

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

JASON DONNER
c/o Brendan Klapproth
Klapproth Law PLLC
2300 Wisconsin Ave NW
Suite 100A
Washington, DC 20007

Plaintiff.

v.

FOX NEWS NETWORK, LLC
1211 Avenue of the Americas
New York, NY 10036

Serve: C T Corporation System
1015 15th Street NW, Suite 1000
Washington, DC 20005

Defendant.

Civ. No. 2023-CAB-006055

COMPLAINT AND JURY DEMAND

Plaintiff Jason Donner alleges for his Complaint herein:

1. Mr. Donner worked for Fox News Network, LLC (“Fox News”) for over 12 years as a Capitol Hill reporter and producer. That changed when he opposed Fox News’ false reporting on the “stolen election” in 2020 and then its false coverage of the January 6th insurrection. As a result of Mr. Donner speaking out against the false news stories being published by Fox News and his political affiliation, Fox News discriminated against Mr. Donner and retaliated against him by firing him. Accordingly, this is discrimination and retaliation case brought under the D.C. Human Rights Act, as well as a wrongful termination case.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this claim pursuant to D.C. Code § 11-921(a)(6).

3. This Court has personal jurisdiction over the Defendant pursuant to D.C. Code § 13-423(a)(1)-(4).

4. Venue is proper in this Court as the acts and/or omissions alleged in this Complaint occurred in the District of Columbia. Moreover, the Defendant regularly transacts business in the District of Columbia. Venue is also proper as Plaintiff's claims involve one or more common questions of fact that arise from Defendant's conduct occurring in Washington, D.C.

PARTIES AND RELEVANT PERSONS

5. Plaintiff Jason Donner is an individual residing in the Commonwealth of Virginia. Jason Donner is an employee as defined by D.C. Code § 2-1401.02(9) and D.C. Code § 32-531.01. During all relevant times for all for events complained herein, Jason Donner was employed by Fox News in the District of Columbia.

6. Defendant Fox News Network, LLC ("Fox News") is a limited liability company organized in the State of Delaware with its principal place of business in New York. Fox News is believed to be a wholly owned subsidiary of Fox Corporation, a Delaware Corporation with its principal place of business in New York. Defendant Fox News conducts substantial business activities in the District of Columbia. Fox News operates the Fox News Channel, the Fox Business Channel, Fox News Radio, and Fox News Digital, which includes the foxnews.com, and foxbusiness.com websites, Fox News' social media accounts, and Fox News' digital subscription services, such as Fox Nation, which it refers collectively to as "Fox News Media." Defendant Fox News is an employer as defined by D.C. Code § 2-1401.02(10) and D.C. Code § 32-531.01. At all times relevant, Defendant Fox News acted by and through its agents, servants, and/or employees acting within the course and scope of their employment with Fox News and in

furtherance of Fox News' business.

FACTS COMMON TO ALL COUNTS

7. Plaintiff Jason Donner began working for Fox News in September 2010 as a “Desk Assistant.” He was promoted just over a year later to an “Associate Producer” position. Then in 2014 he was promoted to “Producer,” and in 2018 he was again promoted to “Capitol Hill Producer.” In this role, he was responsible for reporting on events occurring on Capitol Hill in Washington, D.C. It was generally understood that Capitol Hill is the toughest beat in Washington, D.C. because of the continuous political news cycle. And this could not have been more true with respect to the coverage of the 2020 election as a Fox News reporter or producer.

8. Mr. Donner prided himself on his journalistic standards of reporting truthfully and accurately. He was recognized on Capitol Hill as a reporter always asking hard questions to politicians on both sides of the political spectrum. While he did not share many of the views expressed by Fox News' Opinion page, or the evening hour television commentators, it did not impact his ability to report on Capitol Hill news until the wake of the 2020 election.

