

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
- against -)
)
FOX NEWS NETWORK, LLC,)
)
Defendant.)
_____)

**AFFIDAVIT OF
DIANNE BRANDI, ESQ.**

10 Civ. 01660 (RJL)

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

DIANNE BRANDI, ESQ., being duly sworn, deposes and says:

1. I am the Executive Vice President for Legal and Business Affairs of Defendant Fox News Network LLC (“Fox News”), and submit this affidavit in support of Fox News’ motion to dismiss the complaint or, alternatively, for summary judgment. I am fully familiar with the facts set forth in this affidavit.

2. On September 30, 2010, the U.S. Equal Employment Opportunity Commission (“EEOC”) filed a complaint against Fox News with this Court. The complaint concerns a retaliation claim made on the behalf of one of our current employees, Catherine Herridge, who is a reporter in our Washington, D.C. Bureau. For the convenience of the Court, a true and correct copy of the complaint is attached as Exhibit A. In addition, all of the following documents attached to my affidavit are true and correct copies of the originals, and are maintained by Fox News in the ordinary course of its business:

Exhibit B: the three-year Employment Agreement (“Agreement”) between Fox News and Ms. Catherine Herridge, dated February 21, 2006,

Exhibit C: the draft of a proposed three-year renewal Agreement that I prepared and forwarded to Mr. Henry Reisch, Ms. Herridge’s agent, on August 6, 2008,

Exhibit D: an e-mail that Mr. Reisch forwarded to me on August 15, 2008, in which he declined, on Ms. Herridge’s behalf, to enter into the proposed Agreement and made alternative proposals on Ms. Herridge’s behalf,

Exhibit E: an e-mail that Mr. Reisch forwarded to me on September 12, 2008, in which he made additional proposals on Ms. Herridge’s behalf,

Exhibit F: my fax to Mr. Reisch, sent on September 17, 2008, in which I stated that Ms. Herridge’s latest salary proposals were not helpful to the negotiation process,

Exhibit G: the discrimination and retaliation charge that Ms. Herridge filed with the EEOC on September 16, 2008,

Exhibit H: an e-mail that Mr. Reisch forwarded to me on February 5, 2009, stating that I had not responded to Ms. Herridge’s recent proposal,

Exhibit I: my fax to Mr. Reisch, sent on February 13, 2009, stating that Ms. Herridge had not made any recent proposals, and I was waiting for her response to a proposal that I made almost four months earlier,

Exhibit J: an e-mail that Mr. Reisch forwarded to me on March 5, 2009, which proposed new terms in the Agreement and did not challenge that Ms. Herridge had not responded to my prior proposal,

Exhibit K: the three-year Agreement that Fox News and Ms. Herridge entered into on June 18, 2009,

Exhibit L: the Determination issued by the EEOC, dated March 31, 2010, concerning the charge that Ms. Herridge filed with the EEOC on September 16, 2008,

Exhibit M: a letter, dated June 3, 2010, which the EEOC sent to our co-counsel, Barry Asen, stating that it recognized that Ms. Herridge's salary increase in her new Agreement was paid retroactively.

3. I wish to add and express my indignation about one aspect of the EEOC's Determination. The Determination, which is attached as Exhibit M, states, in relevant part, that Fox News distributed a company-wide e-mail discouraging employee complaints soon after one of the times that Ms. Herridge complained. The e-mail itself does not mention Ms. Herridge by name or reference her in any way. Ms. Herridge neither complained to me about the e-mail nor, to my knowledge, complained to anyone else at Fox News about it. Moreover, although an EEOC representative interviewed me as part of the EEOC's investigation, she did not raise the e-mail as an issue during the interview or at any other time during the investigation. Fox News learned that the e-mail was a subject of the investigation only upon reading about it in the EEOC's Determination.



DIANNE BRANDI

Sworn to before me this
1st day of November, 2010.



Notary Public

CHRISTOPHER J SILVESTRI, ESQ
NOTARY PUBLIC, STATE OF NEW YORK
NO. 02916035394
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES 12-27-13