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11 Attorneys for Claimant Christopher Cuomo

JAMS

14 CHRISTOPHER CUOMO,) JAMS Case No.
15 Claimant,) DEMAND FOR ARBITRATION
16 vs.)
17 TURNER SERVICES, INC.; CNN)
AMERICA, INC.,)
18 Respondents.)
19)
20)

21 Claimant CHRISTOPHER CUOMO, by his undersigned counsel, Freedman + Taitelman,
22 LLP, hereby submits this demand for arbitration before JAMS (the “Demand”) and states his claims
23 against respondents TURNER SERVICES, INC. and CNN AMERICA, INC. as follows.

24 **I.**

25 **INTRODUCTION**

26 1. This action is about the unlawful termination of Claimant Chris Cuomo (“Cuomo”)
27 by Respondent Turner Services, Inc. (“Turner”), an affiliate of Respondent CNN America, Inc.
28 (“CNN”) based on Turner’s false claims that Cuomo violated CNN’s standards and practices by

1 assisting his brother, Gov. Andrew Cuomo, during a time of personal and political crisis. In fact,
2 Cuomo fully complied with CNN's standards and practices, including by keeping CNN executives
3 apprised of his actions at all times. Turner's unjustifiable termination of Cuomo reflects nothing
4 more than an apparent rush to judgment and caving to uninformed public and internal pressure that
5 was based on speculation and assumption rather than facts and evidence.

6 2. Cuomo is an internationally recognized and respected journalist and news anchor. His
7 primetime television news series, "Cuomo Prime Time," was for years a ratings leader for CNN.

8 3. Cuomo comes from a storied political family. Cuomo's father, Mario Cuomo, was
9 governor of the state of New York from 1983 to 1994. Cuomo's older brother, Andrew Cuomo
10 ("Gov. Cuomo"), was governor of New York from 2011 until 2021. As a prominent and well-
11 respected journalist, Cuomo was careful not to blur the lines between his family and his reporting,
12 and he took care to be open and transparent with his employers about his connections and
13 relationships with his family. CNN was aware no later than April 5, 2020 that Cuomo often
14 consulted with Gov. Cuomo, since it was reported that day in *The New York Times*.

15 4. In late 2013, after Gov. Cuomo had appeared on the first CNN program that Cuomo
16 hosted, *New Day*, CNN notified Cuomo that he was no longer permitted to interview Gov. Cuomo
17 on his program. However, in early 2020, CNN modified this network policy when it saw an
18 opportunity to exploit the Cuomo family relationship for its own purposes. During the early days of
19 the global COVID-19 pandemic, Gov. Cuomo became a media darling because of his decisive
20 leadership in response to the public health crisis. Despite Cuomo's and Gov. Cuomo's expressed
21 reservations, CNN demanded through its leadership that Cuomo interview Gov. Cuomo frequently.
22 Indeed, between March 19, 2020 and June 24, 2020, Gov. Cuomo appeared on Cuomo's program
23 nine times. These interviews became wildly popular among viewers, and CNN benefited enormously
24 from the resulting ratings bonanza. CNN head Jeff Zucker ("Zucker"), with full authority to change
25 CNN's standards and practices, led a shift in CNN's approach to reporting the news. He
26 acknowledged as much on April 5, 2020, in an article in *The New York Times* that described him as
27 "taking TV news in the other direction, toward reality television and Instagram, winning trust
28 through the projection of a rough-cut realness." Ben Smith, "Americans Don't Trust the Media

1 Anymore. So Why Do They Trust the Cuomos?,” *The New York Times* (April 5, 2020),
2 [https://www.nytimes.com/2020/04/05/business/media/brothers-cuomo-andrew-chris.html?smid=em-](https://www.nytimes.com/2020/04/05/business/media/brothers-cuomo-andrew-chris.html?smid=em-share)
3 [share](https://www.nytimes.com/2020/04/05/business/media/brothers-cuomo-andrew-chris.html?smid=em-share). In the article, Zucker stated, “You get trust from authenticity and relatability and vulnerability.
4 . . . That’s what the brothers Cuomo are giving us right now.”

5 5. Nearly a year later, CNN made the following statement about its decision to make an
6 exception to network policy: “The early months of the pandemic crisis were an extraordinary time.
7 We felt that Chris speaking with his brother about the challenges of what millions of American
8 families were struggling with was of significant human interest. As a result, we made an exception to
9 a rule that we have had in place since 2013 which prevents Chris from interviewing his brother, and
10 that rule remains in place today.”

11 6. During the time when Gov. Cuomo’s appearances on Cuomo’s program were creating
12 significant value for the network, CNN, through executives Zucker and Zucker’s second-in-
13 command, Allison Gollust (“Gollust”), made a concerted effort to cement and strengthen the
14 network’s ties to Gov. Cuomo and his administration and control his media presence for CNN’s
15 exclusive benefit. CNN pushed Gov. Cuomo not to appear on other networks, intimating that not
16 honoring CNN’s request might threaten Cuomo’s professional standing with the network.

