred to Kimberly Jacobsen, another white Fox News accounting employee, as “K-Breezie.” Brown also suggested she might be ready to give the Fox News General Counsel, Dianne Brandi, whom she is also now suing along with Ms. Slater, a nickname and make her part of the “crew.” Brown eventually did, referring to Brandi as “Dee Brandi.”

Brown often joked that she was teaching Ms. Slater “urban” language usage. For example, Brown explained to Ms. Slater in a text on January 5, 2016, the meaning of “POPPIN (translation— an extremely exquisite item that would be greatly appreciated in urban populated areas),” and told Ms. Slater that she believed Ms. Slater was “ready for phase II of urban linguistics!” In another email, Brown referred to her own language as “Black-ish . . . LOL!” and then applauded Ms. Slater for “getting better” at understanding her expressions.

Brown also confided in Ms. Slater, telling her intimate details about Brown’s mother, Margaret. On January 5, 2016, Brown texted Ms. Slater that Margaret “has been trying to NOT wear a diaper so she doesn’t become dependent but it has not been working so I’ve been quite busy mopping, washing and cussing her out (in my head, of course) [smiley face]!” On January 28, 2016, Brown was at the hospital with Margaret, who had fallen. Brown texted Ms. Slater a picture of Margaret sitting in her hospital gown and wrote: “Your homegirl[’]s getting on my last nerve” and “She finally stopped crying. I’m sooooo exhausted.” As late as January 20, 2017, less than one month before Brown sent a demand letter to Fox News accusing Ms. Slater of discrimination, Brown continued to text Ms. Slater personal information about Margaret’s medical condition. Any

reasonable person would agree that a person experiencing “horrific discrimination” would not share the intimate details of their ill mother’s medical condition with the alleged perpetrator of the discrimination.

Furthermore, Brown has turned around her own actions and used them to falsely claim that she was the victim of discrimination and a hostile work environment. For example, Brown alleges in the Bronx Action that Ms. Slater “subjected” her to “hideous abuse” by raising her hands to mimic the “Don’t Shoot” symbol of the Black Lives Matter movement. However, it was Brown herself who began raising her hands to Ms. Slater and using the Black Lives Matter slogan in a joking manner. For example, on October 14, 2015, Brown, a Canadian citizen, made light of the Blacks Lives Matter movement, texting Ms. Slater a photo of Donald Trump with the message “#CanadianLivesMatter.”

Most telling, however, is Brown’s complaint that she was offended by Ms. Slater’s correction of others’ pronunciation of words like “mahva” for mother, and “axe” for ask. In fact, Brown herself, in an email, mocked the pronunciation of these very words by turning them into hashtags “#motherNOTmahva” and “#askNOTax,” (emphasis added), and told Ms. Slater that Brown’s mother hated when people mispronounced those words. Remarkably, in that same email chain, in which Brown was responding to her co-worker (not Ms. Slater) questioning whether she had been offended by an online test entitled, “How Stereotypically White Are You,” Brown responded, “Me offended??? . . . never . . . too many other sensitive bunnies round here . . . I’m pretty much a hard to offend kinda gal . . . that was #funnerz!!”

Similarly, although Brown claims that Ms. Slater called the payroll department an “urban” payroll department, once again, it actually was Brown herself who described her department as the “urban” payroll department.

While falsely accusing Ms. Slater of saying racially insensitive comments, Brown actually was engaged in precisely this type of conduct. In one email, not addressed to Ms. Slater, Brown referred to herself as “*Jewchaona*” (instead of Tichaona) when complaining about the cost of fixing her phone, an obvious reference to a common Jewish stereotype. It is shocking that Brown, an individual who used derogatory racial stereotypes, would accuse Ms. Slater of engaging in bigoted behavior.

Douglas and Ms. Slater’s friendship was even more widely recognized at Fox News, where the two would often visit each other’s offices and share intimate details of their lives over coffee. One evening when Ms. Slater was leaving work, Douglas wrote, “Give auntie Betty and Jane and everyone else my love.” When Ms. Slater was promoted to Senior Vice President, Douglas wrote that “I am sooooo happy for you. I can hardly hold myself. LOVE YOU BOSS LADY!!!!” When Douglas received the results of a biopsy indicating that she had “No Cancer,” she shared the news with Ms. Slater and Dianne Brandi, whom Douglas is also suing for discrimination, writing “Love you guys.”

Douglas even invited Ms. Slater to vacation with her. In November 2012, Douglas sent Ms. Slater a flyer for a Carnival cruise, writing, “Let’s go, we could share room.” In March 2014, after sending pictures of Panama to Ms. Slater, she wrote: “We got to go together [,] me, you and Diane.” Over and over, Douglas’s own words cannot be squared with her claim that Ms. Slater harassed her because of her race and nationality.

Shockingly, Douglas also claims that “Ms. Slater’s cruelty reached epic levels” by “[c]onstantly mocking Ms. Douglas for the size of a breast that was removed as part of her cancer treatment.” Not surprisingly, Douglas failed to mention that she lost one of her breasts in an accident in Panama—decades before she was diagnosed with breast cancer in 2010. After Douglas

became friends with Ms. Slater at Fox News, she often joked about having “one boob,” or the appearance of her “crooked” breast, and asked Ms. Slater whether her boobs were uneven. Any reference to one boob, therefore, was Douglas’s suggestion and the claim that these references created a hostile work environment is simply false.

Further, in 2010, when Douglas developed breast cancer in the tissue remaining from her lost breast, she confided in her close friend, Ms. Slater, about her condition and its treatment. In fact, emails between Ms. Slater and Douglas show that it was *Ms. Slater* who urged Douglas to take off from work and immediately see a doctor after Douglas disclosed concerns about a lump. While Douglas was recovering from surgery on her breast, Douglas sent Ms. Slater an intimate photo of Douglas with post-surgery drainage tubes. After Douglas had recovered, Ms. Slater arranged to take Douglas and two other Fox News employees, Pam Brown and Valerie Corrales, to a celebratory dinner at Sylvia’s in the Bronx.

In early February 2017, through a series of heartfelt text messages, Douglas shared with Ms. Slater that Douglas’s mother was in the intensive care unit of a hospital. Douglas confided in Ms. Slater about the life and death decisions her mother faced, and sent Ms. Slater a group of intimate family photos, showing Douglas’s mother in a hospital gown, with family members by her side.

Ms. Slater similarly discussed her own family with Douglas. For example, on February 24, 2016, Ms. Slater texted Douglas a photo of “Aunt Betty with her new boyfriend.” Douglas texted back: “OMG, she is beautiful! Thank you for sharing. You just filled my heart with joy. Tell her that I send her my love.”

These kinds of genuine and heartfelt exchanges between Douglas and Ms. Slater are indicative of the close and caring friendship that they developed over nearly twenty years together at Fox News. Nowhere in these communications is there any suggestion that Douglas believed Ms.

Slater was discriminating against her. These communications also expose Douglas's allegations of discrimination as a blatant lie and despicable money-grab.

For many weeks after Douglas, Ms. Slater's close friend, decided to join the Bronx Action and defame Ms. Slater, Douglas's decision was incomprehensible. However, Douglas's willingness to follow the money at all costs became more understandable with the revelation that, in 1995, Douglas was arrested for stealing over \$62,000 from her former employer, Gouverneur Hospital, where she worked in the accounts payable department. *See* Docket Entries 71-72 The record reflects that Douglas personally cashed reimbursement vouchers meant for coworkers. Just as Douglas appears to have taken advantage of her prior coworkers at Gouverneur Hospital, she now is taking advantage of a former coworker, Ms. Slater, by lying and cheating to obtain money to which she is not entitled.