9. After the 2020 election, something changed at Fox News. As reported by the New York Times, “Fox News was the first news outlet to call Arizona for Mr. Biden, a move that infuriated many of its regular viewers — including Mr. Trump, who denounced the network as insufficiently loyal and urged fans to watch Newsmax and One America News instead.” *See* <https://www.nytimes.com/2021/01/19/business/media/fox-news-chris-stirewalt-trump.html> (last accessed on September 26, 2022). Facing backlash from Trump supporters, Fox News immediately capitulated to President Trump and his supporters by firing Chris Stirewalt, the onscreen reporter during the projection for Arizona. Similarly, Bill Sammon, the Vice President and D.C. Managing

Editor who had editorial oversight over Fox News' decision to call Arizona for Joe Biden, retired over criticism from network executives over his handling of the network's election coverage. *Id.* Shortly thereafter, approximately 20 journalists were laid off due to what Fox News called a realignment of "business and reporting structure to meet the demands of this new era." *Id.* One Fox News executive stated that Sammon did not understand "the impact to the brand and the arrogance in calling AZ," and that it was "astonishing" given that it was Sammon's job to "protect the brand."

10. According to text messages between CEO Suzanne Scott and Lachlan Murdoch, the plan going forward was clear:

Scott: "Viewers going through the 5 stages of grief. It's a question of trust—the AZ [call] was damaging but we will highlight our stars and plant flags letting the viewers know we hear them and respect them."

Murdoch: "Yes. But needs constant rebuilding without any missteps."

Scott: "Yes today is day one and it's a process."

11. In short, Fox News faced a post-election drop in ratings due to its calling of Arizona for Joe Biden and the network's initial reluctance to back up President Trump's false claims of election fraud. See <https://www.nytimes.com/2021/01/19/business/media/fox-news-chris-stirewalt-trump.html>. To win back viewership and pledge its loyalty to President Trump, Fox's corporate leadership purged the news division and those reporters who spoke out against claims of election fraud, such as Mr. Stirewalt. *Id.* At the same time, Fox News changed the 7 p.m. hour, which had been devoted to news, to opinion focused programming. *Id.*

12. After Chris Wallace left Fox News, Mr. Wallace stated, "I'm fine with opinion: conservative opinion, liberal opinion....But when people start to question the truth — Who won

the 2020 election? Was Jan. 6 an insurrection? — I found that unsustainable.” See <https://www.nytimes.com/2022/03/27/business/media/chris-wallace-cnn-fox-news.html> (last accessed on September 26, 2023) Mr. Wallace continued, “Before, I found it was an environment in which I could do my job and feel good about my involvement at Fox...And since November of 2020, that just became unsustainable, increasingly unsustainable as time went on.” *Id.*

13. According to Geraldo Rivera, who worked as a correspondent and host for Fox News, “[w]e were muzzled. Corporate discipline muzzles people.” According to Rivera, “[t]hey denied me permission to go on many shows over the course of my long career there. They have a very rigid, very controlled kind of discipline.”

14. Rivera stated that he was suspended three times for “complaining about Tucker Carlson, when he had the outlandish theory that January 6 was staged, it was a government operative...it was total bullshit. I said it in those words and it was published and I got suspended right there, that day.”

15. In a separate interview, Rivera stated the following:

I was shocked and outraged. I mean, I was nauseous over Tucker Carlson’s premise that 9/11, not 9/11, that January 6th was an inside job. So Tucker Carlson began floating the idea, and I didn’t know why. I assumed it was just evidence-based in his own mind. Floating the idea that January 6th was fake, that it was government agents that staged it, the agents provocateur who aggravated everything, that there was no you know, President Trump did not incite a legitimate riot.

Then what happened is he made his remarks and then, you know, deep state operators basically took advantage of it to make Trump look bad, which was preposterous. It was ridiculous. It was you know, I actually said it was “bullshit,” is what I said to The Washington Post or The New York Times. I forget one or the other because I did several interviews between those two papers at the time.

I got calls from within Fox. Right on. You know, we're shocked, we're outraged by what Tucker is trying to do. Thank you for speaking out, you know from people that could not speak out.