17 7. CNN, through Zucker and Gollust, also requested that Gov. Cuomo hold his daily
18 COVID-19 press conference at a time that was most suitable for the network based on its program
19 schedule and when its ratings were weakest.

20 8. Zucker and Gollust acted as advisors to Gov. Cuomo during this time by providing
21 him with talking points and strategies for responding to statements made by then-President Donald
22 Trump. There is no question that, given the ratings and value Gov. Cuomo was generating for CNN,
23 protecting him and his reputation was in CNN’s best interests.

24 9. While Gov. Cuomo was riding high as a widely popular leader in the Democratic
25 Party, CNN was more than happy to benefit from the connection between the governor and CNN’s
26 most popular news anchor.

27 10. Starting in December 2020, Gov. Cuomo was accused of sexual harassment by
28 several women who had previously worked for his administration. Gov. Cuomo denied the

1 allegations and maintained that he had never conducted himself inappropriately with any of his
2 staffers, but the Office of the New York State Attorney General launched an investigation into his
3 conduct.

4 11. As Gov. Cuomo faced this personal and professional crisis, Cuomo did what he could
5 to support and assist his brother in responding to the allegations and defending his innocence.
6 Importantly, he was always transparent with CNN about his role as a confidant to his brother, and he
7 never reported on the allegations against Gov. Cuomo.

8 12. Until May 2021, CNN never asked Cuomo to stop or curtail his efforts to assist his
9 brother through the sexual harassment allegations, despite being fully aware of Cuomo's role
10 assisting him. In fact, *The Wall Street Journal* later reported that Gollust herself offered advice to
11 Gov. Cuomo in ways to respond to the allegations. She texted Cuomo a sentence she suggested
12 adding to a statement by Gov. Cuomo regarding the allegations; she also asked Cuomo whether one
13 of Gov. Cuomo's accusers had ever said publicly that Gov. Cuomo had never touched her, saying
14 that CNN should report on such a statement if it had been made. A spokesperson for Gollust later
15 described these and other actions by Gollust as "innocuous" and "mundane." Joe Flint & Benjamin
16 Mullin, "CNN Probe Finds Allison Gollust Assisted Chris Cuomo in His Efforts to Help Andrew
17 Cuomo," *Wall Street Journal* (Feb. 25, 2022), [https://www.wsj.com/articles/cnn-probe-finds-allison-
18 gollust-assisted-chris-cuomo-in-his-efforts-to-help-andrew-cuomo-
19 11645829880?st=g0i30qw0abzildq&reflink=article_email_share](https://www.wsj.com/articles/cnn-probe-finds-allison-gollust-assisted-chris-cuomo-in-his-efforts-to-help-andrew-cuomo-11645829880?st=g0i30qw0abzildq&reflink=article_email_share).

20 13. On May 20, 2021, *The Washington Post* reported that Cuomo had acted to assist Gov.
21 Cuomo as he faced the harassment allegations. CNN executives had been fully aware of the extent
22 and nature of Cuomo's assistance to his brother, and CNN released a statement acknowledging that
23 Cuomo "often serves as a sounding board for his brother." However, the statement also said that it
24 was "inappropriate [for Cuomo] to engage in conversations that included members of the Governor's
25 staff." Cuomo publicly apologized for any actual or perceived transgression of journalistic ethics.

26 14. Zucker was reported to have told CNN employees during a town hall meeting that
27 Cuomo would not be punished in any manner because it would be "pointless" to do so. As reported
28 by *The Wall Street Journal*, Zucker said, "I am not surprised that [Cuomo] had conversations with

1 his brother” (because he actually was aware of the nature of Cuomo’s support for Gov. Cuomo at all
2 times). Benjamin Mullin, “CNN Chief Says Chris Cuomo Made a Mistake in Joining Strategy Talks
3 with Andrew Cuomo,” *The Wall Street Journal* (May 25, 2021), [https://www.wsj.com/articles/cnn-
4 chief-says-chris-cuomo-made-a-mistake-in-joining-strategy-talks-with-andrew-cuomo-
5 11621968190](https://www.wsj.com/articles/cnn-chief-says-chris-cuomo-made-a-mistake-in-joining-strategy-talks-with-andrew-cuomo-11621968190). Zucker continued, “Who wouldn’t? But he did cross the line doing it with his
6 brother’s aides present.” *Id.* Zucker made this statement despite knowing that he himself had
7 encouraged Cuomo and had actually provided material support for Gov. Cuomo himself. He further
8 acknowledged that he didn’t see the point in taking Cuomo off the air, saying it would be
9 “punishment for the sake of punishing.” *Id.* Following the May 2021 report by *The Washington Post*,
10 CNN and Zucker did not conduct any type of investigation or review of Cuomo’s interactions with
11 Gov. Cuomo or his staff to determine whether any disciplinary action was warranted. This is because
12 CNN, Zucker and Gollust were fully aware of the scope of Cuomo’s assistance to Gov. Cuomo and
13 in fact participated in and encouraged the same behavior.

