

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

ABBY GROSSBERG,

Case No.: N23C-03-180 JRJ

Plaintiff,

-- against --

JURY TRIAL DEMANDED

FOX CORPORATION,
FOX NEWS NETWORK, LLC, STEPHEN POTENZA,
LESLEY WEST, PAUL SALVATY,
SEAN SUBER, and
SUZANNE SCOTT,

Defendants.

SECOND AMENDED COMPLAINT

PRELIMINARY STATEMENT

1. This case involves a dynamic, wide-ranging, and ultimately ratings-driven civil conspiracy that arises from the well-documented toxic brew of misogyny, gaslighting, defamation, and scapegoating that floods the airwaves and workplace of Fox News. Plaintiff Abby Grossberg herein alleges that in order to maximize ratings, Fox News intentionally allowed *Sunday Morning Futures with Maria Bartiromo* (“SMFMB”) to be under-resourced while also acting as the tip-of-the spear in delivering the *Big Lie* (a/k/a to Fox News viewers as the *Big Steal*)

through a series of explosive interviews with Rudolph Giuliani and Sidney Powell. In so doing, Fox News reaped the ratings benefits of the *Big Lie* while also inculcating itself from civil liability through the use of female scapegoats such as Ms. Grossberg. Specifically, the Second Amended Complaint connects the linear dots from Ms. Grossberg hitting a sexist glass ceiling at SMFMB in 2019 through 2021, while simultaneously trying to navigate the treacherous waters of the *Big Lie* *visa-vis* the Dominion Lawsuit (defined below), to her being groomed for an ephemeral promotion at *Tucker Carlson Tonight* (“TCT”) by Fox News executives in 2022, to her being coerced into giving incomplete and shaded testimony in that action, to her having critical documentary evidence she provided to Fox News – evidence that clearly inculcates Fox News as having acted with actual malice against Dominion while exculpating Ms. Grossberg from the wrongful false light she has been cast in by Fox News as an incompetent journalist – upon information and belief, being wrongfully withheld from discovery in that action, to her ultimately being unlawfully terminated from her employment by Fox News on March 24, 2023, under the pretext of insubordination for having blown the whistle on this the pernicious civil conspiracy perpetrated by Fox News to publicly humiliate Ms. Grossberg and destroy her career.

2. Specifically, this civil action seeks compensatory and punitive damages for a conspiracy to defame and put into false light Plaintiff Abby Grossberg (“Ms.

Grossberg”), and to fraudulently induce Ms. Grossberg to make statements against her interest through the publication of an unauthorized transcript that intentionally casts Ms. Grossberg in a false and misleading light based on certain coerced testimony during her third-party deposition. This action also seeks vindication for the (upon information and belief) willful disregard of documentary evidence offered by Ms. Grossberg with respect to the issue of malice in a defamation lawsuit seeking \$1.6 billion filed against Defendants Fox Corporation and Fox News Network, LLC (the “Network,” and collectively with Fox Corporation, “Fox News,” the “Company,” or “Entity Defendants”), which is currently pending in this Court – *i.e.*, *U.S. Dominion, Inc. v. Fox News Network, LLC*, Docket No. CV N21C-03-257 EMD (Del. Super., 2021) and *U.S. Dominion, Inc. v. Fox Corporation*, Docket No. C.A. No. N21C-11-082 EMD (Del. Super., 2021) (collectively the “Dominion Lawsuit”).

3. Ms. Grossberg brings this action against the Entity Defendants as well as Defendants Stephen Potenza, Paul Salvaty, Sean Suber, Leslie West, (collectively “Fox News Attorneys”), and Suzanne Scott (referred altogether with the Fox News Attorneys as the “Individual Defendants”), to allege upon knowledge concerning her own experience, and upon information and belief as to all other matters, the following:

4. Ms. Grossberg was purportedly represented by outside counsel for Fox News, Winston & Strawn LLP (“W&S”), which, in turn, was overseen by Fox News in-house counsel, with respect to her deposition testimony in the Dominion Lawsuit.

5. Upon information and belief, the Fox News Attorneys acted as agents and at the behest of Fox News and Fox News Network, LLC’s Chief Executive Officer Suzanne Scott, to misleadingly coach, manipulate, and coerce Ms. Grossberg to deliver shaded and/or incomplete answers during her sworn deposition testimony, which answers were clearly to her reputational detriment but greatly benefitted Fox News.

6. Through concerted efforts and actions such as meetings, conferences, written or verbal statements, telephone calls, and various forms of electronic communication, Defendants – directly and through their agents or principals – did, in fact, combine or conspire to cause Plaintiff to testify in a sworn deposition in a manner that they knew portrayed her and her female colleague, Maria Bartiromo, in a false light in order to inculcate Ms. Grossberg and Ms. Bartiromo while exculpating (at Ms. Grossberg and Ms. Bartiromo’s expense) certain blame-worthy male colleagues such as David Clark, then-Senior Vice President, Weekend News and Jay Wallace, President of Fox News Network, LLC. This blame-shifting would, in turn, transfer culpability for publishing the alleged defamatory statements about Dominion away from Fox News given that these men were (or had a direct line of

communication with) the higher ups at the Network who had to endorse the false coverage of Dominion in order for the false information to make it on air for the purposes of increasing and retaining viewership and ratings. Moreover, as regards to Ms. Grossberg specifically, upon information and belief, Defendants conspired to turn a blind eye to documentary evidence proffered by Ms. Grossberg to Defendants on multiple occasions that specifically established actual malice by Fox News towards Dominion in its publication of alleged defamatory statements, as well as demonstrated Ms. Grossberg's increasingly gnawing concern that the overall story being pushed by Fox News about the Dominion voting machines had no basis in fact. Defendants combined to undertake this intentionally unlawful course of conduct knowing full well that it would be irreparably damaging to Plaintiff's reputation, especially given the self-publishing nature of her problematic testimony in the context of the notorious Dominion Lawsuit and the likelihood that it would be republished by other news outlets and websites.

7. Specifically, Ms. Grossberg's impression based on the Fox News Attorneys' conduct during her deposition prep sessions was that she had to downplay how overworked and understaffed she was, as well as diminish her actual position at Fox News, which at all relevant times to the Dominion Lawsuit was *de facto* Senior Producer of *Sunday Morning Futures with Maria Bartiromo* ("SMFMB"), starring Ms. Bartiromo.

8. In so doing, Defendants sought to obfuscate the truth that Plaintiff reported directly to Mr. Clark at all relevant times and that it was Mr. Clark who had the final say about which guests – such as Rudy Giuliani or Sidney Powell – appeared on the SMFMB broadcast.

9. Moreover, the Fox News Attorneys, upon information and belief, at the behest of or in complicity with Fox News and Ms. Scott often coached Ms. Grossberg in a coercive and intimidating manner such that Ms. Grossberg had the impression based on their conduct that she had to avoid mentioning key male executives (again to shift liability away from the Network on a corporate level), and not to elaborate on the myriad of complaints she raised about male executives with oversight on SMFMB, like Mr. Clark, or else she would be seriously jeopardizing her career at Fox News and would be subjected to worsened terms and conditions of employment.

10. Upon information and belief, the Fox News Attorneys, at the behest of, or in complicity with, Fox News and Ms. Scott manipulated Ms. Grossberg's deposition testimony to create the false narrative that "nothing falls through the cracks" at Fox News. In doing so, Ms. Grossberg's own deposition testimony – as manufactured by the Fox News Attorneys – paints a false picture of her as an inept journalist, who ignored relevant warnings from Dominion and disregarded the truth,

and thus ultimately bared responsibility for the publication of the alleged defamatory information about Dominion.

11. Upon information and belief, Fox News's and the Individual Defendants' malicious scheme was designed to draw Ms. Grossberg and her female colleague, Ms. Bartiromo, who together comprised the all-female permanent staff of two at SMFMB, to the forefront of the Dominion Lawsuit so as to shift focus/culpability away from key male executives and certain inculpatory events regarding them.

12. Despite being assured by the Fox News Attorneys involved in her deposition preparation that they were looking out for her best interests as a witness, Ms. Grossberg was denied the zealous representation that she is entitled to under the law. They also told her that she did not need to get an attorney for herself.

13. Ms. Grossberg's deposition testimony, as manufactured by Fox News and the Individual Defendants, put Ms. Grossberg and Ms. Bartiromo squarely on the frontline of the Dominion Lawsuit so they could be scapegoated as sacrificial female lambs.

14. Upon information and belief, this is a fate that was never contemplated for any of the male Fox News witnesses prepared by the Fox News Attorneys.

15. Moreover, Ms. Grossberg was not only intimidated and threatened by the Fox News Attorneys during her deposition prep, but she was inexplicably denied

access to the transcript of her deposition for many months after she gave her testimony and the transcript became available, so that she could review and/or correct (if necessary) her deposition testimony until it was too late to avoid its publication.

16. The Fox News Attorneys then, incredibly, continued to stonewall and shutout Ms. Grossberg after she repeatedly requested a copy of her deposition transcript, as she is entitled to by law under Rule 30I of the Rules of Civil Procedure for the Superior Court, and after she expressed grave concerns that her “rights and obligations were not adequately explained” to her and that her testimony might not be “completely accurate.”

17. In stark contrast, many of Ms. Grossberg’s male counterparts – third-party witnesses and Fox News employees – were handled with “kid gloves,” including by being given their depositions transcripts to review and/or correct months before Ms. Grossberg and well before transcripts from depositions in the Dominion Lawsuit were published. The legal ramifications of this gender-based disparate treatment are being addressed in a separate federal lawsuit against Fox News and others, which has been contemporaneously filed by Ms. Grossberg in the Southern District of New York – *i.e.*, the situs of the unlawful gender-based discrimination, harassment, and retaliation.

18. The legal ramifications of this gender-based disparate treatment are being addressed in a separate federal lawsuit against Fox News and others, which has been contemporaneously filed by Ms. Grossberg in the Southern District of New York – *i.e.*, the situs of the unlawful gender-based discrimination, harassment, and retaliation.

19. The instant action, however, addresses, *inter alia*, the false and previously unratified testimony of Ms. Grossberg, which was unauthorized as filed in this Court and subsequently republished by various news outlets, as well as the egregious burying evidence that is clearly inculpatory with respect to Fox News’s malicious and defamatory conduct.

20. With this tortious conduct, Defendants have engaged in a civil conspiracy to gravely harm and diminish Plaintiff’s journalistic career and reputation by operation of self-defamation cognizable under Delaware state law for its pecuniary benefit, *i.e.*, to avoid liability in the *Dominion* action.

THE PARTIES

21. Plaintiff Abby Grossberg is a resident of New York County, New York, who was, during all times relevant to the Dominion Lawsuit, employed by Defendant Fox News Network LLC. In retaliation for filing this action, Fox News terminated Ms. Grossberg’s employment on March 24, 2023.

22. Defendant Fox Corporation is a corporation formed under Delaware law and headquartered in New York. It is a public corporation listed on the Nasdaq stock exchange and the parent company of Defendant Fox News Network LLC, which comprises most of its profits; indeed, according to the New York Times, Fox News Network LLC generated \$899 million in pretax income in 2020, accounting for 95 percent of Fox Corporation's total pretax profit.¹

23. Defendant Fox News Network LLC is, upon information and belief, one of the most powerful and far-reaching cable news organizations in the world. Fox News Network LLC is a limited liability company formed and organized under the laws of Delaware with its principal place of business in New York. It is wholly owned by Fox Corporation, a Delaware corporation also headquartered in New York. Fox News Network LLC operates, among other things, the Fox News Channel, a 24-hour cable news station reaching about 90 million U.S. homes. It averages over three million viewers during its primetime evening news program and nearly two million daytime viewers.

24. Defendant Suzanne Scott is the CEO of Fox News Network LLC, and as such, is an agent of the company. Upon information and belief, Defendant Scott is a resident of the State of New York. Moreover, upon information and belief, all

¹ N.Y. TIMES, *Fox News Profits Grow Even As Viewership Declines*, October 21, 2021, available at <https://www.nytimes.com/live/2021/05/05/business/stock-market-today> (last accessed on March 20, 2023).

important decisions and all internal significant personnel-related investigations at Fox News are vetted by her, and no decisions, including whether to protect senior Fox News talent, litigation strategy, and whether to retaliate against victims or opponents of sexual harassment or encourage, condone, and or abet sexual misconduct or harassment by senior Fox News executives, can be made without her approval.

25. While not currently named as defendants herein, David Clark, former Senior Vice President and Head of Programming, Weekend News,, and Jerry Andrews, current Senior Executive Producer of Weekend News at Fox, as well as Lauren Petterson, President of Fox Business & Talent, Lachlan Murdoch, co-Chairman of Fox Corporation, and Viet Dinh, Chief Legal and Policy Officer at Fox Corporation, may become named defendants based upon discovery yet to be adduced in this action concerning their involvement with respect to Plaintiff's claims and the civil conspiracies at issue.

26. Defendant Stephen Potenza, Esq. is the Deputy General Counsel of Fox News, and as such, is an agent of the company. Upon information and belief, Defendant Potenza is a resident of the State of New York.

27. Defendant Lesley West, Esq. is a Senior Vice President, Legal & Business Affairs at Fox News, and as such, is an agent of the company. Upon information and belief, Defendant West is a resident of the State of New York.

28. Defendant Paul Salvaty, Esq. is a Partner at Winston & Strawn LLP based in W&S's Los Angeles, California office. Upon information and belief, Defendant Salvaty is a resident of the State of California.