Ms. Slater had no knowledge that her good friend, Douglas, had a criminal history, but the fact that Douglas was able to hide her criminal past from Ms. Slater just proves how astute a fraudster she is and how powerful a motivator greed can be.

II. The Plaintiffs Undertake a Campaign to Generate Widespread Publicity in Order to Destroy Ms. Slater

A legitimate claim for discrimination is proven through evidence in court. But that is not what is happening here. As described in detail below, Plaintiffs have gone to extraordinary lengths to publicize their lawsuit in order to extort Fox News and 21st Century into settling the case even though their claims are undeserving. So there can be no mistake about what is really going on here, this abusive media campaign is described in detail below.

A. Wigdor LLP Publicizes the Filing of this Lawsuit

On or about March 28, 2017, Brown and Tabrese Wright commenced this Lawsuit. The next day, Wigdor LLP publicized this Lawsuit through the firm's Twitter account, "Wigdor Law

@ WigdorLaw.” The firm wrote “Lawsuit filed by Wigdor LLP alleges years of #racial #discrimination by #FOX and #Judy Slater,” and provided links to newspaper articles covering the lawsuit.

Wigdor LLP further publicized the lawsuit on the firm’s “Press and News” webpage, which states that “we are known by the press for taking on important and ground-breaking matters.” Wigdor LLP posted a link that states: “WIGDOR LLP FILES RACE DISCRIMINATION LAWSUIT AGAINST FOX NEWS.” The link opens a webpage that makes the publicity-grabbing statement that Slater engaged in “abhorrent racist conduct *reminiscent of the Jim Crow era*” (emphasis added). The webpage also states that, “[g]iven the serious nature of the claims, adding to a succession of sexual harassment allegations made against Fox in recent months, *the lawsuit has garnered significant media coverage, both nationally and internationally*” (emphasis added), and provides links to the filed complaint and twenty news articles covering the lawsuit. The statements on the website reveal the real catalyst behind these false claims of race discrimination was a blatant attempt to capitalize on Fox’s sexual harassment scandal, something with which Ms. Slater was completely uninvolved.

B. The Plaintiffs Publicize False and Misleading Statements about Ms. Slater on ABC’s Good Morning America

On April 4, 2017, Wigdor LLP filed an amended complaint adding Douglas as a plaintiff. The same day, Wigdor LLP publicized the amended complaint on Twitter: “3rd #Fox employee alleges that #FOX News Execs knew of #racial #discrimination for years, despite #FOX claiming they learned just weeks ago.”

The next day, April 5, 2017, Wigdor, along with Brown, Wright, and Douglas, appeared on ABC’s Good Morning America (“GMA”) for an interview with George Stephanopoulos. These three Plaintiffs, accompanied by Wigdor, proceeded to repeat and aggrandize the utterly false and

defamatory statements contained in the complaint, and went beyond the complaint, in a gratuitous and improper attack on Ms. Slater.

During the GMA interview, Stephanopoulos asked Brown “[W]hy not take these complaints to the HR Division?” Brown responded: “With my prior experience, HR doesn’t do anything. I had a situation where my senior director, she had been to HR and to the legal department and spoken with a senior vice president and our head legal counsel for Fox News and nothing happened.”

Brown’s suggestion that Fox News’s human resources department did nothing in response to complaints of Ms. Slater’s racial discrimination is false. Brown apparently was referring to her supervisor, who made a complaint to Fox News’s Human Resources Department that had *nothing to do with race discrimination* and which was promptly resolved. As with her allegations in the complaint, Brown made knowingly false statements in an attempt to extort as much money as possible from Fox. Similarly, Douglas’s claim that she had a discussion with Dianne Brandi, Fox’s General Counsel, regarding Ms. Slater’s alleged behavior is a lie, as is any claim that Brandi said Ms. Slater was “untouchable.”

In fact, Douglas never complained about Ms. Slater’s behavior—which is hardly surprising, given that Ms. Slater’s friendship with Douglas was widely recognized at Fox News. Nor did Brandi ever tell Douglas that Ms. Slater was “untouchable” or that Ms. Slater could not be fired because of anything she knew about Fox News—an apparent reference to the sexual harassment allegations made against Fox News in mid-2016. Indeed, the very fact that Fox unceremoniously fired Ms. Slater again puts the lie to Douglas’s statement.

But the Plaintiffs' lies did not stop with these comments, but rather continued with Wigdor's completely created allegations of a Fox cover-up that somehow reached to protect the company's Controller, Ms. Slater. As Wigdor falsely stated:

That's really the bigger story here, George. There's really a cover-up going on at Fox at the highest levels. Judy Slater worked at Fox for eight [sic] years. She didn't wake up in year seventeen and become a racist. She had been doing this all along. And, at the highest levels, including the general counsel, they were willing to let this happen solely because she knew too much and what she knew, as we're reading about and understanding about the government investigation, is how there have been all these settlements and trying to cover up these settlements.

Wigdor's statements that Ms. Slater is a "racist" are a self-serving creation. Fox News was not aware that Ms. Slater engaged in racially discriminatory conduct because she engaged in no such conduct.

C. The Plaintiffs Publicize the Good Morning America Interview

After the Good Morning America interview, Wigdor LLP, posted a new link in its "Press and News" webpage, stating: "THIRD FOX EMPLOYEE JOINS RACE DISCRIMINATION LAWSUIT AGAINST FOX NEWS." Wigdor LLP posted a complete video of the GMA interview, invited readers to "Watch the video in full below," and posted links to seventeen articles covering the Bronx Action. Wigdor LLP further publicized the GMA interview by positing it on Twitter.

D. Wigdor LLP Uses The Controversy Surrounding Bill O'Reilly to Further Publicize the Bronx Action

On April 18, 2017, Bill O'Reilly's attorney, Marc Kasowitz, issued a statement claiming that the extensive news coverage of sexual harassment claims against O'Reilly was "character assassination" by "far-left organizations." The next day, Wigdor seized on Kasowitz's statement to further publicize the Bronx Action—even though O'Reilly has nothing to do with this action. Wigdor LLP tweeted an article in which Wigdor was quoted as stating, "I can categorically deny,

and find it offensive, that my Firm is being accused of being controlled by far-left organizations.” Wigdor LLP’s tweet states that Wigdor “will file additional complaints.”

Wigdor LLP further publicized the Bronx Action with a link on its website stating “THE TERMINATION OF BILL O’REILLY AND LAWSUITS AGAINST FOX NEWS.” The link leads to a joint statement by Wigdor and Jeanne Christenson, another partner at Wigdor LLP, stating that “Fox, at the highest levels, was on notice of Ms. Slater’s racist conduct for years and unfortunately did nothing about it.” The gratuitous use of the O’Reilly case proves what Ms. Slater always has maintained, that the Plaintiffs and their attorneys have created a false narrative about Judy Slater to try and take advantage of the anti-Fox sentiment.

E. The Plaintiffs Stimulate Publicity in Advance of a Press Conference

On April 24, 2017, a New York Magazine article reported that, according to undisclosed “sources,” seven additional Black employees were going to join the Bronx Action. Wigdor LLP tweeted the article and stated: “Follow @WigdorLaw this week for news as 7 @FoxNews employees reported to join race lawsuit.”

The next day, April 25, 2017, Wigdor LLP issued a series of tweets stating that it would hold a press conference announcing the addition of several new Plaintiffs to the Bronx Action. Wigdor LLP even required reporters to register for the press conference by emailing Wigdor.