14 15. Cuomo had no reason to believe that his assistance to Gov. Cuomo was inconsistent
15 with CNN’s or Turner’s policies nor its expectations, especially given the fact that Zucker and
16 Gollust had encouraged him to do so and had themselves provided advice to Gov. Cuomo. In fact,
17 CNN fostered a culture in which the network’s standards and practices were a constantly moving
18 target, modified at CNN executives’ discretion as they saw fit., and that culture began at the top with
19 Zucker and Gollust. As long as Zucker and Gollust believed CNN’s ratings would benefit, they were
20 more than willing to disregard breaches of traditional journalistic standards by CNN personalities,
21 such as Don Lemon and Jake Tapper, or even to engage in blatant breaches of journalistic ethics
22 themselves. There is no better example of this than Zucker and Gollust making an exception to the
23 CNN rule to direct Cuomo to interview his brother several times over the course of three months.
24 When Gollust was eventually terminated in February 2022, *The New York Times* reported on her
25 “trove of written communications” with Gov. Cuomo, including messages in which she agreed to
26 pre-arrange questions for Gov. Cuomo in advance of interviews. Michael M. Grynbaum et al., “CNN
27 Executive Was Ousted After Discussing Interview Topics with Governor,” *The New York Times*

1 (Feb. 18, 2022), [https://www.nytimes.com/2022/02/18/business/media/allison-gollust-cnn-](https://www.nytimes.com/2022/02/18/business/media/allison-gollust-cnn-cuomo.html)
2 [cuomo.html](https://www.nytimes.com/2022/02/18/business/media/allison-gollust-cnn-cuomo.html).

3 16. As part of an investigation into Gov. Cuomo’s conduct, state attorneys took Cuomo’s
4 deposition on July 15, 2021.

5 17. On August 3, 2021, the Office of the New York State Attorney General released its
6 report on the investigation into Gov. Cuomo’s conduct. On August 10, 2021, Gov. Cuomo
7 announced that he would resign his office effective August 24, 2021.

8 18. On November 29, 2021, the Office of the New York State Attorney General
9 (“NYAG”) released the transcript of Cuomo’s deposition in connection with the NYAG’s
10 investigation into Gov. Cuomo’s conduct. The deposition records included details about Cuomo’s
11 assistance to his brother during the investigation, including via text messages with the governor’s
12 staff—none of which was new information to CNN or Zucker.

13 19. Because a substantial amount of the media coverage of the contents of the NYAG
14 report was misleading and sensationalized as it relates to the interactions between Cuomo and Gov.
15 Cuomo’s staff, and because CNN cited the allegedly “new” information in the NYAG report as the
16 reason for terminating Cuomo’s contract, it is important to make clear exactly what is in the report
17 and Cuomo’s deposition testimony about what Cuomo did, and, most importantly, what he did not
18 do. First, Cuomo never reported on the air about his brother, and he never contacted or otherwise
19 sought to influence any journalist who was reporting on Gov. Cuomo and the allegations against
20 him. He never “dug up dirt” or otherwise actively sought information about any of Gov. Cuomo’s
21 accusers. Most importantly, he never lied to anyone, including Zucker, Gollust or anyone else at
22 CNN about what he was doing to help his brother.

23 20. Here is what the NYAG report showed that Cuomo did in advising and helping his
24 brother, which is supported by his deposition testimony. First, he provided his suggestions on
25 certain statements Gov. Cuomo made, including one regarding the allegations of one of the accusers.
26 In one instance he received *unsolicited* information about one of the accusers and passed along that
27 information to Gov. Cuomo’s staff. He shared news coverage and, at times, offered his opinions on
28 it. Again, *in one instance*, he checked with a friend who was also a former colleague to see if that

1 person had any knowledge about the timing of a story about Gov. Cuomo that apparently was in the
2 works – but, again, Cuomo never contacted or otherwise sought to influence any journalist working
3 on a story about his brother. The nature of what Cuomo was doing in acting as a sounding board to
4 Gov. Cuomo and his staff was well known to Zucker and Gollust.

5 21. Despite the fact that the NYAG’s report did not contain any information that was new
6 to CNN, Zucker, or Gollust, Zucker summoned Cuomo for a meeting on or about November 30,
7 2021. Zucker, Gollust, and other CNN executives attended the meeting with Cuomo. At the meeting,
8 for the first time, Zucker falsely claimed that he had been unaware of the extent and nature of the
9 assistance Cuomo had provided his brother. Cuomo, taken aback, replied that he had been
10 forthcoming about his involvement and that Zucker had known what Cuomo was doing throughout.
11 Zucker told Cuomo he would be suspended pending an internal review, but assured Cuomo that he
12 would have the chance to present his perspective and to answer questions.