You know, I even advised some prominent people just to cool it, that I could, I'll take the heat because I felt that I was more bulletproof. I mixed my metaphors there, but I felt that I could say things that others, perhaps more vulnerable in their or more early in their careers, could not say. And so I was suspended for that.

16. But the purge in the news division was not limited to the widely recognized on-screen reporters. It also included the on-the ground reporters, such as Mr. Donner.

17. In the days after the 2020 election, Fox News' reporting became focused on the unsubstantiated stolen election conspiracy advanced by President Trump's supporters. Indeed, the "stolen election" claims published by Fox News were proven in a lawsuit to be false, based in part by the testimony and statements of Fox News' executives and reporters that acknowledged the claims to be untrue. *US Dominion, Inc. v. Fox News Network, LLC*, 293 A.3d 1002, 1038 (Del. Super. Ct. 2023). Nonetheless, this did not change the fact that reporters were facing pressure from the top-down to push the "election fraud claims." For example, with respect to a Trump rally in November, Lachlan Murdoch, wrote in a message to Fox News' CEO on November 14, 2020, "[n]ews guys have to be careful how they cover this rally. So far some of the side comments are slightly anti, and they shouldn't be. The narrative should be this is a huge celebration of the president," referring to President Trump. See <https://www.washingtonpost.com/media/2023/03/03/fox-punished-journalists-dominion-lawsuit/> (last accessed on September 26, 2023).

18. On November 19, 2020, Fox News broadcast the entirety of a "crazy" press conference where Rudy Giuliani and Sidney Powell made statements that Dominion helped in

stealing the election from President Trump. Fox News' White House correspondent, Kristin Fisher responded, "That was certainly a colorful news conference from Rudy Giuliani, but it was light on facts," she told viewers. "So much of what he said was simply not true, or has already been thrown out in court. ... The Trump campaign has yet to provide, at least in court, hard evidence of voter fraud and irregularities widespread enough to overturn the outcome of the election." *See* <https://www.washingtonpost.com/media/2023/03/03/fox-punished-journalists-dominion-lawsuit/> (last accessed on September 26, 2023). Fisher received an immediate reprimand from her boss, Bryan Boughton, who "emphasized that higher-ups at Fox News were also unhappy with it" and that Fisher "needed to do a better job...—this is a quote—'respecting our audiences.'" *Id.* Fisher texted that she had been "punished for doing my job." *Id.*

19. Plaintiff Jason Donner had a similar experience to Fisher. Donner attended the November 19, 2020 Giuliani press conference at the RNC. Donner tweeted:



The tweet was retweeted by many high-profile D.C. journalists, such as Manu Raju, John Dickerson, Maggie Haberman, and Kristin Fisher. Later that day, Donner's direct boss, Anita Siegfriedt, called Donner. Siegfriedt reprimanded Donner for the tweet, stating that Donner was not permitted

to tweet his “opinions.” Donner pushed back that this was not an opinion, but facts based on what Giuliani stated at the press conference and what he stated in a court case. Siegfriedt stated that she would “let it go” but that Donner needed to be careful moving forward. This was unlike Siegfriedt as she always praised Donner’s work and never took issue with Donner’s reporting prior to this. It was clear to Donner that the reprimand from Siegfriedt came from upper management. From this point on, Donner had a target on his back with upper management.

20. This toxic environment for Fox News’ reporters attempting to report truthfully reached its peak after the insurrection on the U.S. Capitol on January 6, 2021, as Fox News’ desire to placate their viewers overwhelmed the need to report truthfully on the facts. For example, on January 5, 2021, Rupert Murdoch wrote to Fox News CEO, “It’s been suggested our prime time three should independently or together say something like ‘the election is over and Joe Biden won,’ and that such a statement “would go a long way to stop the Trump myth that the election stolen.” No such statement was made. Instead, on the night of January 5, 2021, Fox News had Eric Trump on the air who expressed his debunked election fraud claims. Similarly, one Fox News commentator stated on the evening of January 5, 2021 with respect to the Congressional certification of the elections results to occur on the following day, “The Republic, its future, our futures, are hanging in the balance.”