29. Defendant Sean Suber, Esq. is a Partner at Winston & Strawn LLP based in W&S's Chicago, Illinois office. Upon information and belief, Defendant Suber is a resident of the State of Illinois.

JURISDICTION

30. Defendants are subject to the jurisdiction of this Court pursuant to 10 Del. C. § 541.

31. Defendants have intentionally sought and obtained benefits from their tortious and purposeful acts in the State of Delaware.

32. In Delaware, Ms. Grossberg suffered substantial and permanent damage to her personal, professional, and business reputation and character in the general public at large, as well as the nationwide journalism community of which she was a member in good professional standing, and she suffered attendant severe emotional distress, embarrassment, humiliation, and mental suffering, including special injuries of future lost wages in the millions of dollars, and other benefits.

33. A substantial part of the events giving rise to this claim occurred in Delaware, including publication and injury.

FACTS COMMON TO ALL COUNTS

A. Fox Recruits Ms. Grossberg to Join the Network Where She Builds on Her Professional Success to Produce the #1 Sunday Cable News Show

34. Ms. Grossberg joined Fox News in 2019 with over 16 years of experience in broadcast journalism. After graduating in 2003, with a Bachelor of Arts in Writing from Johns Hopkins University, Ms. Grossberg began her journalism career at CBS News, with subsequent roles of increasing responsibility at prominent networks including CNN, NBC Universal, and most recently, ABC News, where she worked as a producer on *World News Tonight with David Muir* for three years. In this role, Ms. Grossberg pitched original story ideas, wrote scripts, and oversaw the production and editing of news packages from inception to air, often on a very tight deadline.

35. While at ABC News, Ms. Grossberg worked with a wide range of anchors, correspondents, and senior staffers on day-of-air pieces regarding the latest breaking news. Additionally, Ms. Grossberg booked guests, created graphics, and fact checked editorial content. She also coordinated with bureau chiefs and desk editors to launch pieces, and mentored junior staff members regarding the research, booking, and production of such pieces.

36. Thereafter, Ms. Grossberg was recruited by Fox News.

37. When she joined Fox News as a Senior Booking Producer for *Sunday Morning Futures with Maria Bartiromo* (“SMFMB”), in or about March 2019, Ms.

Grossberg assumed exclusive responsibility for creating and producing a weekly one-hour live program that was consistently rated the #1 Sunday cable news show.

38. As part of her duties, Ms. Grossberg determined editorial content and handled all guest bookings, in collaboration with the show's host, Ms. Bartiromo. In that vein, Ms. Grossberg booked, produced, and wrote scripts for all guest segments, and oversaw SMFMB's control room team regarding logistics, graphics, promotions, and general show elements. After only three months under Ms. Grossberg's leadership, SMFMB's ratings grew impressively by 40% – *i.e.*, from 1.5 million on October 7, 2019, to 2.2 million on January 5, 2020, becoming the number one weekend show on the Network.

B. Ms. Grossberg is Denied Support Staff – Unlike Her Male Counterparts – and Denied the Title of Senior Producer or Executive Producer, Despite Successfully Performing the Duties of those Roles.

39. Within just a month of her hire, Ms. Grossberg encountered systemic chauvinism at Fox News. Despite her herculean efforts to rise in the ranks through hard work and perseverance, Ms. Grossberg was overloaded, undervalued, denied opportunities for a promotion, paid less, and treated significantly worse than her male counterparts, even when those men were eminently less qualified than her and espoused sexist tropes in the workplace on a routine level.

40. As the only Fox News employee assigned to work exclusively on *Sunday Morning Futures with Maria Bartiromo*, Ms. Grossberg successfully

performed both the functions of her job title, as well as that of an Executive Producer, but was never formally given the Executive Producer title she deserved or an appropriate pay increase despite repeatedly requesting both from David Clark, Senior Vice President and Head of Programming, Weekend News, and Lauren Petterson, President of Fox Business & Talent. Instead, Ms. Grossberg was told that, even though “there was no denying [she was] talented,” Fox News needed a man to control Ms. Bartiromo, whom Mr. Clark and others deemed “crazy,” “menopausal,” “difficult,” a “diva” and “demanding.” Indeed, Mr. Clark told Matt Kaulbach, the former Senior Producer on SMFMB, *“the less [Ms. Bartiromo] knows the better.”*

41. Fox News executives consistently favored male anchors, as well as their shows and staffs, to the detriment of female anchors and their staff members like Ms. Bartiromo and Ms. Grossberg. For example, despite Ms. Grossberg and Ms. Bartiromo’s numerous requests to Mr. Clark and Ms. Petterson for additional support staff, these requests were never fulfilled. Ms. Bartiromo herself recognized, *“I am fighting for you and us, so we get the respect we deserve.”*

42. Additionally, shows with male anchors would often lift portions of interviews booked by Ms. Grossberg and conducted by Ms. Bartiromo without providing proper onscreen or verbal credit to SMFMB for breaking those key stories. Ms. Grossberg was frequently restrained by her direct boss, Mr. Clark, who controlled what guests appeared on SMFMB, restricting Ms. Bartiromo from

presenting certain guests, while allowing the same to appear on shows hosted by males like Bret Baier or Tucker Carlson. Moreover, Mr. Clark often belittled Ms. Grossberg and Ms. Bartiromo's efforts, for example, by dismissively calling Ms. Bartiromo's interviews with the President of the United States, "space filler."

43. Ms. Bartiromo considered Mr. Clark to be a "liar," and believed his priority was "to sabotage" her SMFMB show. As result, she cautioned Ms. Grossberg that, as two "strong women," they "cannot get bullied by him" and should "stick together like a steel wall."

44. Additionally, shows with male anchors would often plagiarize by lifting portions of interviews booked by Ms. Grossberg and conducted by Ms. Bartiromo without providing proper onscreen or verbal credit to SMFMB for breaking those key stories. Ms. Grossberg was frequently restrained by her direct boss, Mr. Clark, who controlled what guests appeared on SMFMB, restricting Ms. Bartiromo from presenting certain guests, while allowing the same to appear on shows hosted by males like Bret Baier or Tucker Carlson. Moreover, Mr. Clark often belittled Ms. Grossberg and Ms. Bartiromo's efforts, for example, by dismissively calling Ms. Bartiromo's interviews with the President of the United States, "space filler."

45. Ms. Bartiromo considered Mr. Clark to be a "liar," and believed his priority was "to sabotage" her SMFMB show. As result, she cautioned Ms.

Grossberg that, as two “strong women,” they “cannot get bullied by him” and should “stick together like a steel wall.”

46. Importantly, Mr. Clark retained ultimate authority over what guests appeared on SMFMB, and frequently communicated with the higher-ups regarding which guests the Company would allow on its airwaves. For example, on November 7, 2020, Ms. Grossberg asked if SMFMB should keep bringing Rudy Giuliani on as a guest, to which Mr. Clark replied, “yes.” Mr. Clark’s only concern, in spite of the salacious and unsupported allegations of voting fraud Mr. Giuliani was making in the aftermath of the 2020 election, was that Mr. Giuliani might criticize Fox News for what he alleged was the premature calling of the electoral votes of the state of Arizona as having been won by Joe Biden, not about any alleged fraud committed by entities like Dominion who were involved in the voting process. Then again, on December 6, 2020, Ms. Grossberg informed Mr. Clark that “Rudy [Giuliani] is pre-taping at 9am to air at 10:30am, which is plenty of time to turn.” Ms. Grossberg went on to tell Mr. Clark that the show will be using Trump in the cold open and that she “will remind her [Ms. Bartiromo] to raise when discussing GA [Georgia election] if it makes sense.” *Mr. Clark replied, “Great there will be no ‘fact checking’ today.”*

47. Upon information and belief, on December 2, 2020, Suzanne Scott, CEO, similarly emailed her executive team, including Meade Cooper, Executive Vice President of Primetime Programming (and Mr. Clark’s direct boss) that “fact

checking” was “bad for business,” needed to “stop now,” and she would address with Jay Wallace, President of Fox.

48. Similarly, on December 14, 2020, Mr. Clark exercised control over the guests featured on SMFMB when he informed Ms. Grossberg that due to legal reasons, mainly the defamation claims asserted by Smartmatic against Fox News, Mr. Giuliani, and Ms. Powell were banned from being permitted as guests on the Network.

49. In or about April 2022, Ms. Bartiromo similarly expressed to Ms. Grossberg her belief that Lauren Petterson, President of Fox Business & Talent, and others at the Network *wanted “to break [.] up”* the two women, because of their *“solid partnership.”* For example, on a call with Ms. Grossberg, Ms. Bartiromo revealed that Ms. Petterson had admitted to eavesdropping on her on a call, and even presented Ms. Bartiromo with resumes from less qualified candidates to replace Ms. Grossberg. Ms. Bartiromo told Ms. Petterson, “I don’t understand what you’re doing. The show is soaring. *This show has never been stronger. The ratings are every week, the tent pole of the network. ... Why would you want to mess with it?*”

50. In June 2022, Ms. Grossberg hit a breaking point. Despite all her hard work, being eminently qualified, and having successfully produced SMFMB for two years, Ms. Grossberg realized that she was never going to be made a Senior or

Executive Producer on Ms. Bartiromo's show since senior management at Fox News wanted a man in the position to "control" Ms. Bartiromo.

51. Ultimately, in August 2022, Ms. Grossberg could no longer tolerate the toxic atmosphere victimizing women on SMFMB and sought a fresh start by accepting a position with Tucker Carlson, the veritable face of Fox News on the *Tucker Carlson Tonight* ("TCT") show, thinking that the marginalizing and blatant discrimination surely could not get any worse.

52. To her dismay, Ms. Grossberg went from the proverbial frying pan into the fire. As Head of Booking on TCT, Ms. Grossberg continued to endure a work environment that subjugated women based on vile sexist stereotypes, typecasted religious minorities and belittled their traditions, and demonstrated little to no regard for mental health.

53. More interesting still, are the circumstances surrounding Ms. Grossberg's hiring at TCT, which upon reflection, suggest to Ms. Grossberg that Fox's plan all along was to keep her within their sights and their control. For example, on or about June 23, 2022, Katie Curcio, Fox's Senior Manager of Talent Relations, emailed Ms. Grossberg to schedule a phone interview for the Senior Producer / Head of Booking position at *Tucker Carlson Tonight*, and thereafter scheduled another interview for Ms. Grossberg with Justin Wells for June 30, 2022. However, a mere three hours before the interview was scheduled to begin, Ms.

Grossberg received an email that her “interview was cancelled” and “that the recruitment for this role is being put on hold.”

54. On or about July 6, 2020, Ms. Grossberg was then told that her interview with Mr. Wells was rescheduled for the following day, July 7, 2022. On July 11, 2020, Ms. Grossberg also met with Alexander McCaskill and Thomas Fox, both Senior Producers on TCT, in a glass conference room on the 21st floor of Fox’s 1211 Avenue of the Americas headquarters; after approximately 30 minutes, Ms. Grossberg noticed that Lauren Petterson, Ralph Giordano and Tom Holmes, a Senior Producer on *Mornings with Maria*, were outside the glass conference room watching her interview. Ms. Grossberg became visibly shaken, to which Mr. McCaskill asked, “Doesn’t Maria [Bartiromo] know that you’re interviewing at Tucker?” Ms. Grossberg replied in the negative. That evening, at approximately 7:00pm, a job posting for Executive Producer of *Sunday Morning Futures* was posted on Fox’s internal career site.

55. Upon information and belief, the nefarious manipulation of Ms. Grossberg’s transition from Ms. Bartiromo’s show to Mr. Carlson’s show by Fox News -- i.e., throwing her from the frying pan into the fire -- fits hand-in-glove with its overall conspiratorial objectives to scapegoat Ms. Grossberg with respect to the Dominion Lawsuit and, ultimately, to destroy her reputation and career.

56. Tellingly, Fox News hired two people to replace Ms. Grossberg on SMFMB, including Christopher Faulkner, a floating line producer about whom Ms. Bartiromo previously expressed significant displeasure and concern, based partly on certain incidents involving plagiarism, who was immediately given the Executive Producer title.

57. Audaciously, Fox News ultimately terminated Ms. Grossberg from TCT for “insubordination,” discussed in more detail *infra*, which it defined as the “public filing” of her allegations of wrongdoing against Defendants.

C. Fox News Conspires to Deflect Blame in the Dominion Lawsuit from its Own Executives by Burying Evidence and Scapegoating Ms. Grossberg.

58. Against this backdrop, Ms. Grossberg was questioned by the Fox News in connection with her purported role in the \$1.6 billion Dominion Lawsuit and was told that Fox News needed to review both her personal and company emails, messages, and cellphones as part of the discovery process in that suit.

59. On or about March 16, 2022, Fox News required Ms. Grossberg to turn over her personal and company cellphones to be “imaged” – a technical term for copied – so that Fox News could supposedly search the devices for information relevant to the Dominion Lawsuit. Fox News Attorneys, at the direction of Fox News and Ms. Scott, specifically requested access to both Ms. Grossberg’s company-issued and personal cellphones in order to collect data, but neither advised her to consult with her own attorney nor about her privacy rights.

60. Ms. Grossberg fully complied with Defendants' request to provide copies of and unfettered access to her company and personal cellphones, and the remote data collection of both devices took several hours.