13 22. On November 30, 2021, CNN publicly announced Cuomo’s indefinite suspension,
14 falsely claiming in its statement that the documents released by the Office of the New York State
15 Attorney General “point[ed] to a greater level of involvement in [Gov. Cuomo’s] efforts than [CNN]
16 previously knew.” CNN has never identified what was in the NYAG report that represented a
17 “greater level of involvement” than Zucker, Gollust, or CNN knew.

18 23. Also on November 30, 2021, CNN retained the law firm Cravath, Swaine & Moore to
19 conduct an internal investigation into Cuomo’s conduct.

20 24. CNN’s own media reporter, Brian Stelter, stated on the air, “I think it’s possible he
21 will be on the bench for several weeks. It’s possible he’ll be back in January.” Brian Flood, “CNN’s
22 Brian Stelter Indicates Chris Cuomo Might Only Be Suspended for a Few Weeks,” Fox News (Dec.
23 1, 2021), <https://www.foxnews.com/media/brian-stelter-cuomo-suspended-weeks>.

24 25. On December 1, 2021, an employment lawyer sent CNN a letter containing
25 allegations of sexual misconduct against Cuomo made by an anonymous person who claimed to be a
26 former colleague of Cuomo’s well before he joined CNN. The allegations were entirely fabricated,
27 and the timing of the letter strongly suggests it had the objective of battering Cuomo with false
28 accusations while he was already on the ropes.

1 26. On December 3, 2021, Cravath, Swaine & Moore provided CNN with a report on its
2 investigation. Their entire “investigation” had taken just three days. Notably, throughout the
3 investigation, no one had ever interviewed Cuomo or provided him any opportunity to explain what
4 had happened, to explain that the allegations in the letter were false, to provide important context
5 about the contents of the Attorney General’s report, including Cuomo’s communications via text
6 message with Gov. Cuomo’s staffers, or to explain that CNN had been fully aware of Cuomo’s
7 interactions with Gov. Cuomo all along.

8 27. On December 4, 2021, Zucker called Cuomo and informed him that he would be
9 terminated. Zucker stated that the report from Cravath, Swaine & Moore had concluded that Cuomo
10 had violated CNN’s standards and procedures, but that Zucker had not decided to terminate Cuomo
11 until he learned of the anonymous woman’s allegations against Cuomo. (Despite Zucker’s account
12 of his decision to terminate Cuomo, it was reported that “a WarnerMedia spokesperson claimed that
13 CNN had already decided to terminate Cuomo because of his involvement with his brother’s
14 defense, and that the sexual assault allegations only precipitated the announcement.” Clare Malone,
15 “CNN’s Problems Are Bigger than Jeff Zucker,” *The New Yorker* (Feb. 19, 2022),
16 [https://www.newyorker.com/news/annals-of-communications/cnns-problems-are-bigger-than-jeff-](https://www.newyorker.com/news/annals-of-communications/cnns-problems-are-bigger-than-jeff-zucker)
17 [zucker](https://www.newyorker.com/news/annals-of-communications/cnns-problems-are-bigger-than-jeff-zucker).) Cuomo emphatically denied the allegations, but Zucker nevertheless said CNN had to sever
18 its ties with Cuomo.

19 28. CNN did not even attempt to investigate the veracity of the anonymous allegations
20 against Cuomo before deciding to terminate his employment.

21 29. CNN failed to provide any explanation for the abrupt decision to terminate Cuomo in
22 its formal termination letter, which was two sentences long. However, CNN publicly stated that “he
23 was terminated for violating [CNN’s] standards and practices, as well as his lack of candor.”

24 30. The decision to terminate Cuomo constitutes an utterly unjustifiable breach of his
25 Employment Agreement with Turner (the “Agreement”). CNN, including Zucker and Gollust, knew
26 of Cuomo’s role as a confidant and sounding board to his brother, and the details of his interactions
27 with Gov. Cuomo and his staff, long before the transcripts of the NYAG investigation were publicly
28 disclosed. Rather than objecting, CNN, including Zucker and Gollust, did everything it could to take

1 advantage of Cuomo’s family relationship with one of the most popular politicians in the country at
2 the beginning of a global public health crisis. CNN even broke its own policy to take advantage of
3 that relationship in the name of ratings and advertising dollars.