21. On January 6, 2021, Donner was inside the U.S. Capitol in the Fox News booth above the Senate Radio-TV Gallery Studio to report on the certification of the election results by the joint session of Congress. Once the insurrectionists breached the Capitol, Donner and other reporters took refuge in the news booths. While the U.S. Capitol was starting to be attacked, Fox News reported that the insurrectionists were “peaceful.” Later that day, Martha MacCallum of Fox

News stated during a live Fox News feed about these people, “When you hear their voices, you can understand why they were severely disappointed.” This statement was made near the same time shots were fired outside the House Floor, tear gas deployed in the Ohio Clock Corridor, and rioters were present in the Senate Chamber.

22. When Donner heard Fox News’ false reporting of the insurrection at the Capitol, he called the Fox News’ control room and stated, “I’m your Capitol Hill Producer inside the Capitol where tear gas is going off on the second floor in the Ohio Clock corridor, rioters are storming the building, reports of shots fired outside the House Chamber. I don’t want to hear any of this fucking shit on our air ever again because you’re gonna get us all killed.”

23. After January 6, 2021, Vice President of Editorial for the D.C. Bureau, Doug Rohrbeck, began routinely participating in the daily morning Capitol Hill beat call that set the agenda for the daily reporting. Similarly, D.C. Bureau Chief, Boughton, also began participating more frequently in the daily morning calls. This was done so that Rohrbeck and Boughton could control what was reported by the news division every day.

24. In the Spring of 2021, Donner spoke to Siegfriedt and complained about Fox News’ lack of support during the aftermath of the January 6th insurrection. Siegfriedt stated that she told D.C. Bureau Chief Bryan Boughton that Donner “called it demoralizing and struggled to come to work everyday when the network allows those falsehoods to be put on the air everyday.”

25. In a similar vein, in June 2021, Rohrbeck wanted to run a story on Senator Ron Johnson’s press conference where he raised skepticism as to whether the COVID-19 vaccine worked. Donner stated that it was dangerous to cover the story without interviewing a doctor for the opposing point of view. Donner recommended that a Fox News doctor cover the story rather

than the news division. Forced to cover the press conference, Donner reported accurately on the issue and thereby debunked/fact-checked each of Senator Johnson's claims in his required story pitch. He was praised by fellow Fox staffers for presenting the facts but raised the ire of management.

26. Around this same time, Rohrbeck circulated far-right wing opinion articles to shape the stories reported on by the news division. Donner pushed back stating that the news division should not be reporting on opinion pieces containing unverified information. In addition, Rohrbeck repeatedly circulated editorials from the Wall Street Journal and directed the D.C. news division to report on the editorials. Donner replied that an editorial is not news, and the news division was required to fact check the assertions contained in the editorials.

27. In late October of 2021, Donner complained to D.C. Bureau Chief Bryan Boughton about Tucker Carlson's false statements regarding January 6th. Donner stated that the Fox Nation program, Patriot Purge, consisted of nothing but conspiracy theories proven to be false. Donner told Boughton that it was demoralizing that Fox News would allow Carlson to gaslight the country with false information, especially in light of the fact that Fox News reporters were present in the Capitol on January 6th, witnessed what happened at the Capitol, and were endangered by the insurrectionists. Boughton replied along the lines that people were upset, but there was "nothing they could do because Tucker had gotten bigger than the network and was out of control. The executives could not stop him." During this meeting with Boughton, Donner also stated that he called the control room during the insurrection and told Boughton everything he told the control room on January 6th.

28. On or about October 29, 2021, just prior to the release of Patriot Purge, Donner worked with Jennifer Griffin on a story debunking the false claims in Patriot Purge. Patriot Purge was released despite the fact that Fox News knew it contained false information.