F. Fox News Apprises Wigdor LLP and Plaintiffs of Kelly Wright’s Confidentiality Obligations

After Wigdor LLP announced the press conference, Fox News sent a letter to Wigdor LLP dated April 25, 2017, informing the firm that Kelly Wright was contractually precluded from joining the Bronx Action. Specifically, the letter made clear that Kelly Wright’s employment agreement required him to submit any claims relating to his employment to confidential arbitration.

Kelly Wright, Wigdor, and Wigdor LLP brazenly violated these contractual obligations. On April 25, 2017, the same day that Fox News apprised Wigdor LLP in writing of Wright's contractual obligation to arbitrate, the Plaintiffs authorized Wigdor LLP to add Wright as a proposed plaintiff in the Bronx Action and publicize allegations that Wright was obligated to keep confidential.

The Plaintiffs added highly inflammatory language to their proposed amended complaint that was obviously designed to generate media coverage: "Moreover, purely for her own entertainment and amusement, Ms. Slater regularly demanded that minority employees engage in arm wrestling contests, including against some of their white female supervisors, *similar to the way slave masters demanded that Black slaves fight each other for their own amusement and entertainment.*" (emphasis added). This allegation is false and, once again, Wigdor and the Plaintiffs were clearly trying to stir up media attention.

G. The Plaintiffs Publicize Defamatory Statements about Ms. Slater at a Press Conference

The next day, April 26, 2017, Plaintiffs held a press conference publicizing the Bronx Action. Wigdor and Kelly Wright sat at a table in front of microphones. Many of the Plaintiffs sat in two rows of chairs behind them. Wigdor then delivered a barrage of lies about Slater to the media, including the lie that Fox News tolerated Ms. Slater's supposed racist behavior to cover up misconduct by Ms. Slater and other Fox News executives.

Wigdor used questions from the press as a further opportunity to defame Ms. Slater. He said that Ms. Slater's conduct may be *criminal*: "I'm a former prosecutor. Some of these things *may rise to the level of criminal activity*, perhaps. I'll leave it to the good men and women in the various District Attorney's Offices and U.S. Attorney's offices to make that decision and assess the claims. . . ." (emphasis added).

This statement is blatantly false—as Wigdor would later publicly admit. Ms. Slater did nothing that could “rise to the level of criminal activity.” In fact, several weeks later, in a May 11, 2017 interview on BBC 2, Wigdor directly contradicted his prior statement, and admitted that Ms. Slater did not engage in any criminal acts. The host asked Wigdor: “You represent twenty-one of the alleged victims. Have any of those twenty-one been to the police?” Wigdor responded: “*These are not criminal acts.* These are all civil acts, at least in America they are. So the answer to your question is no. These are all things that would be things that you get in the civil system so they haven’t gone to the police.” (emphasis added).

During the interview, Wigdor again called Ms. Slater a lifelong racist. Notably, Wigdor did not and cannot explain why a so-called racist hired, trained and promoted an extremely diverse staff, including minorities in multiple management positions. This fact puts the lie to the Plaintiffs’ accusations that Ms. Slater is a racist.

H. Wigdor LLP Publicizes the April 26 Press Conference

Wigdor LLP added a link to its website stating: “WIGDOR LLP HOLDS PRESS CONFERENCE FOR LAWSUITS AGAINST FOX NEWS.” The link opens up a webpage stating that “on April 26, 2017, Wigdor LLP held a press conference on behalf of thirteen clients that have alleged race discrimination” against Fox News, Ms. Slater and others. Below, Wigdor LLP posted photos of the press conference and links to press coverage of same. Wigdor LLP also tweeted: “Doug Wigdor and 12 @WigdorLaw clients hold press conference regarding systemic race discrimination @FoxNews.”

I. Wigdor and Kelly Wright Continue the Plaintiffs’ Publicity Campaign

In the month following the press conference, Wigdor and Wright engaged in a media blitz to publicize the Plaintiffs’ outlandish allegations.

The morning after the press conference, April 27, 2017, Wigdor and Kelly Wright continued the Plaintiffs' publicity campaign by appearing for an interview on CBS This Morning. Importantly, Kelly Wright admitted that he authorized Wigdor to draft the Plaintiffs' amended complaint in the Bronx Action using "explosive language" that Wright *would not have used himself*.

On May 3, 2017, Wigdor sent a letter to Sharon White, the Chief Executive of Ofcom, the British regulator reviewing 21st Century Fox's potential takeover of Sky PLC, a British company (the "Ofcom Letter"). The Ofcom Letter repeated the Plaintiffs' vicious lies about Ms. Slater and requested an audience with Ofcom. The same day, Wigdor LLP publicized the Ofcom Letter by tweeting a link to an article in the Hollywood Reporter, which provided an electronic version of the letter. In addition, Wigdor LLP further publicized the Ofcom Letter through a link on its website stating: "WIGDOR LLP ADVISES OFCOM REGARDING CLAIMS OF 19 CURRENT AND FORMER FOX EMPLOYEES." Thus, Wigdor was even willing to parrot Plaintiffs' lies to a government agency of a foreign country to extort a settlement.

Two days later, on May 5, 2017, Wigdor and Kelly Wright continued to malign Ms. Slater on the NPR program, Here and Now. On the same day, Wigdor LLP announced on Twitter that Wigdor would appear on CNN's Reliable Sources to discuss the Fox News litigation and a future meeting with Ofcom. Wigdor then continued the Plaintiffs' extortion campaign once again making the false "cover-up" allegation on Reliable Sources. Wigdor also appeared another time on NPR and the British television station, BBC 2, where he continued to publicize the Plaintiffs' false allegations against Ms. Slater.

In an order that was publicly filed on December 15, 2017, Judge Mary Ann Brigantti, who is presiding over the Bronx Action, ruled that the arbitration clause in Kelly Wright's

employment agreement precluded him from joining the Bronx Action as a plaintiff, and granted Fox News' motion to compel the confidential arbitration of Wright's claims. Thus, as Wigdor and the Plaintiffs had been warned by Fox News in April 2017, Wright had no business joining the Bronx Action. His only role was to generate publicity for Plaintiffs' frivolous lawsuit.

ANSWER

Pursuant to CPLR 3018(a), Defendant Judith Slater, by her attorneys, MAGIA, for Answer to the Second Amended Complaint, states as follows:

RESPONSE TO PLAINTIFFS' "INTRODUCTION"

1. Denies the allegations set forth in paragraph 1 of the SAC, except admits that Plaintiffs Brown and Wright filed a complaint on March 29, 2017, a document which speaks for itself.
2. Paragraph 2 of the SAC contains Plaintiffs' characterizations and legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 2, except admits that on April 4, 2017, the complaint was amended to add Ms. Douglas as a plaintiff and Dianne Brandi as a defendant.
3. Denies the allegations set forth in the last sentence of paragraph 3 of the SAC. The remainder of paragraph 3 contains Plaintiffs' characterizations and legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the remaining allegations set forth in paragraph 3 and footnote 1 of the SAC, except admits that Plaintiffs sought to amend the complaint on April 25, 2017 to add additional plaintiffs, and admits that Ms. Blanco filed a suit in federal court, and that Ms. Mann was added as a Plaintiff.
4. Admits the allegations set forth in paragraph 4 of the SAC.

RESPONSES TO PLAINTIFFS' "SUMMARY OF CLAIMS"

5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5 of the SAC.