4 31. An additional, and similarly significant, legally unjustifiable breach of the Agreement
5 was the complete failure by Zucker to abide by the terms of the Agreement by failing to instruct
6 CNN employees not to disparage Cuomo. The Agreement requires that CNN “make reasonable
7 efforts to instruct its employees not to make any intentionally disparaging comments regarding
8 [Cuomo] in the context of [Cuomo’s] business and professional activities.” In fact, not only did
9 Zucker and CNN fail to instruct CNN employees not to disparage Cuomo, as required by the
10 Agreement, but they themselves openly disparaged Cuomo in violation of the Agreement, with
11 Zucker leading the charge. Before Cuomo was terminated, Zucker at first claimed that he had been
12 unaware of Cuomo’s discussions with Gov. Cuomo’s aides, when Zucker had done the same thing
13 himself. After Cuomo’s termination, Zucker claimed that Cuomo had broken his word and that
14 Cuomo misrepresented the extent of his support for his brother. Other CNN staff joined in the
15 calculated campaign to smear Cuomo and destroy his reputation. Jake Tapper, a CNN anchor,
16 publicly assailed Cuomo’s ethics as a journalist and falsely claimed that Cuomo “threatened”
17 Zucker. Don Lemon, another CNN anchor, falsely claimed that Cuomo had been “found to break
18 with those journalistic standards and then [was] paid handsomely for it.” Brian Stelter, CNN’s chief
19 media correspondent, said Cuomo was “acting like an unpaid staffer” for Gov. Cuomo and had been
20 “trying to burn the place down” after CNN terminated him. Countless anonymous CNN staffers
21 slammed Cuomo in the press, calling him “both journalistically and morally immoral,” saying “his
22 biggest crime was he lied to Zucker,” and labeling him “toxic and distracting.” CNN itself released a
23 statement that Cuomo “made a number of accusations that are patently false” and that he was
24 terminated for a “lack of candor.” A full account of CNN’s smear campaign conducted in direct
25 violation of the express terms of the Agreement is set forth in paragraphs 74-87. This campaign led
26 to widespread news coverage that ultimately made Cuomo an outcast from the world of journalism.

27 32. Shockingly, CNN executives and employees were apparently completely unaware of
28 the express contractual provision of the Agreement that required CNN to instruct its employees to

1 refrain from disparaging Cuomo. Not only did CNN fail to make “reasonable” efforts to instruct its
2 employees not to disparage Cuomo, it made *no* such efforts whatsoever, and in fact CNN itself
3 intentionally disparaged him. This breach of the Agreement, in and of itself, has destroyed Cuomo’s
4 reputation to such a degree that the damages over the lifetime of his career will exceed \$125 million.

5 33. As a result of Turner’s indefensible choice to unceremoniously fire him, Cuomo has
6 been damaged in countless ways. Cuomo has had his journalistic integrity unjustifiably smeared,
7 making it difficult if not impossible for Cuomo to find similar work in the future and damaging him
8 in amounts exceeding \$125 million, which includes not only the remaining salary owed under the
9 Agreement, but future wages lost as a result of CNN’s efforts to destroy his reputation in violation of
10 the Agreement. Cuomo now seeks to recover the full measure of his damages against Turner and
11 CNN.

12 II.

13 THE PARTIES

14 34. Claimant Christopher Cuomo is an internationally recognized journalist and news
15 anchor based in New York, New York. From 2017 until December 2021, Cuomo hosted the
16 television news series “Cuomo Prime Time.”

17 35. Turner Services, Inc. is a Georgia corporation with its principal place of business
18 located in Atlanta, Georgia.

19 36. CNN America, Inc. is a Delaware corporation with its principal place of business
20 located in Atlanta, Georgia.

21 III.

22 STATEMENT OF RELEVANT FACTS

23 a.

24 Cuomo’s Employment with CNN

25 37. Cuomo has built a long and illustrious career in broadcast journalism. He first worked
26 as a correspondent and political policy analyst for Fox News, where he covered a wide range of
27 stories focusing on controversial social issues. He next moved to ABC and served as co-anchor of
28 the storied news program “20/20.” From 2006 to 2009, he was the news anchor for “Good Morning

1 America,” on ABC, where he was the primary reporter on breaking news stories both in the United
2 States and around the world. He covered the war on terrorism, working as an embedded journalist in
3 Pakistan, Afghanistan, and Iraq (where his convoy was hit by an IED).

4 38. In February 2013, Cuomo moved to CNN to co-host its morning show “New Day.” In
5 March 2018, CNN announced that Cuomo would move to prime time to host his own show, “Cuomo
6 Prime Time.” The show quickly became a success and was CNN’s top-rated show.

7 39. At all relevant times, Zucker acted as Cuomo’s direct supervisor. Zucker personally
8 hired Cuomo away from ABC and persuaded him to move to CNN. Zucker also personally made the
9 decision to move Cuomo to prime time. Unlike almost any other CNN anchor, Cuomo reported
10 directly to Zucker.

11 40. Cuomo is not the only prominent member of his family. His father, Mario Cuomo,
12 served as the governor of New York from 1983 to 1994. His older brother, Andrew Cuomo, was
13 governor of New York from 2011 until his resignation on August 24, 2021.

14 41. While he acted as the host of “New Day,” Cuomo interviewed Gov. Cuomo on
15 November 27, 2013 (the day before Thanksgiving). Later in 2013, CNN put in place a policy that
16 Cuomo could not interview or cover members of his family, including Gov. Cuomo. Cuomo
17 complied with that policy in accordance with the highest standards of journalistic ethics.