29. In or about November 2021, Tucker Carlson began airing his three-part documentary called the Patriot Purge, that aired on Fox News' Fox Nation. In addition, Carlson promoted the Patriot Purge on his prime-time show on Fox News. In the Patriot Purge, Carlson suggested that January 6th was not orchestrated by President Trump supporters, but instead Trump opponents, which he indicated were Antifa and the FBI. The documentary suggested January 6th was a "false flag" operation to discredit Trump supporters.

30. In Spring of 2022, Fox News began to discriminate and retaliate against Donner. Specifically, Donner's new supervisor, NuNu Japaridze accused Donner of creating a "toxic environment." Dumbfounded by the accusation, Donner pressed Japaridze for details and to substantiate the accusation. She could not. Instead, she offered conclusory criticisms, such as Donner needing "more self-awareness when talking during zoom meetings" and counseling him on the "importance of sending out editorial guidance." Donner had never received any of these types of criticism from his prior supervisor in the previous five years despite the fact that his work ethic and performance remain unchanged. It became evident to Donner he was now being targeted for speaking out against the false reporting on the election and the January 6th insurrection, and for his political affiliation. Fox News' management was pushing a far right-wing agenda in the news division, and Donner would not comply with their demands to inaccurately report on the election and former President Trump. Shortly thereafter, Donner went out on medical leave.

31. On May 24, 2022, Donner complained to Fox News' HR department and to his direct supervisor NuNu Japaridze in writing. In addition to complaining about Rohrbeck's criticism of Donner for reporting on topics "the network does not care about", such as Supreme Court Justice Ketanji Brown Jackson's confirmation process, Donner also complained about Fox News' false reporting on January 6th. Specifically, Donner wrote the following to HR and Japaridze:

Tucker Carlson/January 6th Aftermath

Fox has not supported its journalists since the January 6, 2021 attack on the Capitol. By allowing highly paid hosts and contributors to make factually false statements about that day is not only demoralizing but creates a hostile work environment. I barely watch our programming or read our website anymore because it's hard to stomach these untruths being aired and written.

I raised my concerns last year multiple times:

- In the spring separate times to Cherie Grzech and Anita Siegfriedt, who were sympathetic and said they would raise them to upper management.
- Then to Bryan Boughton and HR in the Fall when Tucker Carlson's Patriot Purge aired that showed sympathy to rioters who broke the law and stormed the Capitol and said the rioters were the real victims.
 - o They broke the law by entering the Capitol and threatened myself and my co-workers.
 - o My colleague was in the House Chamber when shots were fired by Capitol Police to protect House members evacuating.
 - o Rioters broke into the building destroying windows and attacked police officers, including one floor below where I was located. They absolutely would have attacked members if they were not evacuated in time.
 - o My colleagues and I continued reporting in the Senate Booth with the lights off as I plotted escape paths and potentially using a monopod as a weapon to protect ourselves.
 - o Two Capitol Police officers I knew died as a result of January 6th, including one who committed suicide because he was so distraught about what happened.

Our lives were endangered that day. My colleagues and I put our lives at risk covering the story and yet my employer continually allows these lawbreakers to continually be portrayed as victims. It's difficult to feel supported when this is allowed to happen.

32. In August 2022, Donner met with HR for more than two hours over Zoom. During this meeting, he complained about the false reporting by Tucker Carlson and the toxic environment it breeds at Fox News, as well as the lack of support from the network for reporters. This was the second occasion that Donner had complained to HR about Tucker Carlson's inaccurate reporting,

the first being a year earlier when Carlson attacked U.S. Capitol Police Officer Harry Dunn. During this meeting, Donner further explained the incident when he called the control room on January 6th to complain.

33. On September 26, 2022, Donner called in sick because he was recovering from the COVID vaccine that he had recently received. Donner had received the COVID vaccine the previous week, but fell ill from it. Despite being ill, he continued to work because he did not want to leave his coworkers short-handed. Nonetheless, by September 26, 2022, he was too ill to continue to work and so he called in sick. His body gave out on him because he had kept working while ill.