6. Denies the allegations set forth in paragraph 6 of the SAC.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 7 of the SAC, except denies that Ms. Slater engaged in any acts of racial discrimination.

8. Paragraph 8 of the SAC contains Plaintiffs' characterizations and legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 8, and avers that the Plaintiffs were never subjected to race discrimination.

Response to "Plaintiffs Tichaona Brown and Tabrese Wright"

9. Denies the allegations set forth in paragraph 9 of the SAC.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 10 of the SAC.

Response to "Plaintiff Monica Douglas"

11. Denies the allegations set forth in paragraph 11 of the SAC.

12. Denies the allegations set forth in paragraph 12 of the SAC.

13. Denies the allegations set forth in paragraph 13 of the SAC.

14. Denies the allegations set forth in paragraph 14 of the SAC.

15. Denies the allegations set forth in paragraph 15 of the SAC.

16. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 16 of the SAC, except denies that Ms. Slater engaged in any acts of racial discrimination.

17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 17 of the SAC, except denies that Ms. Slater engaged in any acts of racial discrimination.

18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 18 of the SAC, except denies that Ms. Slater engaged in any acts of racial discrimination, and refers to the article for its contents, which speak for itself.

Response to "Plaintiff Mark LeGrier"

19. Denies the allegations set forth in paragraph 19 of the SAC.

20. Denies the allegations set forth in paragraph 20 of the SAC.

21. Denies the allegations set forth in paragraph 21 of the SAC.

22. Denies the allegations set forth in paragraph 22 of the SAC.

23. Denies the allegations set forth in paragraph 23 of the SAC.

24. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 24 of the SAC, except denies that Ms. Slater engaged in any acts of racial discrimination.

25. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 25 of the SAC.

26. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 26 of the SAC, except denies that Ms. Slater engaged in any egregious or unlawful conduct.

27. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 27 of the SAC, except denies that Ms. Slater engaged in any acts of racial discrimination.

28. Denies the allegations set forth in paragraph 28 of the SAC.

29. Denies the allegations set forth in paragraph 29 of the SAC.

30. Denies the allegations set forth in paragraph 30 of the SAC.

31. Denies the allegations set forth in paragraph 31 of the SAC.

32. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 32 of the SAC.

33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 33 of the SAC.

34. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 34 of the SAC, but admits that Ms. Slater was terminated on March 24, 2017.

35. Paragraph 35 quotes from a reported article, a document which speaks for itself. To the extent a response is required, Ms. Slater denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 35 of the SAC, except denies that Ms. Slater engaged in any discriminatory conduct.

36. Denies the allegations set forth in paragraph 36 of the SAC, except admits that Fox did not terminate her for discriminatory conduct.

37. Admits the allegations set forth in paragraph 37 of the SAC, but denies that Slater created a hostile work environment.

38. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 38 of the SAC, except denies that Ms. Slater engaged in any acts of racial discrimination.

39. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 39 of the SAC.

40. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 40 of the SAC, except denies that Ms. Slater engaged in discriminatory conduct.

41. Paragraph 41 quotes a statement from Fox News, a document which speaks for itself. To the extent a response is required, Ms. Slater denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 41 of the SAC.

42. Paragraph 42 summarizes allegations made in a separate action, on behalf of individuals other than Plaintiffs, such that no response is required. To the extent a response is required, Ms. Slater denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 42 of the SAC, except admits that Ms. Blanco filed a case in federal court.

43. Denies the allegations set forth in paragraph 43 of the SAC, except denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the second sentence of paragraph 43.

44. Paragraph 44 of the SAC contains Plaintiffs' characterizations and legal conclusions to which no response is required. To the extent a response is required, Ms. Slater admits that Plaintiffs have filed the SAC, a document which speaks for itself, except denies the Plaintiffs have suffered any harm.

45. Denies the allegations set forth in paragraph 45 of the SAC.

RESPONSE TO “JURISDICTION AND VENUE”

46. Paragraph 46 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 46, except admits on information and belief that Fox News’s principle place of business is 1211 Avenue of the Americas, New York, New York, and it employs hundreds of people.

47. Paragraph 47 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 47, except admits on information and belief that that Fox News’s principle place of business is 1211 Avenue of the Americas, New York, New York.

48. Paragraph 48 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies knowledge or information sufficient to form a belief regarding the truth of the allegations set forth in paragraph 48.

RESPONSE TO “PARTIES”

49. Denies the allegations set forth in paragraph 49 of the SAC, except admits that Tichaona Brown was employed by Fox News, and denies knowledge or information sufficient to form a belief as to whether Ms. Brown lives in Central Islip, New York. The allegation regarding whether Ms. Brown meets the definition of an “employee” is a legal conclusion to which no response is required.

50. Denies knowledge or information sufficient to form a belief as to whether Ms. Wright lives in Bronx, New York, and admits that Ms. Wright was employed by Fox News. The

allegation regarding whether Ms. Wright meets the definition of an “employee” is a legal conclusion to which no response is required.

51. Denies knowledge or information sufficient to form a belief as to whether Ms. Douglas lives in Brooklyn, New York, and admits that Ms. Douglas was employed by Fox News. The allegation regarding whether Ms. Douglas meets the definition of an “employee” is a legal conclusion to which no response is required.

52. Denies knowledge or information sufficient to form a belief as to whether Ms. Tolode lives in Bronx, New York, and admits that Ms. Tolode was employed by Fox News. The allegation regarding whether Ms. Tolode meets the definition of an “employee” is a legal conclusion to which no response is required.

53. Denies knowledge or information sufficient to form a belief as to whether Mr. LeGrier lives in Queens, New York, and admits that Mr. LeGrier was employed by Fox News. The allegation regarding whether Mr. LeGrier meets the definition of an “employee” is a legal conclusion to which no response is required.

54. Denies knowledge or information sufficient to form a belief as to whether Ms. Lindsay lives in Brooklyn, New York, and admits that Ms. Lindsay was employed by Fox News. The allegation regarding whether Ms. Lindsay meets the definition of an “employee” is a legal conclusion to which no response is required.

55. Denies knowledge or information sufficient to form a belief as to whether Ms. Benson lives in Brooklyn, New York, and admits that Ms. Benson was employed by Fox News. The allegation regarding whether Ms. Benson meets the definition of an “employee” is a legal conclusion to which no response is required.

56. Denies knowledge or information sufficient to form a belief as to whether Ms. Rojas lives in New Jersey, and admits that Ms. Rojas was employed by Fox News. The allegation regarding whether Ms. Rojas meets the definition of an “employee” is a legal conclusion to which no response is required.

57. Denies knowledge or information sufficient to form a belief as to whether Ms. Lindsay lives in Brooklyn, New York, and admits that Ms. Lindsay was employed by Fox News. The allegation regarding whether Ms. Lindsay meets the definition of an “employee” is a legal conclusion to which no response is required.

58. Denies knowledge or information sufficient to form a belief as to whether Ms. Thomas lives in Brooklyn, New York, and admits that Ms. Thomas was employed by Fox News. The allegation regarding whether Ms. Thomas meets the definition of an “employee” is a legal conclusion to which no response is required.

59. Denies knowledge or information sufficient to form a belief as to whether Ms. McLeod lives in Brooklyn, New York, and admits that Ms. McLeod was employed by Fox News. The allegation regarding whether Ms. McLeod meets the definition of an “employee” is a legal conclusion to which no response is required.

60. Denies knowledge or information sufficient to form a belief as to whether Ms. Fernandez lives in Pennsylvania, and admits that Ms. Fernandez was employed by Fox News. The allegation regarding whether Ms. Fernandez meets the definition of an “employee” is a legal conclusion to which no response is required.