18 42. However, CNN, including Zucker and Gollust, were, at all relevant times, fully aware
19 that Cuomo often acted as a source of brotherly support to Gov. Cuomo on both personal and
20 political issues. Indeed, on April 5, 2020, *The New York Times* reported that “Chris [Cuomo] has
21 also been an advisor to his brother, people who have worked for [Gov.] Andrew [Cuomo] told me,
22 sometimes extending his advice to the governor’s staff.” Ben Smith, “Americans Don’t Trust the
23 Media Anymore. So Why Do They Trust the Cuomos?,” *New York Times* (Apr. 5, 2020),
24 <https://www.nytimes.com/2020/04/05/business/media/brothers-cuomo-andrew-chris.html>. Notably,
25 the same article quoted Zucker as touting the “trust from authenticity and relatability and
26 vulnerability” that the Cuomos provided.

27 **b.**

28 **The Global COVID-19 Pandemic**

1 43. In March 2020, the global COVID-19 pandemic exploded.

2 44. Cuomo contracted COVID-19 in March 2020. He became quite ill, though he avoided
3 hospitalization, and was forced to quarantine in his home basement to avoid exposing his family to
4 the virus. For a period of time, he filmed his broadcasts from his home basement.

5 45. In March 2020, CNN executives, including Zucker and Gollust, made the decision
6 that Cuomo should interview Gov. Cuomo even though they had established a policy in 2013
7 prohibiting Cuomo from interviewing his brother. They made an exception to the policy, and in
8 March 2020, Cuomo interviewed Gov. Cuomo during the time Cuomo was recovering from his
9 COVID-19 infection.

10 46. Public response to the interview was overwhelmingly positive. Seeing the potential
11 ratings benefits, CNN directed Cuomo to continue interviewing his brother periodically from March
12 to June 2020 on eight additional occasions.

13 47. Both Cuomo and Gov. Cuomo expressed reservations about the propriety of Gov.
14 Cuomo continuing to be interviewed by Cuomo, but Zucker and Gollust insisted that the interviews
15 continue, as they led to high ratings for the network. Gollust—a former staffer for Gov. Cuomo—
16 communicated directly with Gov. Cuomo to tell him how “important” it was to Zucker that Gov.
17 Cuomo appear on Cuomo’s show. According to Gov. Cuomo, the message communicated by Gollust
18 and Zucker was that if Gov. Cuomo did not appear on Cuomo’s show, it could negatively impact
19 Cuomo’s standing at the network.

20 48. CNN, including Zucker and Gollust, also sought to cultivate a close relationship with
21 Gov. Cuomo, as Gov. Cuomo was at the time a media darling for his strong leadership in response to
22 the COVID-19 pandemic. Starting in March 2020, Zucker and Gollust began advising Gov. Cuomo
23 on ways to respond to statements by then-President Donald Trump about the pandemic. They also
24 requested that Gov. Cuomo agree to appear on CNN exclusively. They even demanded that Gov.
25 Cuomo reschedule his daily press conferences to times that were advantageous for CNN, to boost
26 CNN’s ratings and advertising dollars.

27 49. Gollust and Zucker did not hesitate to take full advantage of the relationship they
28 sought to establish with Gov. Cuomo’s office. In mid-March 2020, at a time when reliable COVID-

1 19 tests were nearly impossible to obtain, both Zucker and Gollust demanded priority testing from
2 Gov. Cuomo’s administration, demands that the administration felt it had no choice but to fulfill
3 given Zucker and Gollust’s power over Cuomo’s career.

4 50. In summary, while Gov. Cuomo was riding high as a powerful and beloved
5 Democratic leader, CNN, Zucker and Gollust had no qualms about making use of the relationship
6 between Cuomo and Gov. Cuomo. They also had no problem unilaterally changing a CNN policy
7 that since 2013 had prohibited Cuomo from interviewing Gov. Cuomo. They did so because they
8 believed that Cuomo’s interviews of his brother would be a ratings bonanza for the network, and that
9 turned out to be correct – so much so that they allowed (and if fact directed) Cuomo to interview
10 Gov. Cuomo nine times over the course of three months. While Zucker and Gollust were leveraging
11 the relationship Cuomo had with his brother to produce higher ratings, they (and by extension CNN)
12 were fully aware that Cuomo often acted as a close confidant and sounding board to his brother and
13 his staff.

14 **c.**

15 **Sexual Harassment Allegations and Investigation Against Gov. Cuomo.**

16 51. Starting in December 2020, a number of women came forward with allegations that
17 Gov. Cuomo had sexually harassed them while they worked for his office. Gov. Cuomo denied the
18 allegations that he had conducted himself inappropriately in any way, but the New York State
19 Attorney General launched an investigation.