34. On September 27, 2022, Donner's supervisor, Japaridze, called him. Japaridze began raising her voice and eventually yelling. Japaridze accused Donner of being irresponsible and challenged Donner's work ethic, despite the fact that Donner worked past 9pm three nights in the preceding week while ill from the COVID vaccine. Essentially, Japaridze faulted Donner for calling in sick the day before when he was recovering from the COVID vaccine. The call ended with Japaridze hanging up on Donner.

35. On September 28, 2022, while Donner was working on the Senate side of the Capitol, D.C. Bureau Chief, Boughton, asked Donner to come into the bureau. HR was present with Boughton when Donner showed up. Boughton told Donner that he was fired because he was late for work and did not show up for work (presumably referring to September 26, 2022 when Donner called in sick). Donner asked for examples, and Boughton said, "we don't need any."

36. This was a pretextual firing based on Donner's political views and affiliation, his refusal to report false information regarding the 2020 election and January 6th, and for his engaging

in protected activity. Ultimately, Fox News wanted to purge the news division of any staff that would not get in line with the directive to only report information that appease the Trump supporters and former President Trump.

COUNT I
DISCRIMINATION IN VIOLATION
OF THE D.C. HUMAN RIGHTS ACT

37. Plaintiff realleges and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint as if fully set forth herein.

38. Although traditionally a Republican, Donner affiliated with the Democratic party in the 2017 and 2020 elections. While Donner never allowed his political affiliation to interfere with his reporting, he was nonetheless discriminated against by Fox News based on his political affiliation and views.

39. Defendant discriminated against Plaintiff on the basis of his political affiliation in violation of the DCHRA by, *inter alia*, subjecting him to a hostile work environment because of his political affiliation; subjecting him to different terms and conditions of his employment because of his political affiliation; subjecting him to workplace environment where any person who did not support President Trump, disagreed with the election fraud conspiracy or January 6th conspiracies were ostracized and forced to silently endure the false reporting on these events in order to maintain his or her position; failing to take complaints of discrimination seriously; and firing him based on his political affiliation.

40. As a direct and proximate result of Defendant's unlawful discriminatory conduct in violation of the DCHRA, Plaintiff has suffered economic and non-economic damages set forth herein and has incurred attorneys' fees and costs. Plaintiff is now suffering and will continue to

suffer irreparable injury and monetary damages as a result of Defendant's discriminatory acts unless, and until, the Court grants the relief requested herein.

41. Defendant's violations of the DCHRA were willful and warrant the imposition of punitive damages.

42. WHEREFORE, Plaintiff prays for relief and demands entry of judgment in his favor and against Defendant as follows:

(a) Permanently enjoining Fox News from discriminating or retaliating against Plaintiff, or other current or former employees of Fox News;

(b) Awarding damages to compensate Plaintiff for any and all economic losses suffered by Plaintiff, including lost future wages and lost future earning capacity;

(c) Awarding compensatory damages to compensate for the mental anguish, humiliation, damage to reputation, loss of life's pleasures, lost earnings, and emotional distress that Plaintiff suffered as a result of Fox News' actions;

(d) Awarding punitive damages in an amount sufficient to punish Defendant for its willful, deliberate, malicious and outrageous conduct and to deter Fox News, its employers from engaging in such misconduct in the future;

(e) Awarding the costs, expenses, pre and post judgment interest, and attorneys' fees; and,

(f) Such further equitable and legal relief as the Court deems appropriate under the circumstances.

**COUNT II
RETALIATION UNDER THE D.C. HUMAN RIGHTS ACT**

43. Plaintiff realleges and incorporates by reference the allegations contained in the

preceding paragraphs of this Complaint as if fully set forth herein.

44. The D.C. Human Rights Act prohibits an employer from retaliating against an employee “for opposing an employment practice that is prohibited by the Act” or because an individual “made a charge, testified, assisted, or participated in any manner in an investigation.”