61. Curiously, no one from Fox News requested access to Ms. Grossberg's personal email, or Google docs, both of which she had explained during a call on February 28, 2022, with Defendant Lesley West, Esq., Fox News's Senior Vice President for Legal & Business Affairs, that she frequently used for work.

62. On or about June 8, 2022, Ms. West requested access to Ms. Grossberg's company-issued and personal cellphones for a second time, indicating that she was particularly interested in the Signal Application on Ms. Grossberg's phones, and told Ms. Grossberg that she must bring her physical phones to Fox News's New York City headquarters at 1211 Avenue of the Americas. Once again, Ms. Grossberg fully complied, and Ms. West, along with another female attorney, personally searched through and took photos of whatever they needed from Ms. Grossberg's phones in front of Ms. Grossberg.

63. Approximately one month later, on July 7, 2022, Ms. West notified Ms. Grossberg that she would indeed be deposed in connection with the Dominion Lawsuit and that she would need to take three days off from work for "legal meetings." As discussed *infra*, Ms. Grossberg had two days of deposition

preparation, on August 10 – 11, 2022, and was originally scheduled to be deposed on August 13, 2022.

64. For reasons unknown to her, Ms. Grossberg’s deposition was cancelled by Fox News on August 11, 2022, at 9:20pm.

65. On August 14, 2022, the Fox News Attorneys asked Ms. Grossberg to meet with them again on August 16, 2022, at the offices of the law firm Winston & Strawn in Manhattan. Ms. Grossberg was told that she had to hand over her phones for a third time and re-install the Signal app onto both devices. At the time, Ms. Grossberg informed the Fox Attorneys that she only used the Signal app briefly and did not use most of the other apps that they asked about (Slack, WhatsApp, Instagram, Twitter, etc.), but that she did frequently use an app called Otter for work purposes.

66. Otter is a service provided by AISense, Inc. (doing business as “Otter.ai, Inc.”) that allows users to record conversations, typically using Otter’s smartphone application. Otter’s cloud-based software-as-a-service then transcribes those audio recordings into text. Both the audio recordings and the transcriptions are stored on Otter’s cloud-based servers. The audio recordings and transcripts are also available through the Otter website and recordings and transcripts can be downloaded to a user’s phone and to other devices.

67. The Otter service is popular with reporters and other members of the news media as it allows for more accurate and timely reporting by making audio recordings searchable and by providing transcripts of recordings. Upon information and belief, Otter was widely used by Fox News employees in November 2020 and at all relevant times to this action.

68. In addition to being used on Ms. Grossberg's phones, Ms. Grossberg's personal and company emails included copies of Otter transcripts and references to her use of the Otter app. Fox News had access to both Ms. Grossberg's personal and company emails as recently as August 2022.

69. Each time Fox News accessed Ms. Grossberg's cellphones, the Fox News Attorneys, and in turn, Fox News and Defendant Scott, gained access to Ms. Grossberg's Otter account and – through that account – to audio recordings of conversations of Ms. Bartiromo with Rudolph Giuliani, Sidney Powell, and other high-ranking members of the Trump presidential campaign.

70. Ms. Grossberg's Otter account contained multiple audio recordings of conversations between Ms. Bartiromo and guests, most notably her discussions with Sidney Powell and Rudolph Giuliani immediately preceding both their November 8, 2020, and November 15, 2020, pre-taped appearances on the SMFMB broadcasts. The conversations were heard and monitored by Ms. Grossberg, Mr. Clark, and other Fox News employees in the Network's control room.

71. During one of these recordings, on or about November 15, 2020, Mr. Giuliani admitted to Ms. Bartiromo that the Trump campaign could not prove some of the allegations that it was making regarding Dominion, and when asked by Ms. Bartiromo what evidence he had implicating Dominion, he replied, “that’s a little harder,” without giving any specific sources for the fraud accusations. When further pushed by Ms. Bartiromo regarding whether Nancy Pelosi had an interest in Dominion, Mr. Giuliani responded, “I’ve read that. I can’t prove that.”

72. In the same recording, Ms. Bartiromo also questioned Ms. Powell before she taped her SMFMB interview: “what's most important and most compelling that you would like to — that you can get out this morning? Tell me. We’re not rolling yet.” Ms. Powell responded that the “registered agent for Smartmatic is Admiral Peter Neffenger, who is on Biden's transition team.” Ms. Bartiromo responded by stating, “*beyond that, you want to go into the software? What's your most compelling evidence?*” Ms. Powell stated that the Trump campaign purportedly had “a witness who’s given a foreign declaration about how [the voting software] was created, why it was created, and watched it work.” Ms. Bartiromo did not press further.

73. Significantly, in another call transcribed through Otter in December 2022, between Ms. Bartiromo, Ms. Grossberg, and a high-ranking advisor to and spokesperson for President Trump and the Trump 2020 presidential campaign, Ms.

Grossberg, pressed Trump’s advisor on whether the Trump campaign team had in fact investigated any of the purportedly fraudulent voting machines in Georgia. *The Trump advisor tellingly responded that there were in fact no issues with those machines.* More broadly, however, the Trump advisor stated that the purpose of the call was to *highlight the importance of the impending January 6th date as the true “backstop” for determining the validity of the election,* as this was ultimately the date when the House and Senate would count the electoral votes. The Trump advisor voiced their concern to Ms. Bartiromo that there had been “virtually no pick up of the January 6th date” in the media.

74. Notably, many of the work conversations transcribed via Otter by Ms. Grossberg were sent to and/or discussed with other Fox News’ executives and employees, including through Fox News’s email server.

75. Because the Fox News Attorneys, and in turn, Fox News and Defendant Scott, had access to Ms. Grossberg’s cellphones and imaged copies of Ms. Grossberg’s cellphones, as well as her emails, Defendants had access to the audio recordings and transcripts of telling off-air and pre-tape interviews of Mr. Giuliani , Sidney Powell, and other high-ranking government officials that Ms. Grossberg had made that established allegations of voter fraud repeatedly touted on the Network, including those against Dominion, were woefully unsupported.

76. Despite having access to these audio recordings and transcripts, upon information and belief, Fox News, Defendant Scott, and its attorneys failed to produce copies of these documents to Dominion in the course of the Dominion Lawsuit.

77. Upon information and belief, Fox News and the Fox News Attorneys either intentionally or recklessly failed to disclose these significant recordings and transcripts that went directly to the issue of whether Fox News acted with malice in publishing defamatory statements about Dominion to Dominion in the course of the Dominion Lawsuit.

78. These recordings also demonstrated that Ms. Grossberg was in fact a diligent and responsible journalist who asked the “right” questions, instead of the inept journalist cultivated by Fox News as a scapegoat for its unlawful and defamatory actions. *As such, Fox News knew that these recordings went against its interests in relation to the claims in the Dominion Lawsuit, particularly with respect to proving actual malice, and therefore, upon information and belief, intentionally or recklessly withheld and/or failed to produce this damaging discovery.*

79. As directed, on August 17, 2022, Ms. Grossberg turned over her personal and work phones to Defendants for yet another purported data collection at

on the premises of Fox News's New York City headquarters at 1211 Avenue of the Americas. Defendant Steve Potenza oversaw this collection.

80. After Defendants Fox News returned Ms. Grossberg's cellphones to her, she discovered that certain messages between Ms. Grossberg and Ms. Bartiromo were missing/appeared to have been deleted.

81. Upon information and belief, Fox News and the Fox News Attorneys either intentionally or recklessly caused the deletion of certain text messages between Ms. Grossberg and Ms. Bartiromo from Ms. Grossberg's phone.

82. Shockingly, upon information and belief, Fox News and the Fox News Attorneys either intentionally or negligently caused the withholding or deletion during discovery of certain documentary evidence that would have inculpated Fox News with respect to the issue of actual malice in the Dominion Lawsuit and exculpatory of Ms. Grossberg as regards to the devastating damage she has suffered to her career and reputation at the hands of Fox News.

D. Fox News and Ms. Scott, Through the Fox News Attorneys, Coerce and Intimidate Ms. Grossberg to Frame Her Deposition Testimony to Her Personal and Professional Detriment to Deflect Blame Away from Fox News Executives, and in Doing So, Cause the Publication of Defamatory Statements About Her Professionalism and Qualifications as a Journalist.

83. Ms. Grossberg's deposition was originally scheduled to take place on August 12, 2022. On August 10, 2022, Ms. Grossberg attended the first of two scheduled days of deposition preparation with a team of attorneys representing Fox

News, including Deputy General Counsel Stephen Potenza, Senior Vice President for Legal & Business Affairs Lesley West, and Winston & Strawn's Paul Salvaty and Sean Suber, collectively the Fox News Attorneys.

84. Before meeting with the Fox News Attorneys, Ms. Grossberg spoke to Ms. Bartiromo to discuss the allegations in the Dominion Lawsuit. In that conversation, Ms. Bartiromo stated that she had hired her own attorney, which caused Ms. Grossberg to consider whether she should also obtain her own lawyer. Ms. Grossberg had never been deposed, is not a lawyer, and was concerned about her own personal liability in the \$1.6 billion lawsuit.

85. When Ms. Grossberg voiced her concern to the Fox News Attorneys that Ms. Bartiromo had hired her own lawyer and whether she needed to as well, Mr. Salvaty – without hesitation – responded to Ms. Grossberg with a definitive and discouraging “no,” explaining that while some employees (referring specifically to Steve Doocy, a male on-air personality) may have retained a personal attorney, it only “complicates” the process and “slows things down.” Ms. West later added that hiring one's own counsel was “distracting.” It was clear to Ms. Grossberg that if she did not cooperate with them, she would only be further marginalized at the Network.

86. Ms. Grossberg also asked the Fox News Attorneys whether she had exposure or could get in trouble, and the Fox News Attorneys told her not to worry. She also asked the Fox News Attorneys if she should take notes. They told her that

she did not need to bother taking notes – giving her the impression that they would share resources with her and would be representing her interests.

87. At no time, during Ms. Grossberg’s deposition preparation sessions (or otherwise) did any of the Fox News Attorneys discuss the potential mine field of conflicts between Fox News and Ms. Grossberg inherent in their representation of Fox News, the Fox News Attorneys’ representation of Ms. Grossberg at her deposition in the Dominion Lawsuit, and Fox News’s strategy to inculcate and scapegoat Ms. Grossberg as a defense in the Dominion Lawsuit.

88. Mr. Potenza and Ms. West directly oversaw the entire deposition preparation process, at the behest of Fox News and Ms. Scott.

89. Ms. Grossberg felt coerced and intimidated into not saying anything that would make her become Dominion’s “star” witness, which meant she needed to shade her testimony and not discuss other employees, not say anything that suggested she was a victim of gender discrimination and/or a hostile work environment, or, frankly, not say anything that made Fox News as a corporate entity look culpable.

90. Wondering whether she was obligated to sit for a deposition, Ms. Grossberg asked the Fox Attorneys whether all the other Fox employees, current and former, were cooperating, and the Fox News Attorneys responded, “[y]ou’re one of the first ones, but we think everyone is going to cooperate.”

91. Ms. Grossberg got the impression, based on the demeanor and behavior of the Fox News Attorneys, including the scowls she received from Mr. Potenza and Ms. West and emphatic shaking of their heads “no,” that she had to avoid questions about her relationship with colleagues including Ms. Bartiromo and Mr. Clark even if it meant shading the truth to something equivocal and vague. The Fox News Attorneys left her with the impression that she must answer questions “evasively” and be as “boring” as possible.

92. Ms. Grossberg felt that she was being intimidated and coerced by the Fox News Attorneys and left with the impression that she had to downplay the importance of show ratings at Fox News, as this would suggest a motive for why Fox News had allowed the defamatory stories about Dominion to go on air in the first place. In reality, Ms. Grossberg knew that Ms. Bartiromo was “*obsessed*” with ratings and immediately analyzed them upon their weekly release, demonstrating how important ratings were at Fox News. However, Ms. Grossberg got the impression based on the conduct and behavior of the Fox News Attorneys that they wanted her to downplay this fact.

93. Ms. Grossberg also left the deposition preparation sessions feeling pressured to respond with a generic, “I do not recall,” whenever she had the opportunity, even if she, in fact, did have a recollection, albeit perhaps not a perfect one.

94. In fact, none of the Fox News Attorneys ever explained to Ms. Grossberg that if she had any recollection relevant to the question being asked, she needed to say so. No attorney ever educated Ms. Grossberg about the distinction between “not knowing” and “not recalling.” Indeed, several times during her deposition prep, one of the Fox News Attorneys would suggestively demur, “who really can recall anything after nearly two years?,” thereby tricking Ms. Grossberg into doubting her own faculties.

95. Upon information and belief, by repeatedly quipping to Ms. Grossberg, “who really can/does recall anything?” during her deposition prep sessions, Fox News Attorneys were conditioning and fraudulently inducing her to deny facts she knew to exist thereby exposing her to legal and reputational jeopardy.

96. Ms. Grossberg also left the deposition prep sessions with the distinct impression and gnawing fear that she would suffer very negative professional consequences at Fox News if she did not “cooperate” and testify exactly as the Fox News Attorneys wanted.

97. Thus, Ms. Grossberg drew the troubled conclusion based on her deposition prep sessions with the Fox News Attorneys that it was in her interest (as well as that of Fox News) to minimize any troubling recollection she had that confirmed the allegations against Fox News in the Dominion Lawsuit – *i.e.*, that SMFMB was understaffed and that she and/or Ms. Bartiromo were overworked,

stressed, and overwhelmed by the lack of adequate support and resources for their show. In reality, Fox News was well aware that both Ms. Bartiromo and Ms. Grossberg had complained repeatedly about receiving less support and resources than shows that were hosted by male anchors.