20 52. Cuomo, concerned for his brother’s well-being and reputation, participated in
21 discussions and written communication with Gov. Cuomo and key staffers regarding the governor’s
22 response to the allegations and related strategy. Cuomo later testified under oath that he was a
23 “satellite” to the strategy discussions; that he was “not on [Gov. Cuomo’s] team”; and that he was
24 “peripheral and not involved” in many of the strategy discussions. He never made statements to
25 reporters on Gov. Cuomo’s behalf, nor did he ever take part in—or even become aware of—any
26 efforts to tarnish the credibility of Gov. Cuomo’s accusers. In fact, he offered Gov. Cuomo no advice
27 other than to be honest and forthcoming and to treat his accusers with respect.

28

1 53. In February 2021, after the harassment allegations surfaced, CNN conveniently
2 reinstated its policy against permitting Cuomo to interview Gov. Cuomo. Cuomo immediately and
3 fully complied with the policy and made a public statement on his show explaining that he had not
4 taken and would not take any role in CNN’s coverage of the allegations against Gov. Cuomo.

5 54. On May 20, 2021, *The Washington Post* reported that Cuomo had provided support to
6 Gov. Cuomo as he faced the harassment allegations. Zucker and Gollust had been fully aware of the
7 extent and nature of Cuomo’s assistance to his brother, including that he sometimes extended his
8 assistance to Gov. Cuomo’s staff. Thus, after *The Washington Post* story ran, CNN released a
9 statement acknowledging that Cuomo “often serves as a sounding board for his brother,” but that it
10 was “inappropriate [for Cuomo] to engage in conversations that included members of the Governor’s
11 staff.” This statement was disingenuous considering that CNN was aware of and endorsed Cuomo’s
12 assistance to his brother.

13 55. Cuomo publicly apologized for any actual or perceived transgression of journalistic
14 ethics. Tellingly, CNN and Zucker conducted no internal investigation about the details of Cuomo’s
15 contacts with Gov. Cuomo and his staff—because they already knew that such an investigation
16 would not reveal any new information that would merit disciplining Cuomo. Indeed, Zucker told
17 CNN employees during a town hall meeting that Cuomo would not be punished in any manner
18 because it would be “pointless” to do so.

19 56. In any event, CNN did not believe there were grounds to take any disciplinary action
20 against Cuomo as a result of him engaging in conversations with members of the Governor’s staff.
21 Again, CNN did not look further into this at that time indicating (i) its executives were fully aware
22 of what Cuomo was doing to assist his brother, including his communications with Gov Cuomo’s
23 staff, and/or (ii) no matter the nature or extent of Cuomo’s communications with Gov. Cuomo’s
24 staff, it would not warrant any disciplinary action.

25 57. On July 15, 2021, Cuomo was deposed in connection with the state investigation into
26 Gov. Cuomo’s conduct.

27 58. On August 3, 2021, the Office of the New York State Attorney General released its
28 report on the investigation into Gov. Cuomo’s conduct.

1 59. On August 10, 2021, Gov. Cuomo announced that he would resign his office effective
2 August 24, 2021.

3 60. On November 29, 2021, the NYAG released the transcript of Cuomo’s deposition in
4 connection with its investigation into Gov. Cuomo’s conduct. The deposition records included
5 details about Cuomo’s assistance to his brother during the investigation—none of which was new
6 information to CNN or Zucker and Gollust.

7 61. As the NYAG report makes clear and as noted above, Cuomo never reported on the
8 air about his brother, and he never contacted or otherwise sought to influence any journalist who was
9 reporting on Gov. Cuomo and the allegations against him. He never “dug up dirt” or otherwise
10 actively sought information about any of Gov. Cuomo’s accusers. Most importantly, he never lied to
11 anyone, including Zucker, Gollust or anyone else at CNN about what he was doing to help his
12 brother.

13 62. The NYAG report showed that Cuomo provided his suggestions on certain statements
14 Gov. Cuomo made, including one regarding the allegations of one of the accusers. It also showed
15 that in one instance Cuomo received *unsolicited* information about one of the accusers and passed
16 along that information to Gov. Cuomo’s staff. He also shared links to news coverage and, at times,
17 offered his opinions on it. Again, *in one instance*, he checked with a [friend/former colleague] to see
18 if he had any knowledge about the timing of a story about Gov. Cuomo that was in the works – but,
19 again, never contacted or otherwise sought to influence any journalist working on a story about his
20 brother. The nature of what Cuomo was doing in acting as a sounding board to Gov. Cuomo and his
21 staff was well known to Zucker and Gollust.

22 63. Despite the fact that the NYAG’s report did not contain any information that was new
23 to CNN, Zucker, or Gollust, Zucker summoned Cuomo for a meeting on or about November 30,
24 2021. Zucker, Gollust, and other CNN executives attended the meeting with Cuomo. At the meeting,
25 for the first time, Zucker falsely claimed that he had been unaware of the extent and nature of the
26 assistance Cuomo had provided his brother. Cuomo, taken aback, replied that he had been
27 forthcoming about his involvement and that Zucker had known what Cuomo was doing throughout.
28 Zucker told Cuomo he would be suspended pending an internal review, but assured Cuomo that he

1 would have the chance to present his perspective and to answer questions. Zucker reassured Cuomo
2 that Cuomo would keep his job and that the release of the transcript didn't change anything.