45. Plaintiff engaged in protected activity by complaining of Fox News’ false reporting on the 2020 election and January 6th, its advocacy for President Trump, and its advocacy of far-right wing, radical conservative views. Plaintiff engaged in this protected activity: (1) on November 19, 2020 when he tweeted about Giuliani’s inconsistent statements made during a press conference regarding election fraud; (2) on January 6, 2021 during the insurrection on the Capitol; (3) in the Spring of 2021 when he complained to Anita Siegfriedt regarding the false claims being reported on Fox News regarding the election and January 6th; (4) in later October 2021 when he complained to the D.C. Bureau Chief Boughton about the false reporting on election fraud and January 6th conspiracies; (5) on May 24, 2022 when Donner complained in writing to Fox News’ HR department and to his direct supervisor NuNu Japaridze about the false reporting on January 6th; and (6) on August 2022 when Donner met with HR to complain about the false reporting by Tucker Carlson and the toxic environment it created for reporters that did not share those political views or affiliation. When Donner complained, he had a good-faith reasonable belief that Fox News was violating the D.C. Human Rights Act by discriminating against its employees based on their political affiliation and views.

46. As a direct and proximate result of Plaintiff’s opposition to the discriminatory practices of Fox News and its pushing a far-right wing, ultra conservative, pro-Trump agenda, Defendant subjected Plaintiff to antagonism, harassment, terminated him, and denied him the

benefits and responsibility that his position had previously garnered.

47. WHEREFORE, Plaintiff prays for relief and demands entry of judgment in his favor and against Defendant as follows:

(a) Permanently enjoining Fox News from discriminating or retaliating against Plaintiff, or other current or former employees of Fox News;

(b) Awarding damages to compensate Plaintiff for any and all economic losses suffered by Plaintiff, including lost future wages and lost future earning capacity;

(c) Awarding compensatory damages to compensate for the mental anguish, humiliation, damage to reputation, loss of life's pleasures, lost earnings, and emotional distress that Plaintiff suffered as a result of Fox News' actions;

(d) Awarding punitive damages in an amount sufficient to punish Defendant for its willful, deliberate, malicious and outrageous conduct and to deter Fox News, its employers from engaging in such misconduct in the future;

(e) Awarding the costs, expenses, pre and post judgment interest, and attorneys' fees; and,

(f) Such further equitable and legal relief as the Court deems appropriate under the circumstances.

**COUNT III
AIDING AND ABETTING A VIOLATION
OF THE D.C. HUMAN RIGHTS ACT**

48. Plaintiff realleges and incorporates by reference the allegations contained in the preceding paragraphs of this Amended Complaint as if fully set forth herein.

49. The DCHRA makes it "an unlawful discriminatory practice for any person to aid,

abet, invite, compel, or coerce the doing of any of the acts forbidden under” the DCHRA. D.C. Code §2-1402.62

50. Fox News knew or should have known about Boughton’s, Rohrbeck’s, and Japaridze’s discriminatory and retaliation conduct in violation of the DCHRA and failed to stop it.

51. Fox News, Boughton, Rohrbeck, and Japaridze unlawfully aided and abetted the discriminatory and retaliatory conduct of one another.

52. As a direct and proximate result of Defendant’s aiding and abetting the unlawful discriminatory conduct in violation of the DCHRA, Plaintiff has suffered economic and non-economic damages set forth herein and has incurred attorneys’ fees and costs. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendant’s discriminatory acts unless, and until, the Court grants the relief requested herein.

53. Defendant’s violations of the D.C. Human Rights Act were willful and warrant the imposition of punitive damages.

54. Plaintiff seeks affirmative relief which may include, but is not limited to, requiring Defendant to post the avenues to address complaints of workplace harassment, discrimination, and retaliation; requiring Defendant’s employees to undergo discrimination, harassment and retaliation training; and any other equitable relief as the Court deems appropriate, compensatory damages, attorneys’ fees, costs and disbursements of this action.