61. Admits that Twenty-First Century Fox, Inc. is a corporation with its principal place of business in New York County, New York, and is duly organized under and by virtue of the laws of the State of Delaware. The allegation regarding whether Twenty-First Century Fox, Inc. has

met the definition of an “employer” of Plaintiffs is a legal conclusion to which no response is required.

62. Denies the allegations set forth in paragraph 62 of the SAC, except admits that Fox News is a limited liability company with its principal place of business in New York County, New York, is organized under and by virtue of the laws of the State of Delaware, and that it is a wholly owned subsidiary of Twenty-First Century Fox, Inc. The allegation regarding whether Fox News has met the definition of an “employer” of Plaintiffs is a legal conclusion to which no response is required.

63. Denies the allegations set forth in paragraph 63 of the SAC, except denies knowledge or information sufficient to form a belief as to whether Dianne Brandi resides in New York County, New York and the allegations set forth in footnote 3, and admits that Ms. Brandi was employed at Fox News as the Executive Vice President, Legal and Business Affairs. The allegations regarding whether Ms. Brandi meets the definition of an “employer” of Plaintiffs is a legal conclusion to which no response is required.

64. Denies the allegations set forth in paragraph 64 of the SAC, except admits that Ms. Slater resides in the State of New Jersey, that she was employed by Fox News as Senior Vice President of Accounting and Controller until March 2017, and that she supervised the Payroll, Accounting, Accounts Receivable, and Accounts Payable departments, including all Plaintiffs. The allegations regarding whether Ms. Slater met the definition of an “employer” of Plaintiffs is a legal conclusion to which no response is required.

RESPONSES TO PLAINTIFFS' "FACTUAL ALLEGATIONS"**I. RESPONSE TO "TICHAONA BROWN'S EMPLOYMENT"**

65. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 65 of the SAC.

66. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 66 of the SAC, except admits that Ms. Brown worked in the Payroll Department.

67. Admits that the Payroll Department was part of the Administration Division, and that Ms. Brown's desk was on the Second Floor of 1211 Avenue of the Americas. Ms. Slater denies the remaining allegations in paragraph 67 of the SAC.

68. Denies the allegations set forth in paragraph 68 of the SAC, except admits that at some point in time, Ms. Brown reported to Ms. Beekharry, and that Ms. Beekharry reported to Ms. Slater.

69. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 69 of the SAC.

70. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 70 of the SAC, but admits, upon information and belief, that Brown, Beekharry, Tabrese Wright, Michelle Postley and Shelley Steele are Black.

71. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 71 of the SAC, but admits, upon information and belief, that Tamela Efinger, Christine Williams, Kerry Sikorski, Kim Jacobson, and Denise Collins are White.

72. Denies the allegations set forth in paragraph 72 of the SAC.

73. Denies the allegations set forth in paragraph 73 of the SAC.

74. Denies the allegations set forth in paragraph 74 of the SAC.
75. Denies the allegations set forth in paragraph 75 of the SAC.
76. Denies the allegations set forth in paragraph 76 of the SAC.
77. Denies the allegations set forth in paragraph 77 of the SAC.
78. Denies the allegations set forth in paragraph 78 of the SAC.
79. Denies the allegations set forth in paragraph 79 of the SAC.
80. Denies the allegations set forth in paragraph 80 of the SAC.
81. Denies the allegations set forth in paragraph 81 of the SAC.
82. Denies the allegations set forth in paragraph 82 of the SAC.
83. Denies the allegations set forth in paragraph 83 of the SAC.
84. Denies the allegations set forth in paragraph 84 of the SAC.
85. Denies the allegations set forth in paragraph 85 of the SAC.
86. Denies the allegations set forth in paragraph 86 of the SAC.
87. Denies the allegations set forth in paragraph 87 of the SAC.
88. The first sentence of paragraph 88 of the SAC is a legal conclusion to which no response is required. Ms. Slater denies the remaining allegations set forth in paragraph 88 of the SAC.
89. Denies the allegations set forth in paragraph 89 of the SAC.
90. Denies the allegations set forth in paragraph 90 of the SAC.
91. Denies the allegations set forth in paragraph 91 of the SAC.
92. Admits that Ms. Slater forwarded a YouTube video that she had received from Ms. Douglas to Ms. Brown and another Fox News employee, and refers to the document for its content. Ms. Slater denies the remaining allegations contained in paragraph 92 of the SAC.

93. Denies the allegations set forth in paragraph 93 of the SAC.
94. Denies the allegations set forth in paragraph 94 of the SAC.
95. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 95 of the SAC.
96. Denies the allegations set forth in paragraph 96 of the SAC.
97. Denies the allegations set forth in paragraph 97 of the SAC.
98. Denies the allegations set forth in paragraph 98 of the SAC.
99. Denies the allegations set forth in paragraph 99 of the SAC.
100. Paragraph 100 of the SAC contains Plaintiffs' characterizations and legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 100.
101. Denies the allegations set forth in paragraph 101 of the SAC.
102. Denies the allegations set forth in paragraph 102 of the SAC, except admits that Ms. Beekharry left Fox News around May 2016.
103. Denies the allegations set forth in paragraph 103 of the SAC, except admits that Ms. Brown helped train Ms. Acosta.
104. Denies the allegations set forth in paragraph 104 of the SAC.
105. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the first sentence of paragraph 105; denies the allegations set forth in the second sentence of paragraph 105, as Ms. Brown gave notice of her intent to resign from Fox News; and admits the allegations set forth in the last three sentences in paragraph 105 of the SAC.
106. Denies the allegations set forth in paragraph 106 of the SAC, except admits that Ms. Acosta was hired as Director of Payroll and Ms. Brown provided certain training to Ms.

Acosta, and denies knowledge or information sufficient to form a belief as to the truth of the allegations regarding the date of Ms. Acosta's hiring.

107. Admits that Ms. Slater asked Ms. Brown to remain working remotely at Fox News on a temporary and short-term basis to assist with an upcoming project, and denies the remaining allegations set forth in paragraph 107 of the SAC.

108. Denies the allegations set forth in paragraph 108 of the SAC, except denies knowledge or information sufficient to form a belief regarding the date of Ms. Brown's last performance review.

109. Denies the allegations set forth in paragraph 109 of the SAC, except admits that Ms. Acosta, who was hired as the Director of Payroll, a position senior to those held by Ms. Brown, received higher pay than Ms. Brown.

110. Admits that it was mutually agreed that Ms. Brown would continue working remotely on a temporary and short-term basis, and denies knowledge or information sufficient to form a belief regarding the truth of the second sentence in paragraph 110 of the SAC.

111. Paragraph 111 of the SAC contains Plaintiffs' legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies that Ms. Brown experienced racial discrimination from Ms. Slater.

112. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 112.

II. RESPONSE TO "TABRESE WRIGHT'S EMPLOYMENT"

113. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 113 of the SAC, except admits that Ms. Wright worked in the Payroll department at Fox News.

114. Denies the allegations set forth in paragraph 114 of the SAC, except admits that, for a period of time, Ms. Wright's desk was located on the Second Floor of the Fox News offices at 1211 Avenue of the Americas.

115. Denies the allegations set forth in paragraph 115 of the SAC.

116. Denies the allegations set forth in paragraph 116 of the SAC, except denies knowledge or information sufficient to form a belief as to Ms. Wright's experience at Fox News after Ms. Slater's departure.