98. In fact, Fox News (and presumably its attorneys) knew that these male-anchored shows usually had five (or more) staffers compared to SMFMB's zero to one staffers.

99. Nevertheless, the Fox News Attorneys intimated that Ms. Grossberg could not reveal how she was unable to read and react to all the email warnings that Dominion had sent to Fox News because she was simply stretched way too thin due to the lack of resources that Fox News afforded the all-female led SMFMB program. Instead, Ms. Grossberg was intimidated by the Fox News Attorneys to indicate that nothing "fell through the cracks" at Fox News.

100. In another telling sexist twist, Ms. Grossberg was coached to demean and diminish herself as someone who was not performing an important journalistic function at SMFMB although, in reality, she was virtually a production staff of one.

101. During her deposition prep sessions, Ms. Grossberg was shown an email to review, dated September 26, 2020, that she had sent to Kevin Ward, a Researcher in Fox News's "brain room," in which she commiserated about having to "run lean" and being "slammed" with work on the show. She left the deposition

prep session feeling pressured and under the impression that she had to downplay those concerns or else would become Dominion's "star" witness.

102. The truth was that the daily experience of being besieged as a professional woman in a hostile, male-dominated environment where she and Ms. Bartiromo were being constantly undermined and scapegoated² had taken a devastating toll on Ms. Grossberg's mental health, given the myriad experiences of unequal, sexist, and misogynistic treatment that were indelibly etched into her conscience.

103. Tellingly, not one of the Fox News Attorneys advised Ms. Grossberg that by giving such misleading and evasive answers, she not only opened herself up to civil and criminal liability for perjury but placed all responsibility for the alleged defamation against Dominion onto her shoulders, and by implication, those of her trusted female colleague, Ms. Bartiromo, and away from Fox News.

104. Nor did any of the Fox News Attorneys explain to Ms. Grossberg how such a sworn statement could bring an end to her career as a journalist.

² True to form, and as corroboration of Fox News's plan to scapegoat Ms. Bartiromo and Ms. Grossberg, Rupert Murdoch, the Chairman and CEO of Fox Corporation, testified at his deposition in the Dominion Lawsuit that Ms. Bartiromo, but *not* Fox, "endorsed" the false notion of a stolen election, throwing Ms. Bartiromo directly under the proverbial bus.

105. Ms. Grossberg felt that Fox News was more concerned about protecting Mr. Clark and his chauvinistic behavior and constant belittling of her and Ms. Bartiromo.

106. In addition, during these deposition prep sessions, Ms. Grossberg was shown two text message exchanges from November 8 and November 9, 2020, to review. These messages made clear that a particularly troubling segment in which Rudy Giuliani made unfounded allegations about widespread election fraud had been “pre-taped” and thus could have been edited or prevented from airing, but that Mr. Clark had made the deliberate choice not to. To cover up this omission, the Fox News Attorneys coached Ms. Grossberg to say that the segment was “live to tape” so as to imply that the segment could not have been edited in between taping and airing. The Fox News Attorneys knew full well, however, that the implication they were trying to bully Ms. Grossberg to weave into her testimony was materially misleading. Ms. Grossberg felt frightened and confused as the Fox News Attorneys tried to gaslight her.

107. The Fox News Attorneys then presented Ms. Grossberg with a text message exchange, dated November 29, 2021, between Ms. Grossberg and Ms. Bartiromo to review in which Ms. Grossberg called Mr. Clark a “smug piece of shit” because *he had insultingly referred to their interview with Donald Trump (the first interview since he had lost the election) as “filler.”*

108. Ms. Grossberg got the impression based on the collective behavior, expressions, and tone of the Fox News Attorneys, that she had to downplay this exchange, as well as her feelings that Mr. Clark had conveniently abandoned her and Ms. Bartiromo in the immediate aftermath of the 2020 election, and particularly how Mr. Clark (and by extension the higher ups at Fox News with whom he had a direct channel of communication) did not provide any guidance or leadership during that crucial period.

109. In truth – her truth – Ms. Grossberg knew exactly what she believed: Mr. Clark was a misogynist, sexist, dissembling liar who enjoyed sabotaging and demoralizing powerful women — a view shared by Ms. Bartiromo. However, this sentiment did not fit into the tidy narrative that Ms. Grossberg felt that the Fox News Attorneys wanted to manufacture to deflect blame from Fox News higher-ups in the Dominion Lawsuit.

110. Instead, Ms. Grossberg left her deposition prep sessions with the impression that there would be no future for her at Fox News if she were to testify about her truth under oath at her deposition.

111. Ms. Grossberg also left the deposition preparation sessions under the impression and feeling pressured that she needed to *not name names or to implicate others, in particular prominent Fox News male executives.*

112. Ms. Grossberg also felt pressured and got the impression, based on the controlling conduct of the Fox News Attorneys, that she had to withhold criticism of Fox News with regard to her impending job change to the *Tucker Carlson Tonight* show.

113. In fact, Ms. Grossberg believed the hostile work environment at SMFMB created by Mr. Clark and other male Fox News leaders was proving detrimental both to her career and her mental health but understood that Fox News Attorneys did not want her to go into detail about this during her testimony. Ms. Grossberg also got the distinct impression that, since she would soon be joining “Tucker’s team,” she had to “cooperate” with the Company.

114. Already fearful that the role of Executive Producer was almost unattainable for a woman like her at Fox News, Ms. Grossberg convinced herself that discretion would be the better part of valor in this instance and decided she would follow the lead of the attorneys who claimed they represented her best interests in connection with her deposition, and often kept her truth – the truth that the Fox News Attorneys did not want to hear – to herself.

115. Ultimately, after the end of the second day of deposition preparation, Ms. West emailed Ms. Grossberg at 9:20pm on August 11, 2022, informing her: “Apologies for the late email, but the deposition will not proceed tomorrow. We will be in touch about rescheduling.”

116. Ms. Grossberg was never consulted regarding the last-minute re-scheduling of her deposition. Moreover, the Fox News Attorneys used her as a convenient scapegoat to accomplish their deleterious objective without ever warning her that this would subject her to intense and uncomfortable examination during her deposition that would damage her credibility and reputation, inflict significant emotional distress upon her, and expose her to substantial legal jeopardy.

117. On August 16, 2022, Ms. Grossberg was called back to meet with the Fox News Attorneys, who intimidated her into surrendering access to her personal email, social media accounts, and other communication apps again. Although previously being assured by the Fox News Attorneys that she would not need her own attorney, and that they were there to represent her interests as a witness, now, to shake Ms. Grossberg down, the demeanor of the Fox News Attorneys had changed. In fact, the Fox News Attorneys threatened that if they found out that she was “hiding” anything, or refused to cooperate with Fox News’s defense strategy, she would have to hire her own attorney. In this context, the Fox News Attorneys made it clear that the Network would not look favorably on or support her if she hired her own legal representation. This only reinforced Ms. Grossberg’s understanding that, unless and until told otherwise, the Fox News Attorneys were representing her own interests jointly with those of Fox News.

118. On September 13, 2022, Ms. Grossberg had another full day of deposition preparation, during which she felt grilled and intimidated by the Fox News Attorneys to provide packaged answers.

119. Ms. Grossberg got the impression, based on the collective behavior of the Fox News Attorneys (*i.e.*, their stern or suggestive tone, their direct looks, their audible “tsks,” and their loud “no’s”) during this prep session, that she needed to deny knowledge about why her deposition had been delayed.

120. It was also clear to Ms. Grossberg, however, based on the impression she was given by the Fox News Attorneys, that they were displeased with the forthcoming and candid answers she had provided during her prior two prep sessions, and that the Fox News Attorneys needed more time with her to make sure she got her story straight and in line with the Company’s defense position, regardless of the detriment impact it would have on her.

121. Ms. Grossberg felt sick to her stomach with fear, uncertainty, and confusion when she realized what her employer wanted her to do under oath – *i.e.*, shade, bend, or deflect the truth whenever necessary to make Fox News look good – or else she would not be working there much longer.

122. All in all, Ms. Grossberg felt incredibly alone and powerless because she dared not say anything that would jeopardize her new role on *Tucker Carlson Tonight*.

123. Ms. Grossberg was made to believe that she had to agree to be deposed and accept the advice of the Fox Attorneys in order to be deemed a “team player.”

E. Ms. Grossberg’s is Compelled to Make Self-Defamatory Statements During Her Deposition in the Dominion Lawsuit.

124. On September 14, 2022, Ms. Grossberg sat for her deposition and was examined by Dominion’s attorney, Davida Brook, of Susman Godfrey LLP.

125. Ms. Grossberg was asked many of the questions she had been prepared for during her preparation sessions, including importantly, the reason for her transition to TCT, how she felt about David Clark, and her relationship with Ms. Bartiromo.

126. Ms. Grossberg was presented with a text message exchange from Mr. Carlson to an unknown person and was asked to read it aloud. The exchange contained statements from Mr. Carlson such as “Sidney Powell is lying. Fucking bitch[,]” and repeatedly referred to Ms. Powell as a “cunt.” Ms. Grossberg was then asked whether what she just read made her feel “uncomfortable,” to which Ms. Grossberg felt compelled to respond, “no,” or else face consequences based on the threatening behavior of and comments made by Fox News Attorneys during her deposition prep sessions.

127. Ms. Grossberg was then asked how she would feel if that type of language was used around her or directed towards her by Mr. Carlson, and she responded – as she had been conditioned by the Fox News Attorneys – that she had

just started working with him and had not witnessed him use such language and she declined to speculate about how she would react.

128. In truth, Ms. Grossberg knew full well, largely based on public information, that Mr. Carlson was very capable of using such disgusting language about women in the workplace. She also knew how terribly she had felt every time she had heard her prior male superiors and colleagues at Fox News spew misogynistic phrases at her (or within her earshot) on a constant basis.

129. The day after her deposition, on September 14, 2022, Mr. McCaskill asked Ms. Grossberg about what she covered in her testimony. Ms. Grossberg revealed that Mr. Carlson's name had come up, but that she protected him. Mr. McCaskill said he was happy with the answers she had given and suggested they order the staff lunch to celebrate her defense of Mr. Carlson's misogynistic-laden texts shown to her. Later that day, an email was sent to the whole TCT team in recognition of "Abby Day."

F. As Part of its Ongoing Conspiracy to Shift Blame Away from Fox News For Maliciously Publishing Defamatory Statements About Dominion, *Tucker Carlson Tonight's* Team Attempts to Involve Ms. Grossberg in a Brazen Plot to Cover Up Fox News's Fraud and Related Culpability in the Instigation of the January 6 Insurrection in Washington, D.C.

130. Upon information and belief, members of *Tucker Carlson Tonight*, including Mr. Carlson, Justin Wells, Senior Executive Producer and Vice President of TCT and Tucker Carlson Digital Products, and Alexander McCaskill, Senior

Producer, believed they and the show have the power to influence and manipulate U.S. politics and elections. For example, on or about November 3, 2022, in an editorial meeting, Mr. Wells proclaimed to Ms. Grossberg, amongst others, that he and Mr. Carlson had “the power to select the 2024 GOP presidential candidate,” and that Mr. Carlson was considering going to President Trump’s Mar-a-Lago resort for an “intervention” to stop Trump from announcing his presidential candidacy for the 2024 election.

131. Similarly, in another editorial meeting on or about January 5, 2023, Mr. Wells revealed Mr. Carlson’s plan to have House GOP Leader Rep. Kevin McCarthy and Rep. Matt Gaetz appear on TCT so that Mr. Carlson himself could be the one to set the terms of the negotiation for House Speaker live on television and “save the Republican party.”

132. Against this backdrop, in a late-September 2022 editorial meeting with the TCT team, Mr. Wells boldly exclaimed that the \$1.6 billion price tag on the Dominion lawsuit “did not matter” because he knew that Fox News had “insurance for these kinds of things.” In other words, Mr. Wells was explaining that if Fox News was found liable in the Dominion lawsuit, the only effect the loss would have would be that the company’s insurance premium would go up “like if your car gets into an accident.”

133. On or about January 9, 2023, during another editorial meeting with the TCT team, Ms. Grossberg was asked if she had seen Ms. Bartiromo's recent interview about election fraud with Kari Lake, a Republican candidate for Arizona Governor, on *Sunday Morning Futures*, Ms. Grossberg replied that she had seen the segment but that she was surprised Ms. Bartiromo was still covering the topic of election fraud given the ongoing Dominion Lawsuit. Mr. Wells then boldly exclaimed, "***Tucker is going to cover Dominion right before the trial to help Fox.***" He went on to confess that he had been discussing the plan with "Meade [Cooper, Executive Vice President of Primetime Programming] and Suzanne [Defendant Scott, Fox News's CEO]" and that they were "***waiting for the right time to do it.***"

134. Upon information and belief, this well-laid plan, allegedly concocted in concert with Defendant Suzanne Scott, consisted of Mr. Carlson's widely publicized acquisition, review, and coverage of 44,000 hours of "new" Capitol security footage from the January 6th insurrection, in an effort to downplay the violent rebellion.

135. On March 5, 2023, Mr. Carlson stated to his millions of viewers on air that, "Taken as a whole, the video record does not support the claim that January 6 was an insurrection. In fact, it demolishes that claim."