55. WHEREFORE, Plaintiff prays for relief in the form of a judgment against Defendant by awarding (1) compensatory damages; (2) punitive damages; (3) equitable relief, including back pay and front pay; (4) costs and attorney’s fees; (5) punitive damages; and (6) any

other relief the Court deems proper.

**COUNT IV
WRONGFUL TERMINATION**

56. Plaintiff realleges and incorporates by reference the allegations contained in the preceding paragraphs as if fully set forth herein.

57. Plaintiff was terminated in violation of the public policy exception to at-will employment when Fox News retaliated against him for complaining about Fox News' false reporting on the 2020 election, Fox News' false reporting on the January 6th insurrection, Tucker Carlson's false reporting on the January 6th insurrection, that Fox News would allow Carlson to gaslight the country with false information, and for pushing a far-right wing agenda that was unsupported by verified information to appeal to their viewers. These complaints were a matter of public concern because they involved conduct that directly endangered the public and members of Congress on January 6th, undermined the U.S. electoral system based on false claims of election fraud, and supported insurrectionists that imperiled the U.S. government and democracy.

58. Fox News violated the public policy exception to the at-will employment doctrine by terminating Plaintiff in retaliation for reporting a matter of public concern.

59. As a result of Defendant's wrongful termination and retaliation, Plaintiff suffered severe damages.

60. WHEREFORE, Plaintiff prays for relief in the form of a judgment against Defendants by awarding Plaintiff compensatory damages; punitive damages; equitable relief; reasonable attorney's fees and expenses; court costs; and any other relief the Court deems proper.

**COUNT V
VIOLATION OF THE
D.C. SICK AND SAFE LEAVE ACT (D.C. CODE § 32-531.01, et seq)**

61. Plaintiff realleges and incorporates by reference the allegations contained in the preceding paragraphs as if fully set forth herein.

62. In an effort to create pretext for firing Donner, Fox News claimed it fired Donner for not coming into work on September 26, 2022. But even its pretextual excuse for firing Donner was an unlawful one.

63. Under D.C. Code § 32-531.08(a), a “person shall not interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided by” the D.C. Sick and Safe Leave Act, which includes using paid sick leave. In addition, under D.C. Code § 32-531.08(b)(4), “an employer shall not discharge or discriminate in any manner against an employee because the employee:...(4) uses paid leave provided under this subchapter.”

64. Fox News violated D.C. Code § 32-531.08(b)(4) by terminating Donner for using paid sick leave on September 26, 2022 as he recovered from his COVID-19 vaccine.

65. The remedies available for violations of the Sick and Safe Leave Act are set forth in D.C. Code § 32–531.12 and D.C. Code § 32-1308 and include, compensatory damages, punitive damages, reasonable attorney fees and costs, back wages, liquidated damages equal to treble the amount of unpaid wages; statutory penalties, and equitable relief such as reinstatement.

66. WHEREFORE, Plaintiff prays for relief in the form of a judgment against Defendants by awarding Plaintiff compensatory damages; punitive damages; equitable relief; reasonable attorney’s fees and expenses; court costs; and any other relief the Court deems proper.

PRAYER FOR RELIEF

67. WHEREFORE, Plaintiff prays for relief in the form of a judgment against all Defendant for compensatory damages; punitive damages; equitable relief; pre- and post-judgment interest; costs; attorney's fees; and any other relief the Court deems proper and just.

JURY AND TRIAL DEMAND

Plaintiff hereby demands a trial by jury with respect to each claim in this Complaint.

Respectfully submitted,

/s/ Brendan J. Klapproth

Brendan J. Klapproth (D.C. Bar No. 999360)

Jesse C. Klapproth (D.C. Bar No. 90009387)

Klapproth Law PLLC

2300 Wisconsin Ave NW

Suite 100A

Washington, DC 20007

Tel: 202-618-2344

Email: bkapproth@klapprothlaw.com

Email: jklapproth@klapprothlaw.com

Attorneys for Plaintiff