117. Denies the allegations set forth in paragraph 117 of the SAC.

118. Denies the allegations set forth in paragraph 118 of the SAC.

119. Denies the allegations set forth in paragraph 119 of the SAC.

120. Denies the allegations set forth in paragraph 120 of the SAC.

121. Denies the allegations set forth in paragraph 121 of the SAC.

122. Denies the allegations set forth in paragraph 122 of the SAC.

123. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 123 of the SAC.

124. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 124 of the SAC.

III. RESPONSE TO "MONICA DOUGLAS'S EMPLOYMENT"

125. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 125 of the SAC, except admits that Ms. Douglas worked at Fox News in the Collections Department during a portion of the time Ms. Slater was employed by Fox News.

126. Denies the allegations set forth in paragraph 126 of the SAC.

127. Admits that, during a period of time, Ms. Douglas's desk was on the Second Floor of 1211 Avenue of the Americas, and denies the remaining allegations set forth in paragraph 127 of the SAC.

128. Denies the allegations set forth in paragraph 128 of the SAC.

129. Denies the allegations set forth in paragraph 129 of the SAC.

130. Denies the allegations set forth in paragraph 130 of the SAC, except admits that, on one occasion, Ms. Slater tossed a balled up piece of paper in her hand in the direction of a supervisor for the purpose of getting her attention.

131. Denies the allegations set forth in paragraph 131 of the SAC. Ms. Slater further denies knowledge or information sufficient to form a belief as to the truth of the first sentence in footnote 5, and states that the article cited in the second sentence speaks for itself.

132. Denies the allegations set forth in paragraph 132 of the SAC.

133. Denies the allegations set forth in paragraph 133 of the SAC.

134. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 134 of the SAC, except denies that Ms. Slater ever engaged in any unlawful conduct.

135. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 135 of the SAC, except denies that Ms. Slater engaged in any racial discrimination.

136. Denies knowledge or information sufficient to form a belief as to the truth of the first sentence of paragraph 136 of the SAC. Upon information and belief, denies the second and fourth sentence in paragraph 136, and states that the third sentence is an incomplete sentence to which no response is required.

137. Denies the allegations set forth in paragraph 137 of the SAC.

138. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 138 of the SAC.

139. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 139 of the SAC.

140. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 140 of the SAC.

141. Admits that several Accounts Receivable and Accounts Payable employees worked at some point on the Sixteenth Floor of 1211 Avenue of the Americas, and denies the remaining allegations set forth in paragraph 141 of the SAC.

142. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 142 of the SAC.

143. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 143 of the SAC.

144. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 144 of the SAC.

IV. RESPONSE TO “MARK LeGRIER’S EMPLOYMENT”

145. Denies the allegations set forth in paragraph 145 of the SAC.

146. Denies the allegations set forth in paragraph 146 of the SAC.

147. Denies the allegations set forth in paragraph 147 of the SAC.

148. Denies the allegations set forth in paragraph 148 of the SAC.

149. Denies the allegations set forth in paragraph 149 of the SAC.

150. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 150 of the SAC, except denies that Ms. Slater ever discriminated against Mr. LeGrier.

151. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 151 of the SAC.

152. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 152 of the SAC.

153. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 153 of the SAC.

154. Denies the allegations set forth in paragraph 154 of the SAC.

155. Denies the allegations set forth in paragraph 155 of the SAC, except admits that Ms. Slater and Ms. Effinger worked with Mr. LeGrier on a performance improvement plan.

156. Denies the allegations set forth in paragraph 156 of the SAC, except admits that Ms. Slater and Ms. Efinger periodically met with Mr. LeGrier.

157. Denies the allegations set forth in paragraph 157 of the SAC.

158. Admits the allegations set forth in paragraph 158 of the SAC, except denies that Mr. LeGrier had the title of Manager.

159. Admits the allegations set forth in paragraph 159 of the SAC upon information and belief.

160. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the first three sentences of Paragraph 160 of the SAC, and otherwise denies the allegations set forth in paragraph 160 of the SAC.

161. Denies the allegations set forth in paragraph 161 of the SAC.

162. Denies the allegations set forth in paragraph 162 of the SAC.

163. Denies the allegations set forth in paragraph 163 of the SAC.

164. Denies the allegations set forth in paragraph 164 of the SAC.

165. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 165 of the SAC.

V. RESPONSE TO “SENAMI TOLODE’S EMPLOYMENT”

166. Denies the allegations set forth in paragraph 166 of the SAC, except admits that Ms. Tolode worked in the Accounts Receivable department, and that for a period of time, Ms. Tolode reported to Ms. Benson.

167. Denies the allegations set forth in paragraph 167 of the SAC.

168. Paragraph 168 of the SAC contains Plaintiffs’ characterizations and legal conclusions to which no response is required.

169. Denies the allegations set forth in paragraph 169 of the SAC.

170. Denies the allegations set forth in paragraph 170 of the SAC.

171. Denies the allegations set forth in paragraph 171 of the SAC.

172. Denies the allegations set forth in paragraph 172 of the SAC.

173. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 173 of the SAC.

174. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 174 of the SAC.

175. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 175 of the SAC.

176. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 176 of the SAC.

177. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 177 of the SAC.

178. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 178 of the SAC.

VI. RESPONSE TO “VIELKA ROJAS’S EMPLOYMENT”

179. Denies knowledge and information sufficient to form a belief about the allegations set forth in paragraph 179 of the SAC, except admits that Ms. Rojas worked in the Accounts Receivable department and admits upon information and belief that Ms. Rojas is of Panamanian decent.

180. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 180 of the SAC.

181. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 181 of the SAC, but admits that Ms. Douglas reported to Ms. Slater until Ms. Slater departed from Fox News in March 2017.

182. Denies the allegations set forth in paragraph 182 of the SAC.

183. Denies the allegations set forth in paragraph 183 of the SAC.

184. Denies the allegations set forth in paragraph 184 of the SAC.

185. Denies the allegations set forth in paragraph 185 of the SAC.

186. Denies the allegations set forth in paragraph 186 of the SAC.

187. Denies the allegations set forth in paragraph 187 of the SAC.

188. Denies the allegations set forth in paragraph 188 of the SAC.

189. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 189 of the SAC.

VII. RESPONSE TO “MAURETTA THOMAS’S EMPLOYMENT”

190. Denies knowledge and information sufficient to form a belief about the allegations set forth in paragraph 190 of the SAC, except admits that Ms. Thomas worked in the Accounts Receivable department at Fox News.

191. Denies the allegations set forth in paragraph 191 of the SAC, except admits that Ms. Thomas reported to Ms. Douglas, and that Ms. Douglas reported to Ms. Slater.

192. Denies the allegations set forth in paragraph 192 of the SAC.

193. Denies the allegations set forth in paragraph 193 of the SAC.

194. Denies the allegations set forth in paragraph 194 of the SAC.

195. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 195 of the SAC.

VIII. RESPONSE TO “MARIELA LINDSAY’S EMPLOYMENT”

196. Denies knowledge and information sufficient to form a belief about the allegations set forth in paragraph 196 of the SAC, except admits that Ms. Lindsay worked in the Accounts Receivable department at Fox News.

197. Denies the allegations set forth in paragraph 197 of the SAC, except admits that Ms. Lindsay reported to Ms. Douglas, and that Ms. Douglas reported to Ms. Slater.

198. Denies the allegations set forth in paragraph 198 of the SAC.

199. Denies the allegations set forth in paragraph 199 of the SAC.

200. Denies the allegations set forth in paragraph 200 of the SAC.

201. Denies the allegations set forth in paragraph 201 of the SAC.

202. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 202 of the SAC.