136. In comparing the mob's breach of the Capitol building to a "normal tourist visit," Mr. Carlson, another Fox News agent, tried to once again perpetuate a lie and conspiracy to deflect blame away from Fox News, whom Dominion alleges

in its \$1.6 billion defamation lawsuit convinced viewers that the 2020 election was stolen and inspired many to storm the Capitol, leading to violence and death.

137. Upon information and belief, in early-March 2023, Mr. Carlson attempted to spin and manufacture another false narrative to defray blame from Fox News about the January 6th insurrection, this time, characterizing the Capitol attack as an FBI coup, and not the logical result of Fox News's reckless 2020 election fraud coverage. Specifically, Mr. Carlson requested that his team investigate the ongoing Proud Boys trial, which he asserted was "taking forever" because the "Biden Administration [wa]s trying to hide the huge number of FBI spies it had placed in the group." As Head of Booking, Ms. Grossberg was twice directed to reach out to Dan Hull, one of the defense attorneys representing the Proud Boys, who indicated to her that he was available to come on to the TCT show as a guest but emphatically denied Mr. Carlson's theory. Instead, Mr. Hull insisted that "no one made my client go up the hill. The Proud Boys wanted to," and the FBI angle Mr. Carlson sought to peddle was "on the conspiracy side." When Ms. Grossberg relayed Mr. Hull's message to Tom Fox, a Senior Producer for TCT and her superior, he blithely replied "That doesn't fit with what Tucker is looking for. *You'll have to find someone else who will say that.*" Ms. Grossberg was told to ask Mr. Hull yet again if he would reconsider, to which Mr. Hull replied, "Please just tell [Tucker], if I get on the show, I will walk out if he asks about the FBI setting it up. [...] Blaming the FBI for Jan

6th doesn't cut it." Mr. Carlson then requested that Ms. Grossberg investigate whether any other defense attorneys, including Steven Metcalf, would tout the conspiracy on air.

G. Fox News Attorneys Inexplicably Refuse to Provide Ms. Grossberg the Opportunity to Review and Correct (if Necessary) Deposition Testimony Bordering on Malpractice, Even Though Male Employees Were Given This Exact Opportunity.

138. As Ms. Grossberg continued performing her job duties as Head of Booking at *Tucker Carlson Tonight*, she became aware that *her male colleagues, including Senior Executive Producer Justin Wells, who had also been deposed in connection with the Dominion Lawsuit, were provided copies of their deposition transcript to print, review and correct, while other males, such as Eldad Yaron, were provided large binders comprised of relevant exhibits to review at home.* Ms. Grossberg waited for months to be contacted by any of the Fox News Attorneys regarding her opportunity to review her transcript, but heard nothing from them, nor *was she provided the opportunity to even read, much less correct and sign, the transcript of her deposition.*

139. After reading reports that the Dominion Lawsuit had been scheduled for trial, on January 25, 2023, Ms. Grossberg emailed Mr. Salvaty and Mr. Suber requesting a copy of her deposition transcript and expressing her concern that – upon reflection – she was uncertain that her testimony was fully accurate because of the intimidating, coercive, and confusing “coaching” she had received.

140. Ms. Grossberg explained to Mr. Salvaty and Mr. Suber – the two outside attorneys who were supposed to be representing her interests as a witness during the deposition – that her “rights and obligations as a witness had not been adequately explained to her,” and that she believed the Fox News Attorneys required to provide her a copy to review, correct (as necessary), and sign, per Delaware Civil Procedure Rule 30.

141. The Fox News Attorneys acknowledged that they had her deposition transcript but refused to tell her when she would receive it to review and correct, if necessary, nor assure her that she would have the full allotment of time to review and correct to which she was entitled.

142. On January 25, 2023, Mr. Suber responded saying that he would “work with the team and talk to Lesley [West] to make sure we get you a copy of your deposition as soon as possible.”

143. On January 26, 2023, Ms. Grossberg responded to Mr. Suber and Mr. Salvaty: “I look forward to reviewing my deposition testimony in order to correctly assess any edits you made and any edits I may have [to make] as well. Can you give me a timeframe of when I should expect to receive the transcript?” Mr. Suber replied that same day: “*Should be soon. We sent it to Fox’s in-house lawyers this morning, so just waiting for them to tell us we can send to you.*”

144. On February 1, 2023, after almost a week of not hearing anything from Mr. Suber, Ms. Grossberg emailed him again: “I’m just following up on my request to view a copy of the deposition transcript that I gave in the Dominion case. You mentioned last Thursday that I would receive it soon, so just wanted to check in to see if you had an update? I ask because I know many colleagues were already provided copies to review after their deposition, and I’m concerned that I haven’t yet seen mine.” Mr. Suber replied that he was, “[e]mailing the internal Fox team now to follow up. I apologize about the delay.”

145. On February 2, 2023, Mr. Suber wrote to Ms. Grossberg: “Still no word from the internal Fox team in response to my email. We have a call with them today, so I will make sure I raise it on the call. I will circle back this afternoon but did not want you to think I was ignoring you or the situation.”

146. The following week, on February 6, 2023, Ms. Grossberg wrote to Mr. Suber: “Can you please let me know who at Fox is holding up sending me my transcript? As I mentioned, I know of other Fox employees who were sent a copy of their transcript shortly after providing their statement and have read through everything.”

147. Ms. Grossberg was never instructed properly about her rights and obligations as a sworn witness. Unlike numerous of her male colleagues, Ms. Grossberg was never provided her deposition transcript to review before it was made

public in the Dominion Lawsuit, and after that damage was done, only after her attorneys contacted the Dominion attorneys and notified them that the Fox Attorneys were refusing to provide Ms. Grossberg a copy.

148. In total Ms. Grossberg, either directly or through her attorneys, had to request her deposition transcript from the Fox Attorneys at least six times before she received a copy.

149. Ms. Grossberg did not receive a copy of the deposition transcript until *March 3, 2023*, and was not advised until *March 15, 2023*, of a stipulated deadline for submission of errata sheets by *March 20, 2023*, denying her sufficient time to review the transcript as she was entitled to 30 days to review under Delaware Civil Procedure Rule 30.

150. A copy of the errata sheet Ms. Grossberg prepared, despite the limited time available to her, is attached to this Complaint as **Exhibit A**.

151. The magnitude of the changes that Ms. Grossberg made in her errata sheet ultimately reflected the degree to which she felt intimidated and coerced by the Fox News Attorneys to answer the questions in a way that would not cause Fox News to retaliate against her in the terms and conditions of her employment compared to male employees, but which ultimately caused detrimental, irreparable harm to her professional reputation.

H. Fox News Attorneys Knowingly Permit the Publication of Defamatory Statements in an Excerpted Version of Ms. Grossberg’s Testimony Filed with the Court and Made Available to the Press and General Public.

152. On January 17, 2023, Dominion filed a motion for summary judgment with the Superior Court of Delaware that cited, among other things, various portions of Ms. Grossberg’s deposition testimony. Ms. Grossberg was mentioned at least 15 times and her deposition transcript was referred to at least 11 times.

153. On February 16, 2023, a Public Version of Dominion’s Brief in Support of its Motion for Summary Judgment was published and made readily available to the world. *See* Motion for Summary Judgment, *U.S. Dominion, Inc. v. Fox News Network, LLC*, No. CV N21C-03-257 EMD (Del. Super., 2021) and *U.S. Dominion, Inc. v. Fox Corporation*, No. C.A. No. N21C-11-082 EMD (Del. Super., 2021).

154. Dominion directly cited Ms. Grossberg’s published deposition transcript for the following proposition: “Fox knew the charges were false yet failed to provide viewers with any of the extensive evidence disproving them. [...] This fits with the testimony of Bartiromo’s producer, Abby Grossberg: ‘Q: If someone says something untrue on one of your shows, do you think it’s important to correct it? A: No.’” *Id.* at 170 (citing to Ex. 121, Grossberg 243:11-14).

155. Ms. Grossberg attests that she would have answered differently had she not been conditioned and intimidated by the Fox News Attorneys. Specifically, Ms. Grossberg would have elaborated upon and explained that guests have the right to

free speech (within reason), that SMFMB was an interview program, that Ms. Bartiromo asked questions aimed at getting to the bottom of significant issues and stories, and that it was in fact Ms. Bartiromo's responsibility to scrutinize what a guest says with facts or follow-up questions.

156. After Dominion's Brief in Support of its Motion for Summary Judgment was published, various news outlets, including *NPR News*, *The Atlantic*, and *Raw News*, reported on its contents.

157. Based on the statements quoted in the motion for summary judgment attributed to Ms. Grossberg, writers at prominent media outlets called, *and continue to call*, into question Ms. Grossberg's ethics as a journalist and her professional judgment.

158. As a result, Ms. Grossberg began to experience severe anxiety and stress due to the unsealing of her uncorrected transcript as well as the wide publication of these hurtful and defamatory statements.

159. The following day, February 17, 2023, Ms. Grossberg's counsel wrote to Fox News and its outside lawyers at Winston & Strawn LLP requesting the immediate production of Ms. Grossberg's deposition transcript so that she may have an opportunity to review and correct it. Inexplicably, Fox News did not provide her a copy of the transcript until March 3, 2023, despite having a copy of the transcript in hand since at least January 26, 2023.

160. On March 6, 2023, while at work, Ms. Grossberg overheard Ron Mitchell, Senior Vice President of Primetime Programming and Analytics, exclaim to Mr. Fox that the Fox News Attorneys had warned him that his deposition transcript, related text messages, and emails would be released by the Delaware court the following day and reported on in The Washington Post. Mr. Mitchell further exclaimed that Fox News's attorneys had provided him with a binder of all the exhibits, and he lamented that it would take "three days" to read them all. Ms. Grossberg received no such warning from the Fox News Attorneys, nor did she ever receive a binder of exhibits to review.

161. Indeed, on March 7, 2023, a Public Version of Redacted Exhibits in Support for Dominion's Motion for Summary Judgment Portions was published and made readily available to the world, including an excerpt of Ms. Grossberg's deposition transcript. *See* Exhibits 119-121 to the Affidavit of Katherine Peaselee, *U.S. Dominion, Inc. v. Fox News Network, LLC*, No. CV N21C-03-257 EMD (Del. Super., 2021) and *U.S. Dominion, Inc. v. Fox Corporation*, No. C.A. No. N21C-11-082 EMD (Del. Super., 2021).

162. As such, additional statements from Ms. Grossberg's uncorrected deposition transcript were published to the world, including the following answers that comport with Fox News Attorneys coaching of Ms. Grossberg and their warnings to not name additional male senior executives:

Q. And Mr. Clark had the authority to give you guidance about what content could be on Sunday Morning Futures, correct? A. Correct.

Q. And Mr. Clark had the authority to give you guidance as to which guests could be on Sunday Morning Futures, correct? A. Yes.

Q. And surely there are other individuals above you who could tell you not to have certain content on your program, correct? A. I only dealt with David Clark, who I know would run it up the chain. But to who, I don't know.

Ex. 121, Grossberg 256:13-25; 257: 3-5.

163. Other statements released from her excerpted transcript include the following:

“Q. Do you believe you have an obligation to independently investigate claims made by guests on your show before you bring them on? No, I don't.”

Ex. 121, Grossberg 67:9-1.

164. Based on the statements quoted in the redacted exhibits attributed to Ms. Grossberg, writers at prominent media outlets, including the *Los Angeles Times*, once again called into question Ms. Grossberg's ethics as a journalist and her professional judgment.

165. The resulting testimony proffered by Ms. Grossberg as a direct and proximate result of Defendants' wrongdoing is shaded and incomplete, leaving her vulnerable to repeated reputational harm.

I. Fox News's Legal Team Intentionally and Maliciously Continues to Perpetrate the Fraud that Ms. Grossberg's Testimony was Freely Given, Accurate, and Legally Complete; Therefore, No Errata Should be Allowed.

166. The foregoing actions, conduct, events, facts, and circumstances render it abundantly clear that, for nefarious purposes, the Fox News Attorneys pretended to be (but certainly did not act as) Ms. Grossberg's attorneys during her deposition preparation and testimony. As a result, Ms. Grossberg may: (a) waive her jointly held attorney-client privilege and submit whatever evidence she wishes of the Fox News Attorneys' wrongdoing; and (b) pierce the shattered shield of the exclusive attorney-client privilege Fox News wishes to erroneously assert notwithstanding the operative crime, fraud, and misconduct exception that is well-established under the law.

167. Remarkably, upon information and belief, on March 23, 2023, the Fox News Attorneys made a bad faith proffer in open court that Ms. Grossberg is a witness under their control whom they may offer to testify, notwithstanding the following known facts: (a) Ms. Grossberg is not a citizen of Delaware; (b) Ms. Grossberg had been put both on forced administrative leave and under a threat of termination by Fox News just days prior; and (c) Ms. Grossberg had proclaimed her unwillingness to continue to countenance the lies that Fox News was attempting to cram into her mouth.

168. The foregoing actions, conduct, facts and circumstances, along with Ms. Grossberg’s firing on March 24, 2023, make it perfectly clear that: (a) she cannot be compelled to testify at the trial in the Dominion Lawsuit; (b) she will never testify on behalf of Fox News in the trial; and (c) she will only voluntarily testify – if at all – on behalf of Dominion.

J. Fox News Hammers the Final Nail in the Coffin of Ms. Grossberg’s Career by Unlawfully Terminating Her Employment Because She Corrected Her Deposition Testimony for Accuracy and Completeness.