IX. RESPONSE TO “GRISELDA BENSON’S EMPLOYMENT”

203. Denies knowledge and information sufficient to form a belief about the allegations set forth in paragraph 203 of the SAC, except admits that Ms. Benson worked in the Cash Receipts department at Fox News.

204. Denies the allegations set forth in paragraph 204 of the SAC, except admits that at some point, Ms. Benson’s desk was located on the 16th Floor, and that her desk was previously located on the 2nd Floor; and admits that, at some point, Ms. Benson reported to Ms. Efinger, and Ms. Efinger reported to Ms. Slater.

205. Denies the allegations set forth in paragraph 205 of the SAC.

206. Denies the allegations set forth in paragraph 206 of the SAC, except denies knowledge or information sufficient to form a belief as to the allegations set forth in the last sentence of paragraph 206.

207. Denies the allegations set forth in paragraph 207 of the SAC.

208. Denies the allegations set forth in paragraph 208 of the SAC, except denies knowledge or information sufficient to form a belief as to the second sentence of paragraph 208.

209. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 209 of the SAC.

X. RESPONSE TO “CLAUDINE McLEOD’S EMPLOYMENT”

210. Denies the allegations set forth in paragraph 210 of the SAC, except admits that Ms. McLeod worked in the Accounts Payable Department at Fox News and upon information and

belief is Panamanian and diabetic, that Ms. McLeod reported to Mr. LeGrier for a period of time, and that Mr. LeGrier reported to Ms. Slater.

211. Denies the allegations set forth in paragraph 211 of the SAC.

212. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 212 of the SAC.

213. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 213 of the SAC.

214. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 214 of the SAC.

215. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 215 of the SAC.

216. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 216 of the SAC.

XI. RESPONSE TO “ELIZABETH FERNANDEZ’S EMPLOYMENT”

217. Denies the allegations set forth in paragraph 217 of the SAC, except admits that Ms. Fernandez worked in the Accounts Receivable Department at Fox News for a period of time and upon information and belief is Hispanic, that Ms. Fernandez reported to Ms. Douglas, and that Ms. Douglas reported to Ms. Slater.

218. Denies the allegations set forth in paragraph 218 of the SAC.

XII. RESPONSE TO “FURTHER EVIDENCE THAT FOX WAS ON NOTICE OF RACE DISCRIMINATION”

219. Denies the allegations set forth in paragraph 219 of the SAC.

220. Paragraph 220 of the SAC contains Plaintiffs' characterizations and legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 220.

Response to "Natasha Beekharry"

221. Denies the allegations set forth in paragraph 221 of the SAC, except admits that Natasha Beekharry was at one time Senior Director of Payroll, that Ms. Brown and Ms. Wright reported to Ms. Beekharry, and that Ms. Beekharry reported to Ms. Slater.

222. Denies the allegations set forth in paragraph 222 of the SAC.

223. Admits the allegations set forth in paragraph 223 of the SAC.

224. Denies the allegations set forth in paragraph 224 of the SAC.

225. Denies the allegations set forth in paragraph 225 of the SAC.

Response to "Harmeen S. Jones"

226. Admits that Harmeen Jones, a former Fox News employee who is Black, commenced an action against Fox News alleging discrimination and retaliation in the U.S. District Court for the Southern District of New York, 10- cv-7967 (PKC).

227. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 227 of the SAC.

228. Paragraph 228 of the SAC references Mr. Jones's complaint, a document that speaks for itself and, therefore, paragraph 228 does not require a response. To the extent a response is required, Ms. Slater denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 228 of the SAC.

229. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 229 of the SAC.

230. Denies the allegations set forth in paragraph 230 of the SAC, except admits that Ms. Slater occasionally worked with Mr. Toth and Mr. Carey, and denies knowledge and information sufficient to form a belief as to the truth of the allegations regarding the parties named in Mr. Jones's complaint and the knowledge of Ms. Brown or what other people believed.

Response to "Wasim Rafick"

231. Denies information sufficient to form a belief as to the truth of the allegations set forth in paragraph 231 of the SAC, except admits that Wasim Rafick is a former Fox News employee who is Black, and denies that Ms. Slater subjected Mr. Rafick to any discriminatory conduct.

232. Denies the allegations set forth in paragraph 232 of the SAC, except admits that Mr. Rafick left Fox News in December 2016.

233. Denies the allegations set forth in paragraph 233 of the SAC.

XIII. RESPONSE TO "OTHER VICTIMS OF RACE DISCRIMINATION"

234. Denies the allegations set forth in paragraph 234 of the SAC.

235. Denies the allegations set forth in paragraph 235 of the SAC.

RESPONSES TO PLAINTIFFS' CLASS ACTION ALLEGATIONS

I. RESPONSE TO "CLASS DEFINITION"

236. Paragraph 236 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 236, except admits that Plaintiffs allege a purported class action.

II. RESPONSE TO “NUMEROSITY AND IMPRACTICALITY OF JOINDER”

237. Paragraph 237 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 237.

238. Paragraph 238 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 238.

III. RESPONSE TO “COMMON QUESTIONS OF LAW AND FACT”

239. Paragraph 239 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 239.

240. Paragraph 240 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 240.

IV. RESPONSE TO “TYPICALITY OF CLAIMS AND RELIEF SOUGHT”

241. Paragraph 241 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 241.

242. Paragraph 242 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 242.

243. Paragraph 243 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 243.

244. Paragraph 244 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 244.

245. Paragraph 245 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 245.

V. RESPONSE TO “ADEQUACY OF REPRESENTATION”

246. Paragraph 246 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 246.

247. Paragraph 247 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 247.

248. Paragraph 248 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 248.

249. Paragraph 249 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 249.

VI. RESPONSE TO “REQUIREMENTS OF CPLR §§ 901”

250. Paragraph 250 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 250.

251. Paragraph 251 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 251.

252. Paragraph 252 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 252.

253. Paragraph 253 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 253.

254. Paragraph 254 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 254.

255. Paragraph 255 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 255.

256. Paragraph 256 of the SAC contains legal conclusions to which no response is required. To the extent a response is required, Ms. Slater denies the allegations set forth in paragraph 256.

RESPONSE TO “FIRST CAUSE OF ACTION”
(Race, Color, Ethnicity and National Origin Discrimination and
Hostile Work Environment in Violation of the NYSHRL)
Against All Defendants

257. With respect to paragraph 257 of the SAC, Ms. Slater repeats and realleges her responses to the allegations set forth in paragraphs 1 to 257 of the SAC with the same force and effect as if fully set forth at length herein.

258. Denies the allegations set forth in paragraph 258 of the SAC.

259. Denies the allegations set forth in paragraph 259 of the SAC.

260. Denies the allegations set forth in paragraph 260 of the SAC.

261. Denies the allegations set forth in paragraph 261 of the SAC.

RESPONSE TO “SECOND CAUSE OF ACTION”
(Aiding and Abetting in Violation of the NYSHRL)
Against Defendants Judith Slater and Dianne Brandi

262. With respect to paragraph 262 of the SAC, Ms. Slater repeats and realleges her responses to the allegations set forth in paragraphs 1 to 262 of the SAC with the same force and effect as if fully set forth at length herein.