169. In yet another thinly veiled act of retaliation, on Friday, March 24, 2023, Fox News sought to mask its continued unlawful conduct against Ms. Grossberg by pretextually firing her for “acting contrary to express instructions of the Company.” Specifically, Fox News alleged that Ms. Grossberg improperly disclosed information regarding the Dominion Lawsuit that the Company purportedly believed was privileged.

170. According to a report published in *Variety* that same evening, Fox News misleadingly stated that: “[l]ike most organizations, Fox News Media’s attorneys engage in privileged communications with our employees as necessary *to provide legal advice* We were clear that if she violated our instructions, Fox would take appropriate action including termination ... Ms. Grossberg ignored these communications and chose to file her complaint without taking any steps to protect those portions containing Fox’s privileged information.

171. Of course, the undisputed events that immediately preceded Ms. Grossberg's discriminatory and retaliatory termination belie the Company's false and pretextual statements.

172. In reality, Fox News *sued Ms. Grossberg when she refused to buckle to their ultimatums and fired her after she filed two lawsuits asserting her legal rights* as a woman (to enjoy a workplace without misogynistic discrimination, retaliation, or harassment) and as a citizen (to be free from bullying and coercion when testifying).

173. To wit, at approximately 4pm on Monday, March 20, 2023, Fox News filed suit against Ms. Grossberg in New York State Supreme Court alleging that she had violated privileges belonging to the Company and seeking to gag Ms. Grossberg immediately.

174. This occurred just *minutes* after she refused the Company's ultimatum to resolve her claims of gender-based discrimination, retaliation, and harassment, and before Ms. Grossberg filed any lawsuit.

175. *Approximately 90 minutes later*, and on the stipulated date on which her errata sheet was due, Ms. Grossberg, through her counsel, sent an errata sheet correcting her previously coerced and less-than-complete deposition testimony in the Dominion Lawsuit to Dominion's counsel, with notice to Fox News, which *was*

exactly what the Company, through its counsel, had instructed Ms. Grossberg to do that same day.

176. Later that evening, Ms. Grossberg filed the instant action against Fox News as well as an action against it the Southern District of New York federal court.

177. The next day, March 21, 2023, Ms. Grossberg’s counsel appeared in court to challenge the frivolous lawsuit filed by Fox News in New York state court, but the Company failed to appear, and hours later, after a judge was assigned to hear its arguments, Fox News *voluntarily dismissed its action to enforce these phantom privileges.*

178. On the day after that, March 22, 2023, Fox News filed a self-styled “Emergency Motion” in the Southern District of New York action to attempt again to gag Ms. Grossberg, which the court disposed of *sua sponte* the next day, finding that Fox News “cannot put the genie back in the bottle and ‘make what has ... become public private again.’”

179. So, with egg on its face, Fox News decided to end the torturous path it started four days earlier by firing Ms. Grossberg on March 24, 2023, for disclosing what the Company wanted silenced.

180. In other words, when Fox News realized that it could not stop Ms. Grossberg from speaking her truth to the world in her immutable “public filings” –

either by intimidation, obfuscation, or baseless attempts at judicial intervention – it terminated her employment.

181. While Fox News may have been able to unlawfully end her journalistic career for allegedly disobeying its “express instructions,” the Company’s legally confused and clearly unlawful and retaliatory conduct will never silence Ms. Grossberg’s voice.

182. As a direct and proximate result of the actions of the Defendants as detailed herein, Plaintiff has suffered or will suffer damages including, but not limited to: the full panoply of damages available under Delaware common law rules for damages; substantial and permanent damage to her personal, professional, and business reputation and character in the local community and the general public at large, as well as in the local and nationwide journalistic community of which he was a member in good professional standing; severe emotional distress; embarrassment; humiliation; mental anguish; mental suffering; loss of enjoyment of life; disappointment; anger; inconvenience; and other non-pecuniary losses and injuries.

183. Additionally, Plaintiff will suffer economic damages – in the past, present and future – including, but are not limited to loss of wages; loss of other earnings; loss of profit-sharing benefits; loss of pension benefits; loss of retirement benefits; loss of other benefits; decreased earning capacity; and other economic and

pecuniary losses. By way of example, Plaintiff's economic losses alone will exceed millions of dollars over her remaining lifetime.

COUNT I - DEFAMATION

184. Plaintiff re-alleges and incorporates by reference all allegations and paragraphs in this complaint, above and below, as though fully set forth herein.

185. Plaintiff's right to be free from defamation has been denied under Article I, Section 9 of the Delaware Constitution, the Delaware Bill of Rights, and the common law of the State of Delaware.

186. Defendants coached and intimidated Plaintiff to make numerous false statements about herself calling into question her qualifications as a journalist, which upon information and belief have been recorded in Plaintiff's deposition and therefore communicated to others when a public version was published to the court docket.

187. The defamatory nature of the statements would be understood as such by any reasonable third party, by the plain words and by referring to extrinsic evidence, such as Plaintiff's own text messages and emails that contradict the narrative crafted by Fox News.

188. The defamatory statements maligned Plaintiff in her profession to bring Plaintiff's character into disrepute with respect to her employment with Fox News

Network, and to detract from liability of Fox News Executives to oversee and manage the content of SMFMB.

189. As set forth herein, Plaintiff has spent over 15 years developing her professional reputation nationally as a meticulous news journalist.

190. The statements listed within injure a person's reputation in the popular sense, diminish the esteem, goodwill, or confidence in which a person is held, excites adverse feelings or opinions against her and exposes her to public contempt, scorn, and shame. In doing so, it also harms a person's reputation, lowers her in the estimation of the community and deters third persons from associating or dealing with her.

191. Defendants coached and intimidated Plaintiff to make additional false statements which Plaintiff has not yet discovered or yet otherwise learned of, including the unredacted and full transcript of her deposition.

192. Defendants caused the defamatory statements to be communicated to third persons, other than Plaintiff, despite Plaintiff's protests.

193. Defendants acted intentionally and maliciously in an effort to cause Plaintiff to further tarnish her reputation.

194. In the alternative, Defendants acted with negligence and/or reckless disregard (wanton negligence) of the truth concerning the false statements made concerning Plaintiff.

195. As a direct and proximate result, Plaintiff suffered and continues to suffer damages, including but not limited to past, present, and future economic damages, damage to her reputation, and emotional distress.

COUNT II – FRAUDULENT INDUCEMENT

196. Plaintiff re-alleges and incorporates by reference all allegations and paragraphs in this complaint, above and below, as though fully set forth herein.

197. Defendants fraudulently induced Plaintiff to make statements against her interest in a deposition in the Dominion Lawsuit. Specifically, the Defendants improperly coached Plaintiff to make numerous false statements about herself calling into question her qualifications as a journalist to deflect blame and liability from Defendants and its male hosts and executives. Defendants further intimidated Plaintiff to make such statements or risk her position and career.

198. Defendants knew or believed that the representations made to Plaintiff were false or were made with reckless indifference to the truth.

199. This conduct constitutes fraudulent inducement under Delaware law.

200. As a direct and proximate result of this fraudulent inducement, Plaintiff suffered and continues to suffer damages, including but not limited to past, present and future economic damages, damage to her reputation, and emotional distress.

COUNT III – FALSE LIGHT

201. Plaintiff re-alleges and incorporates by reference all allegations and paragraphs in this complaint, above and below, as though fully set forth herein.

202. Plaintiff alleges that the Defendants placed her in a false light by inducing her to make statements against her interest in a deposition in the Dominion Lawsuit. Specifically, the Defendants coerced and intimidated Ms. Grossberg into testifying against her interest in her deposition in the Dominion Lawsuit and by denying her the opportunity to submit an errata sheet to the transcript prior to it being used in briefs in the Dominion Lawsuit and excerpts from her deposition transcript publicly available.

203. Defendants knew that Ms. Grossberg had a reputation for high journalistic standards and professionalism and that her career and livelihood depended on maintaining that reputation.

204. Defendants knew or should have known that Ms. Grossberg relied on the Defendants to protect her professional reputation and to not place her in a false light in connection with her journalistic standards.

205. Despite this, Defendants intentionally coerced and intimidated Ms. Grossberg into providing testimony that placed her reputation in a false light.

206. Defendants did so intentionally to deflect blame and liability in the Dominion Lawsuit away from Fox News and male on-air hosts and executives.

207. This conduct constitutes false light under Delaware law.

208. As a direct and proximate result of this false light, Plaintiff suffered and continues to suffer damages, including but not limited to past, present and future economic damages, damage to her reputation, and emotional distress.

COUNT IV – CIVIL CONSPIRACY

209. Plaintiff re-alleges and incorporates by reference all allegations and paragraphs in this complaint, above and below, as though fully set forth herein.

210. Plaintiff alleges that Defendants conspired to commit an unlawful act or to commit a lawful act by unlawful means. Specifically, the defendants induced Plaintiff to make false statements against her interest in a deposition in the Dominion Lawsuit. Specifically, the Defendants improperly coached Plaintiff to make numerous false statements about herself calling into question her qualifications as a journalist and thereby damaging her professional reputation and thereby deflect blame and liability from Defendant and its male hosts and executives. Defendants further intimidated Plaintiff to make such statements or risk her position and career.

211. Defendants held meetings, conferences, telephone calls and held joint strategy sessions towards these ends and to deny Plaintiff's rights following her deposition.

212. This conduct constitutes a civil conspiracy under Delaware law.

213. As a direct and proximate result of this conspiracy, Plaintiff suffered and continues to suffer damages, including but not limited to past, present, and future economic damages, damage to her reputation, and emotional distress.

214. Plaintiff felt coerced and intimidated during deposition preparation sessions with Fox News's legal team. As a result, Plaintiff felt compelled to avoid becoming the "star witness" for Dominion to protect her career at Fox News and avoid being subjected to worse terms and conditions of employment than male employees. Plaintiff was also confused about how to testify truthfully about different types of shows and felt the need to downplay ratings and avoid mentioning colleagues to protect herself.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of any and all causes of action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court

A. Enter a declaratory judgment individually against each Defendant jointly and severally;

B. Enter a judgment individually against each Defendant jointly and severally for compensatory damages;

C. Enter a judgment individually against each Defendant jointly and severally for punitive damages;

D. Enter a judgment individually against each Defendant jointly and severally for costs, pre-judgment and post-judgment interest and attorney's fees; and

E. Grant such other and further relief that the Court deems just and proper.

[Signature Page to Follow]

Respectfully Submitted,

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EXHIBIT A

ABBY GROSSBERG DEPOSITION TRANSCRIPT ERRATA SHEET

Page	Line	From	To	Reason
8	7-8	<p>No, I don't.</p> <p>Response to: Q. So you have no idea why your deposition originally scheduled for August 12th was canceled?</p>	<p>I don't know the very exact reason but I have good reason to believe that it was because Fox wanted to prep me one more time and coach me into making statements that would make me look bad and incompetent, and thus ruin my career, while distancing the parent company from at least some of the otherwise substantial liability award because the Fox attorneys were trying to scapegoat me as inexplicably incompetent. On August 11, 2022 at 9:20pm the Fox attorneys cancelled my deposition. On August 16, I was told it was cancelled allegedly because I deleted Signal and they had to gather more evidence from my google docs, social media, yahoo email and phones. They also made me re-download Signal to see if old messages populated, and called a tech expert to see what happens when you delete the app. I don't know whether they accessed an app I disclosed having on my phone called Otter that records and creates transcripts of conversations that I used in November 2020 to record work-related conversations/interviews including of pre-interviews</p>	<p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox's legal team which were coercive and intimidating, I felt that I had to do everything possible to avoid becoming the "star witness" for Dominion or else I would be seriously jeopardizing my career at Fox News and would be subjected to worse terms and conditions of employment than offered to male employees as I understood it.</p>

Page	Line	From	To	Reason
			<p>Maria conducted at that time of guests appearing on her show. I did exactly as I was told by the Fox legal team, as it had been made clear to me that if I did not cooperate, I would have to obtain my own attorney to represent me at the deposition, which I knew I couldn't afford, and because it seem clear to me that the entire company would no longer "have my back" and I didn't want to do that because it is hard enough being where I am as a woman at the Network. so I obeyed and did nothing further nor less.</p>	
14	15	\$140,000	\$145,000	Mistake
16	20-21	<p>I consider myself to be a member of the team.</p> <p>Response to: Q. Do you consider yourself to have been a very important person – a very important member of the Sunday Futures team?</p>	<p>I was not just an important member of the team, I was the only member of the team. I planned, booked, wrote, and produced the show alone with Ms. Bartiromo. David Clark, who oversaw weekend programming, had the final say on all editorial, but was largely missing in terms of helping with the actual show production (as opposed to major editorial decisions such as whether to cut or edit a segment that had just taped before it airs), and I had no other support staff unlike the shows starring male personalities which were provided by the Network with more than one dedicated</p>	<p>Provide Context</p> <p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox's legal team, which were coercive and intimidating, I felt that I had to do everything possible to avoid becoming the "star witness" for Dominion or else I would be seriously jeopardizing my career at Fox News and would be subjected to worse terms and conditions</p>