263. Denies the allegations set forth in paragraph 263 of the SAC.

264. Denies the allegations set forth in paragraph 264 of the SAC.

RESPONSE TO “THIRD CAUSE OF ACTION”
(Race, Color, Ethnicity and National Origin Discrimination and Hostile Work
Environment in Violation of the NYCHRL)
Against All Defendants

265. With respect to paragraph 265 of the SAC, Ms. Slater repeats and realleges her responses to the allegations set forth in paragraphs 1 to 265 of the SAC with the same force and effect as if fully set forth at length herein.

266. Denies the allegations set forth in paragraph 266 of the SAC.

- 267. Denies the allegations set forth in paragraph 267 of the SAC.
- 268. Denies the allegations set forth in paragraph 268 of the SAC.
- 269. Denies the allegations set forth in paragraph 269 of the SAC.
- 270. Denies the allegations set forth in paragraph 270 of the SAC.

RESPONSE TO “FOURTH CAUSE OF ACTION”
(Retaliation in Violation of NYSHRL and NYCHRL)
Against All Defendants

271. With respect to paragraph 271 of the SAC, Ms. Slater repeats and realleges her responses to the allegations set forth in paragraphs 1 to 271 of the SAC with the same force and effect as if fully set forth at length herein.

- 272. Denies the allegations set forth in paragraph 272 of the SAC.
- 273. Denies the allegations set forth in paragraph 273 of the SAC.
- 274. Denies the allegations set forth in paragraph 274 of the SAC.
- 275. Denies the allegations set forth in paragraph 275 of the SAC.

RESPONSE TO “FIFTH CAUSE OF ACTION”
(Disability Discrimination and Hostile Work Environment in Violation of the NYSHRL)
Against All Defendants

276. With respect to paragraph 276 of the SAC, Ms. Slater repeats and realleges her responses to the allegations set forth in paragraphs 1 to 276 of the SAC with the same force and effect as if fully set forth at length herein.

- 277. Denies the allegations set forth in paragraph 277 of the SAC.
- 278. Denies the allegations set forth in paragraph 278 of the SAC.
- 279. Denies the allegations set forth in paragraph 279 of the SAC.

RESPONSE TO “SIXTH CAUSE OF ACTION”
(Disability Discrimination and Hostile Work Environment in Violation of the NYCHRL)
Against All Defendants

280. With respect to paragraph 280 of the SAC, Ms. Slater repeats and realleges her responses to the allegations set forth in paragraphs 1 to 280 of the SAC with the same force and effect as if fully set forth at length herein.

281. Denies the allegations set forth in paragraph 281 of the SAC.

282. Denies the allegations set forth in paragraph 282 of the SAC.

283. Denies the allegations set forth in paragraph 283 of the SAC.

284. Denies the allegations set forth in paragraph 284 of the SAC.

RESPONSE TO “PRAYER FOR RELIEF”

285. Ms. Slater denies that Plaintiffs and the members of the Putative Class are entitled to relief of any kind whatsoever, whether equitable or monetary, including but not limited to any of the relief described and/or requested in subparts (A) through (L) of the final paragraph of the Complaint, which begins with the phrase “WHEREFORE, Plaintiffs”

RESPONSE TO “JURY DEMAND”

286. Ms. Slater acknowledge Plaintiffs’ demand for a trial by jury on all issues triable by a jury in this action.

MS. SLATER’S AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

287. The SAC fails to state a cause of action against Ms. Slater upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

288. Ms. Slater treated all employees under her supervision fairly and with respect. She never discriminated against any employee on the basis of race or ethnicity or disability.

THIRD AFFIRMATIVE DEFENSE

289. Ms. Slater never created a racially hostile work environment, never discriminated on the basis of disability or perceived disability, nor did she ever foster, condone, accept, ratify, or otherwise fail to prevent or remedy a hostile work environment that discriminated on the basis of race/ethnicity or disability.

FOURTH AFFIRMATIVE DEFENSE

290. To the extent, if any, that Ms. Slater made any decision or took any actions that affected any Plaintiffs, her decisions and actions were based on legitimate, nondiscriminatory and non-retaliatory business reasons and were made in good faith and in compliance with NYSHRL, NYCHRL and all other applicable laws.

FIFTH AFFIRMATIVE DEFENSE

291. To the extent Plaintiffs raise events that occurred and claims that accrued more than three years prior to the filing of the Complaint, they are barred by the three-year statute of limitations applicable to claims under NYSHRL and NYCHRL.

SIXTH AFFIRMATIVE DEFENSE

292. Plaintiffs' retaliation claims should be dismissed as a matter of law because Ms. Slater is not aware that Plaintiffs ever complained about a racially hostile environment or discrimination, and thus they could not have been terminated in retaliation for engaging in a protected activity.

SEVENTH AFFIRMATIVE DEFENSE

293. Assuming, *arguendo*, that any Plaintiffs complained about a racially hostile environment or discrimination, their retaliation claims should be dismissed as a matter of law because there was no causal connection between their alleged complaints and the termination of their employment.

EIGHTH AFFIRMATIVE DEFENSE

294. The complaint should be dismissed because, at all times relevant hereto, Ms. Slater acted in good faith and did not violate any right that may be secured to Plaintiffs under any federal, state or local laws, rules, regulations or guidelines.

NINTH AFFIRMATIVE DEFENSE

295. Plaintiffs' claims are barred, in whole or in part, by the doctrines of estoppel, laches, waiver, and/or unclean hands.

TENTH AFFIRMATIVE DEFENSE

296. The conduct Plaintiffs allege was discriminatory was not unwelcome nor was the conduct sufficiently severe or pervasive to create a work environment that a reasonable person would consider hostile.

ELEVENTH AFFIRMATIVE DEFENSE

297. Plaintiffs have failed to allege any damage or injury suffered as the result of any action taken by Ms. Slater.

TWELFTH AFFIRMATIVE DEFENSE

298. Plaintiffs have failed to allege that they took any steps to mitigate their alleged damages. Accordingly, any damages Plaintiffs suffered are barred or should be reduced for failure to mitigate.

THIRTEENTH AFFIRMATIVE DEFENSE

299. Plaintiffs are not entitled to recover any punitive damages, as Ms. Slater did not engage in any intentional discrimination with respect to Plaintiffs and the conduct alleged does not rise to the level of punitive damages.

FOURTEENTH AFFIRMATIVE DEFENSE

300. This action is not properly maintainable as a class action, because Plaintiffs cannot establish all the elements necessary for class certification in that, among other things: no numerosity exists, common questions do not predominate, no typicality exists, and Plaintiffs claims can be adequately litigated individually.

FIFTEENTH AFFIRMATIVE DEFENSE

301. Plaintiffs claims are barred, in whole or in part, because Ms. Slater was not the “employer” of the Plaintiffs within the meaning of the NYSHRL, the NYCHRL, or any other applicable law.

SIXTEENTH AFFIRMATIVE DEFENSE

302. Plaintiffs’ claims are barred, in whole or in part, by the doctrine of after-acquired evidence.

Ms. Slater has insufficient knowledge or information upon which to form a belief as to whether she may have additional, as yet unstated, separate defenses available. Defendant Judith Slater reserves the right to assert additional separate defenses in the event discovery indicates, or Ms. Slater otherwise becomes aware, that additional defenses would be appropriate.

WHEREFORE, Judith Slater respectfully requests that the relief sought by Plaintiffs be denied, that the Second Amended Class Action Complaint be dismissed in its entirety with

prejudice, together with costs, disbursements and reasonable attorneys' fees, and such other relief
be granted that the Court may deem just and proper.

Dated: February 28, 2018
New York, New York

MORVILLO ABRAMOWITZ GRAND
IASON & ANELLO P.C.

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