Page	Line	From	To	Reason
			<p>staffer, I ran the entire operations. Though I repeatedly asked for additional help, my requests were not just rejected, but they were ignored. As a result, I was so extremely overworked, as Mr. Clark definitely knew and I presume his boss, Jay Wallace, knew as well since David would report back to Wallace, that I simply could not vet guests the way other producers on male starring programs were able to. Had the Company just treated its female talent not less well yet again, something that reverberated from the top of the network, we would have definitely been able to be the gatekeeper which means keeping out all of the garbage and warning others as well.</p>	<p>of employment than offered to male employees as I understood it.</p>
24	11	<p>Yes. Response to: Q. Do you trust the [producers at Fox] that you've worked with?</p>	<p>No, I don't trust all of producers at Fox.</p> <p>If asked to elaborate: They're activists, not journalists and impose their political agendas on the programing. I've also caught someone I have worked with plagiarizing, which deteriorated my trust in them.</p>	<p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox's legal team, which were coercive and intimidating, I felt that I had to do everything possible to avoid becoming the "star witness" for Dominion or else I would be seriously jeopardizing</p>

Page	Line	From	To	Reason
				my career at Fox News and would be subjected to worse terms and conditions of employment than offered to male employees as I understood it.
25	17-25	<p>I had been with Maria for three and a half years. I felt that I did the most I could with the program during that time, and I was ready for a new challenge. I always respected Tucker Carlson and his program. The position came up. I had conversations with them, and I decided to make a shift in my career for -- you know, just to elevate myself and my status.</p> <p>Response to: Q. Why the change [to the Tucker Carlson show]?</p>	<p>I knew that Fox would never make a woman Executive Producer of SMF after doing the job for 3 years without the title, salary, or a staff. I was overworked, underpaid, and couldn't take a day off even in an emergency because there was no one to cover for me. The stress was impacting my health and I left for a better quality of life. This was caused by a culture of misogyny that came from the top of the Network on down.</p>	<p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox's legal team, which were coercive and intimidating, I felt that I had to do everything possible to avoid becoming the "star witness" for Dominion or else I would be seriously jeopardizing my career at Fox News and would be subjected to worse terms and conditions of employment than offered to male employees as I understood it.</p>
29	22	yes I so	yes I do	Misspelled word
36	22	guest	guests	Misspelled word
37	4-5	<p>It's live-to-air when we do that, as though it did air.</p> <p>Response to: Q. And in those cases, you would, of course, know what those guests were</p>	<p>I was working remotely and not in the control room during this period because of Covid restrictions, but recall that we pre-taped approximately one hour before airtime and likely could have made a few quick</p>	<p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away</p>

Page	Line	From	To	Reason
		going to say before it went on air, correct?	cuts to the video we had just taped if and only if David Clark who essentially had last say whether or not to cut a segment altogether and just give each live guest more time or to endorse it from a corporate level by letting it go on air, said so. But Maria usually spoke to the guests beforehand and took notes, so we had some sense of what they might say based on what she wrote down during those conversations, but because the show is unscripted, we never know for sure and usually David Clark, who was keyed into what content the top brass at Fox News was looking for, steps in whenever we've shot and were about to air/endorse questionable content from a "what are their sources?" standpoint. That did not happen with respect to Dominion-related reporting which was allowed to receive significant airplay without any evidence implicating them in any way.	from the deposition preparation sessions I had with Fox's legal team, which were coercive and intimidating, I felt that I had to do everything possible to avoid becoming the "star witness" for Dominion or else I would be seriously jeopardizing my career at Fox News and would be subjected to worse terms and conditions of employment than offered to male employees as I understood it. I was also confused as to how to testify truthfully about "live-to-air" shows as opposed to "pre-taped" shows based on how I had been prepared for my deposition by Fox's legal team.
48	21-23	I recall having them on the show, I don't remember what we discussed specifically. Response to: Q. Do you recall having Ms. Powell and Mr. Giuliani on Sunday Morning Futures in November of 2020 to talk	I recall having them on the show and talking about election fraud and President Trump's allegations against Dominion.	Impermissible coaching and coercion by Fox attorneys. Based on what I understood and took away from the deposition preparation sessions I had with Fox's legal team,

Page	Line	From	To	Reason
		<p>about how Dominion used its software and algorithms to manipulate vote counts in the 2020 presidential election?</p>		<p>which were coercive and intimidating, I felt that I had to do everything possible to avoid becoming the “star witness” for Dominion or else I would be seriously jeopardizing my career at Fox News and would be subjected to worse terms and conditions of employment than offered to male employees as I understood it.</p>
60	7-11	<p>I don’t recall what research was done up until this interview was conducted. which was right before air. And it literally was turned without time to make edits.</p> <p>Response to: Q. what did you personally do to investigate the claim that Dominion is a radical left company before you published it to millions of viewers?</p>	<p>I don’t recall exactly how I researched this, but we did not have the time and support to make edits like how the male-leading shows had the resources to reasonably do. Ultimately, David Clark watched these tapings and was the only one with authority to make the call.</p>	<p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox’s legal team, which were coercive and intimidating, I felt that I had to do everything possible to avoid becoming the “star witness” for Dominion or else I would be seriously jeopardizing my career at Fox News and would be subjected to worse terms and conditions of employment than offered to male employees as I understood it. I was also confused as to how to testify truthfully about “live-to-air” shows as opposed to “pre-taped” shows based on how I had been prepared for my</p>

Page	Line	From	To	Reason
				deposition by Fox's legal team.
72	18	Three. Response to: Q. How many times did you meet with your lawyer in advance of this deposition, and I include in that any times you met with your lawyer before any of your scheduled depositions?	Four.	Mistake
75	7	allegation	allegations	Misspelled word
81	4	where there where	there where	Repeated word
95	12-14	It's a casual text message; this is often how people talk. It doesn't really offend me. Response to Q. Ms. Grossberg, you understand that Mr. Tucker has used some truly awful language?	It did offend me, but I had just started working there and did not want to antagonize the host I was working for, who was very powerful at the network at which I hoped to grow my career, and so had to resign myself to knowing that I would have endure abhorrent discrimination and misogynist remarks on a regular basis for quite some time simply to move ahead at the Network.	Impermissible coaching and coercion by Fox attorneys. Based on what I understood and took away from the deposition preparation sessions I had with Fox's legal team, which were coercive and intimidating, I felt that I had to do everything possible to avoid becoming the "star witness" for Dominion, and I was fearful to say anything that would make me seem disloyal to Tucker Carlson, or else I would be seriously jeopardizing my career at Fox News and would be subjected to worse terms and conditions of employment than

Page	Line	From	To	Reason
				offered to male employees as I understood it.
101	8	course	coarse	Incorrect Word
102	8	broadcast	broadcasted	Incorrect Tense
128	10	so wasn't a	so it wasn't a	Missing word
141	25	decapitate	decapitated	Incorrect Tense
150	14-17	<p>I didn't see this -- do recall seeing this email at the time but I never warned my colleagues she was never to be trusted, no.</p> <p>Response to Q. I take it that, after seeing this email, you did not cease all communications with Ms. Powell and immediately warn your colleagues that she wasn't to be trusted?</p>	<p>I didn't see this – and do not recall seeing this email at the time but I never warned my colleagues she was never to be trusted, no.</p>	Missing Word
185	9-10	<p>I don't know the answer. Yes, correct.</p> <p>Response to: Q. You understand that saying you don't remember to a question when you know the answer is a form of perjury, correct?</p>	No.	<p>Impermissible coaching and coercion by Fox attorneys.</p> <p>I did not understand at the time, as I had not been made aware by Fox, that the statement "I don't recall" is potentially perjurious. However, my understanding and take away from my deposition preparation sessions with Fox's legal team, which were coercive and</p>

Page	Line	From	To	Reason
				<p>intimidating, I needed to say “I don’t recall” rather than “speculate” to avoid becoming the “star witness” for Dominion which would put at risk my career at Fox News and cause me to be subjected to worse terms and conditions of employment than offered to male employees as I understood it. I also understood and took away from my deposition preparation sessions with Fox’s legal team that I needed to keep my answers artificially general and if it got to any questions about details, try to dodge the question by saying “I don’t recall.”</p>
193	22-25	<p>We chose -- it was not a choice not to use those specific documents. I was, to the best of my knowledge, not aware of those documents.</p> <p>Response to: Q. And you chose not to confront [Powell and Giuliani] with any of the publicly available information we have gone through today that was readily available to you at that time?</p>	<p>It was not a choice not to use those specific documents. I was, to the best of my knowledge, not aware of those documents because I did not have the manpower to give me enough time to even comb through all of it. Maria had repeatedly asked David Clark, Lauren Peterson and Suzanne Scott for additional help that would merely get us to have the equal or generally same resources as the shows on the Network starred by men, because it was simply too much for one person to do, and corporate knew it because of its pattern and practice of disparately</p>	<p>Provide Context</p> <p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox’s legal team, which were coercive and intimidating, I felt that I had to do everything possible to avoid becoming the “star witness” for Dominion or else I would be seriously jeopardizing my career at Fox News and</p>

Page	Line	From	To	Reason
			treating female employees who deserve to rise through the ranks with respect to the terms and conditions of their employment.	would be subjected to worse terms and conditions of employment than offered to male employees as I understood it.
205	21-24	<p>They were mass mailings, yes. If I recall correctly, they were, kind of, you know, sent to a large number of people on a clock-like basis.</p> <p>Q. You received a lot of those communications [directly from Dominion educating you about the allegations] being made about it], correct?</p>	<p>They were mass mailings, yes. If I recall correctly, they were sent to many people on a clock-like basis. I did not have time to read them all because I had no staff and, at a glance, which was pretty much all the time I had because of how overworked I was, they all looked the same, so I moved on.</p>	<p>Provide Context</p> <p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox’s legal team, which were coercive and intimidating, I felt that I had to do everything possible to avoid becoming the “star witness” for Dominion or else I would be seriously jeopardizing my career at Fox News and would be subjected to worse terms and conditions of employment than offered to male employees as I understood it.</p>

Page	Line	From	To	Reason
230	13-14	<p>I was open and honest to the best of my knowledge</p> <p>Response to: Q. When you worked with [Maria Bartiromo], were you open and honest with each other?</p>	<p>I tried to be open and honest with her, but don't believe that Maria Bartiromo was always open and honest with me.</p>	<p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox's legal team, which were coercive and intimidating, I was fearful to say anything about Maria Bartiromo if I could possibly avoid it so as not to become the "star witness" for Dominion and seriously jeopardize my career at Fox News and be subjected to worse terms and conditions of employment than offered to male employees as I understood it.</p>
243	14	<p>No.</p> <p>Response to: Q. If someone says something untrue on one of your shows, do you think it's important to correct it?</p>	<p>Yes, because SMF was an interview show, Maria tried to get to the bottom of stories through conversation, and although our guests had the right to answer how they pleased, it was Maria's responsibility to push back against untrue statements with facts, or follow-up questions, which I always prepared for her, along with "call for" graphics.</p>	<p>Provide Context.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox's legal team, I did not elaborate because in my prep I was warned not to become the "star witness" for Dominion.</p>
251	10	But in	But on	Incorrect Word

Page	Line	From	To	Reason
255	13-15	<p>I wouldn't want to say something that wasn't 100 percent accurate, so I don't recall.</p> <p>Response to: Q. Do you recall anyone ever telling you whether Mr. Giuliani was permitted to appear on Sunday Morning Futures?</p>	<p>David Clark told me in our text message exchange that Rudy Giuliani had been cleared to appear on the show.</p>	<p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox's legal team, which were coercive and intimidating, I felt that I needed to avoid mentioning any other colleagues involved in any way. so as not to become the "star witness" for Dominion and seriously jeopardize my career at Fox News and be subjected to worse terms and conditions of employment than offered to male employees as I understood it.</p>
256	10-12	<p>I just recall him expressing caution. That's the most I can confidently -- with confidence, recall.</p> <p>Response to: Q. Tell me everything you recall about those conversations [about Rudy Giuliani being banned from the show], please?</p>	<p>David Clark texted me that we could "keep" Rudy Giuliani in our lineup meaning Giuliani had been cleared on a corporate level to keep appearing on TV unfiltered. Clark's only concern was that Giuliani might criticize Fox News for what Giuliani alleged was our premature calling of the electoral votes of the state of Arizona as having went to Joe Biden, which we understood was a state that actually had not been officially called for a presidential candidate, not anything having to do with</p>	<p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox's legal team, which were coercive and intimidating, I felt that I needed to avoid mentioning or elaborating upon any other colleagues involved in any way. so as not to become the "star witness" for Dominion and seriously jeopardize my</p>

Page	Line	From	To	Reason
			<p>what Giuliani said about the legitimacy of the election or about any alleged fraud committed by entities like Dominion who were involved in the voting process.</p>	<p>career at Fox News and be subjected to worse terms and conditions of employment than offered to male employees as I understood it.</p>
256	17	<p>Correct.</p> <p>Response to Q. And Mr. Clark had authority to give you guidance as to which guests</p>	<p>Correct. David Clark regularly told us which guests were banned, either permanently or on a temporary basis, from appearing on the Network for various reasons.</p>	<p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox’s legal team, which were coercive and intimidating, I felt that I needed to avoid mentioning or elaborating upon any other colleagues involved in any way. so as not to become the “star witness” for Dominion and seriously jeopardize my career at Fox News and be subjected to worse terms and conditions of employment than offered to male employees as I understood it.</p>

Page	Line	From	To	Reason
257	3-5	<p>I only dealt with David Clark, who I know would run it up the chain. But to who, I don't know.</p> <p>Response to: Q. And surely there are other individuals above you who could tell you not to have certain content on your program, correct?</p>	<p>David Clark often said he'd "run it up the chain" which was understood to mean to clear it with the higher-ups at the Network and he would mention going to Jay Wallace numerous times.</p>	<p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox's legal team, which were coercive and intimidating, I felt that I needed to avoid mentioning or elaborating upon any other colleagues involved in any way. so as not to become the "star witness" for Dominion and seriously jeopardize my career at Fox News and be subjected to worse terms and conditions of employment than offered to male employees as I understood it.</p>
257	20	we	he	Incorrect Word
264	13-14	<p>No, because we didn't know if they were true or false at that time.</p> <p>Response to: Q. Did you care whether factual claims made on Sunday Morning Futures were true or false?</p>	<p>Yes, but we didn't know if they were true or false at that time.</p>	<p>Provide Context</p> <p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox's legal team, which were coercive and intimidating, I felt that I had to do everything</p>

Page	Line	From	To	Reason
				possible to avoid becoming the “star witness” for Dominion or else I would be seriously jeopardizing my career at Fox News and would be subjected to worse terms and conditions of employment than offered to male employees as I understood it.
271	18	recognize	recognized	Incorrect Tense
297	11	I look at ratings. Response to: Q. Ratings are important to you, correct?	Yes, ratings are discussed on a constant basis at Fox News and so they definitely are important to me because that seems to be all that my employer cares about.	Impermissible coaching and coercion by Fox attorneys. Based on what I understood and took away from the deposition preparation sessions I had with Fox’s legal team, which were coercive and intimidating, I felt that I had to downplay ratings so as to avoid becoming the “star witness” for Dominion or else I would be seriously jeopardizing my career at Fox News and would be subjected to worse terms and conditions of employment than offered to male employees as I understood it.
297 - 298	25: 2-5	I know that they were important to Maria, so they were therefore, yeah, of course they were important to	Yes, they were important to me and to Maria because of how obsessed our employer was about them.	Impermissible coaching and coercion by Fox attorneys.

Page	Line	From	To	Reason
		<p>me. They weren't sole driving mission of my life, but I definitely looked at them.</p> <p>Response to: Q. And were those numbers important to you?</p>		<p>Based on what I understood and took away from the deposition preparation sessions I had with Fox's legal team, which were coercive and intimidating, I felt that I had to downplay ratings so as to avoid becoming the "star witness" for Dominion or else I would be seriously jeopardizing my career at Fox News and would be subjected to worse terms and conditions of employment than offered to male employees as I understood it.</p>
298	7-8	<p>Yeah, I was proud to be number one.</p> <p>Response to: Q. You were proud of them, right?</p>	<p>Yes, I was extremely proud to be number one and often sent our ratings to the guests to thank them for helping us get there. I also utilized them to book guests, telling them that we were number one with millions of viewers. It helped us secure big bookings.</p>	<p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox's legal team, which were coercive and intimidating, I felt that I had to downplay ratings so as to avoid becoming the "star witness" for Dominion or else I would be seriously jeopardizing my career at Fox News and would be subjected to worse terms and conditions of employment than offered to male employees as I understood it.</p>

Page	Line	From	To	Reason
298	19	<p>I have a rough sense.</p> <p>Response to: Q. You keep track of how other shows' ratings are doing as well, correct?</p>	<p>Yes, we constantly noted how we rated compared to other shows and by how much as this was what drove our employer's every decision seemingly.</p>	<p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox's legal team, which were coercive and intimidating, I felt that I had to downplay ratings so as to avoid becoming the "star witness" for Dominion or else I would be seriously jeopardizing my career at Fox News and would be subjected to worse terms and conditions of employment than offered to male employees as I understood it.</p>

Page	Line	From	To	Reason
302-303	21-25; 2-4	<p>I don't recall, but I do know that our audience wanted answers about what the President of United States was alleging. They did want us to have those interviews, I felt, and I'm speaking on behalf of the audience, I don't know for sure, but I believed at that time that they did want those answers.</p> <p>Response to: Q. Your audience didn't want to hear about the importance of a peaceful transition of power, correct?</p>	<p>I don't recall, but I do know that our audience wanted answers about what the President of United States was alleging. They did want us to have those interviews, I felt, and I'm speaking on behalf of the audience, I don't know for sure, but I believed at that time that they did want those answers. Ratings drive the topics that go on-air and the more people are happy about or agree with what they are watching and keep their eyes focused on our network, the more money the company makes.</p>	<p>Provide Context.</p> <p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox's legal team, which were coercive and intimidating, I felt that I had to downplay ratings so as to avoid becoming the "star witness" for Dominion or else I would be seriously jeopardizing my career at Fox News and would be subjected to worse terms and conditions of employment than offered to male employees as I understood it.</p>
310	23	<p>Yes, often.</p> <p>Response to: Q. This is common, right, that people were copying Maria's programming?</p>	<p>Yes, but shows do that with each other all the time, but ultimately the tone is set, and ultimate veto power resides with, the higher ups at the Network.</p>	<p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox's legal team, which were coercive and intimidating, I felt I couldn't say anything that would show that that the Network has ultimate control over coordinating the various shows and their content, so as to avoid becoming the "star</p>

Page	Line	From	To	Reason
				witness” for Dominion or else I would be seriously jeopardizing my career at Fox News and would be subjected to worse terms and conditions of employment than offered to male employees as I understood it.
314	12	mean	meant	Incorrect Tense
315	8-9	<p>“Learning about dominion was the bane of my existence this week.”</p> <p>Response to: Q. You kick off this text message thread in the left-hand side. What do you say?</p>	<p>This text was said in a joking way and taken out of context. To the best of my recollection, I said it was the bane of my existence because Maria had been talking about it all week.</p>	<p>Provide Context.</p> <p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox’s legal team, which were coercive and intimidating, I felt that I had to do everything possible to avoid becoming the “star witness” for Dominion or else I would be seriously jeopardizing my career at Fox News and would be subjected to worse terms and conditions of employment than offered to male employees as I understood it.</p>
356	14	<p>Yes, they did.</p> <p>Response to: Q. Did your lawyers collect all of your</p>	<p>Yes I assume Fox’s lawyers did because they took both of my phones sometime in the week after my deposition was cancelled, and requested access to my social media,</p>	<p>Provide Context.</p> <p>Impermissible coaching and coercion by Fox attorneys.</p>

Page	Line	From	To	Reason
		texts and emails with Ms. Bartiromo?	google docs, WhatsApp, Signal and personal email, and I had already told them that I also used an app called Otter that records and transcribes conversations which I used at work in November 2020.	Based on what I understood and took away from the deposition preparation sessions I had with Fox’s legal team, which were coercive and intimidating, I felt that I had to do everything possible to avoid becoming the “star witness” for Dominion or else I would be seriously jeopardizing my career at Fox News and would be subjected to worse terms and conditions of employment than offered to male employees as I understood it.
368	9-15	<p>That's not fair to say. I had frustrations with him, as I think most employees do with colleagues and bosses from time to time.</p> <p>Response to: Q. Ms. Grossberg, you testified earlier today that you have respect for all of your colleagues at Fox. But the truth is you really just don't like David Clark, correct?</p>	Correct, I don’t like David Clark. He created a hostile work environment and discriminated against women. He would not consider me for a promotion, or even hire someone to help me, even though I had been successfully running the show at this point for a year and it was what Maria said she wanted. He discriminated against women at Fox News.	<p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox’s legal team, which were coercive and intimidating, I felt that I needed to avoid mentioning or elaborating upon any other colleagues involved in any way. so as not to become the “star witness” for Dominion and seriously jeopardize my career at Fox News and be subjected to worse terms and conditions of employment than offered</p>

Page	Line	From	To	Reason
				to male employees as I understood it.
370	18-21	<p>I don't recall.</p> <p>Response to: Q. Do you recall speculating that David Clark was responsible for some harassment that happened at Fox News?</p>	<p>Yes, I remember the article and sending it to Maria a few times.</p>	<p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox's legal team, which were coercive and intimidating, I felt that I needed to avoid mentioning or elaborating upon any other colleagues involved in any way. so as not to become the "star witness" for Dominion and seriously jeopardize my career at Fox News and be subjected to worse terms and conditions of employment than offered to male employees as I understood it.</p>

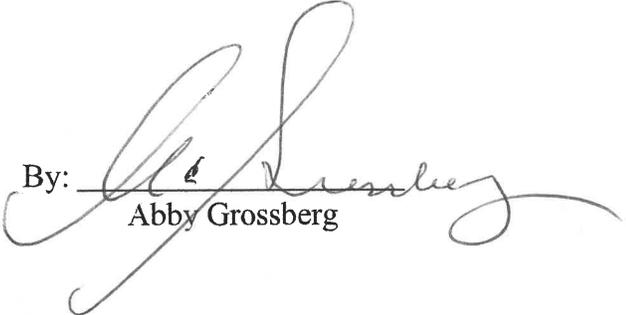
Page	Line	From	To	Reason
372	5-9	<p>I vaguely remember the article. I know that she did have a problem. I recall that she had a problem and was harassed by a supervisor who – it was sheer speculation, but he was her supervisor.</p> <p>Response to: Q. If you go onto the next page, you cite to a Daily Beast article about Fox News staffers erupting over Tucker Carlson racism, right?</p>	<p>Patricia Peart trained me during my first week at Fox and told me that she was frustrated that David Clark inexplicably never gave her an office (unlike male peers) and kept promoting people she had trained above her. So, when this article came out. I was certain that David was the unnamed supervisor who had discriminated against her. Especially since he had discriminated against me and Maria as women. Maria and I also thought it was convenient that he was moved to Fox Weather around this time.</p>	<p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox’s legal team, which were coercive and intimidating, I felt that I needed to avoid mentioning or elaborating upon any other colleagues involved in any way. so as not to become the “star witness” for Dominion and seriously jeopardize my career at Fox News and be subjected to worse terms and conditions of employment than offered to male employees as I understood it.</p>

Page	Line	From	To	Reason
373-37	25;2-3	<p>I had – you know, there is a – a bee in my bonnet that perhaps he was, but I don’t know that definitively.</p> <p>Response to: Q. does this refresh your recollection as to whether or not you speculated in April of 2021 that Mr. Clark was responsible for harassment that happened at Fox News?</p>	<p>I did speculate about if David Clark was responsible for the harassment and felt surely certain that he was.</p>	<p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox’s legal team, which were coercive and intimidating, I felt that I needed to avoid mentioning or elaborating upon any other colleagues involved in any way. so as not to become the “star witness” for Dominion and seriously jeopardize my career at Fox News and be subjected to worse terms and conditions of employment than offered to male employees as I understood it.</p>

376	8-19	<p>"Only a very weak, insecure man hires morons like he does who won't question or threaten his power. He doesn't have anyone there who could even take his job, just like he wants it. I've worked with inept people everywhere, but never this bad."</p> <p>Q. Maria says, "Spot on," and then how do you respond?</p> <p>A. "I hate him. He had the nerve to basically copy my resume, post it as a job and then add a line about the senior booker reporting to this person. Disgusting."</p> <p>This is true. I was upset.</p>	<p>"Only a very weak, insecure man hires morons like he does who won't question or threaten his power. He doesn't have anyone there who could even take his job, just like he wants it. I've worked with inept people everywhere, but never this bad."</p> <p>Q. Maria says, "Spot on," and then how do you respond?</p> <p>A. "I hate him. He had the nerve to basically copy my resume, post it as a job and then add a line about the senior booker reporting to this person. Disgusting."</p> <p>This is true. I was upset. I was specifically referring to David Clark hiring chauvinistic males like Matt Kaulbach, Christopher Faulker, and Rocco Aloe, who would be his lackeys and not threaten his power. None of them were particularly competent, or capable and he could control them more easily than a smart and confident woman like me, which intimidated him. He took my resume from LinkedIn at the time and used it to write the job description for a Senior Producer to do the job I'd been doing at that point for a year and a half. The posting also noted that the Senior Booking Producer, which was me, was to report to this individual. Of course, I hated him.</p>	<p>Provide Context</p> <p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox's legal team, which were coercive and intimidating, I felt that I needed to avoid mentioning or elaborating upon any other colleagues involved in any way. so as not to become the "star witness" for Dominion and seriously jeopardize my career at Fox News and be subjected to worse terms and conditions of employment than offered to male employees as I understood it.</p>
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382-383	25; 2-3	<p>"They're totally unimpressive and lazy. When I look up their backgrounds I cant believe they got through the door."</p> <p>Response to: Q. And how do you respond to Ms. Bartiromo?</p>	<p>"They're totally unimpressive and lazy. When I look up their backgrounds I cant believe they got through the door."</p> <p>I was speaking about possibility of Maria being offered the 7pm weeknight slot on Fox, which she was auditioning for at the time. She hated Brian Tully, the EP she worked with during her audition and complained he was inept. She believed he dismissed her ideas and set her up to fail. She promised me that I'd be her EP if she accepted the 7pm slot, but didn't want to give up Sunday Morning Futures. I was telling her that I believed we could do the 7pm weeknight show in addition to Sundays with the right support staff.</p>	<p>Provide Context</p> <p>Impermissible coaching and coercion by Fox attorneys.</p> <p>Based on what I understood and took away from the deposition preparation sessions I had with Fox's legal team, which were coercive and intimidating, I felt that I had to do everything possible to avoid becoming the "star witness" for Dominion or else I would be seriously jeopardizing my career at Fox News and would be subjected to worse terms and conditions of employment than offered to male employees as I understood it.</p>

Dated: March 20, 2023
New York, New York

By: 
Abby Grossberg