3 64. On November 30, 2021, CNN publicly announced Cuomo's indefinite suspension,
4 falsely claiming in its statement that the documents released by the Office of the New York State
5 Attorney General "point[ed] to a greater level of involvement in [Gov. Cuomo's] efforts than [CNN]
6 previously knew."

7 65. Also on November 30, 2021, CNN retained the law firm Cravath, Swaine & Moore
8 ("Cravath") to conduct an internal investigation into Cuomo's conduct.

9 66. CNN's own media reporter, Brian Stelter, stated on the air, "I think it's possible he
10 will be on the bench for several weeks. It's possible he'll be back in January." Brian Flood, "CNN's
11 Brian Stelter Indicates Chris Cuomo Might Only Be Suspended for a Few Weeks," Fox News (Dec.
12 1, 2021), <https://www.foxnews.com/media/brian-stelter-cuomo-suspended-weeks>.

13 67. On December 1, 2021, an employment lawyer sent CNN a letter with allegations of
14 sexual misconduct against Cuomo from 2011 made by an anonymous person who claimed to be a
15 former colleague of Cuomo's at ABC News, before he joined CNN in 2013. The allegations were
16 entirely fabricated, and the timing of the letter strongly suggests it had the objective of battering
17 Cuomo with false accusations while he was already on the ropes.

18 68. On December 3, 2021, Cravath provided CNN with a report on its investigation.
19 Their entire "investigation" had taken just three days. Notably, throughout the investigation, no one
20 had ever interviewed Cuomo or provided him any opportunity to explain what had happened.

21 **d.**

22 **Terminations of Cuomo, Zucker and Gollust by Turner.**

23 69. On December 4, 2021, Zucker called Cuomo and informed him that he would be
24 terminated. Zucker stated that the report from Cravath had concluded that Cuomo had violated
25 CNN's standards and procedures, but that Zucker had not decided to terminate Cuomo until he
26 learned of the allegations from the anonymous woman against Cuomo. (Despite Zucker's account of
27 his decision to terminate Cuomo, it was reported that "[a] WarnerMedia spokesperson claimed that
28 CNN had already decided to terminate Cuomo because of his involvement with his brother's

1 defense, and that the sexual assault allegations only precipitated the announcement.” Clare Malone,
2 “CNN’s Problems Are Bigger than Jeff Zucker,” *The New Yorker* (Feb. 19, 2022),
3 [https://www.newyorker.com/news/annals-of-communications/cnns-problems-are-bigger-than-jeff-](https://www.newyorker.com/news/annals-of-communications/cnns-problems-are-bigger-than-jeff-zucker)
4 [zucker.](https://www.newyorker.com/news/annals-of-communications/cnns-problems-are-bigger-than-jeff-zucker)) Cuomo emphatically denied the allegations, but Zucker nevertheless said CNN had to sever
5 its ties with Cuomo.

6 70. CNN did not even attempt to investigate the veracity of the anonymous allegations
7 against Cuomo before deciding to terminate his employment.

8 71. CNN failed to provide any explanation for its abrupt decision to terminate Cuomo in
9 its formal termination letter, which was a mere two sentences long, nor did CNN ever tell Cuomo
10 which of its standards and practices he purportedly violated. However, CNN publicly stated that “he
11 was terminated for violating [CNN’s] standards and practices, as well as his lack of candor.” Jeremy
12 Barr & Sarah Ellison, “Inside CNN’s Decision to Fire Chris Cuomo: ‘He Gave Me His Word,’”
13 *Washington Post* (Dec. 6, 2021), [https://www.washingtonpost.com/media/2021/12/06/cuomo-cnn-](https://www.washingtonpost.com/media/2021/12/06/cuomo-cnn-dismissal-misconduct-zucker/)
14 [dismissal-misconduct-zucker/](https://www.washingtonpost.com/media/2021/12/06/cuomo-cnn-dismissal-misconduct-zucker/). Yet CNN has never identified what was in the NYAG report or
15 Cuomo’s testimony that represented a “greater level of involvement” than Zucker, Gollust or CNN
16 knew. It appears this was a rush to judgment and a decision based on the sensationalized media
17 coverage and public relations considerations. Following the *The Washington Post* story in May
18 2021 revealing that Cuomo acted as a sounding board to his brother and his staff, CNN determined
19 no action was appropriate and still has yet to identify what in the NYAG report or otherwise changed
20 that determination.

21 72. Notably, for years CNN did not discipline Gollust or Zucker for their egregious
22 violations of CNN policy, including both Gollust and Zucker using their privileged access to Gov.
23 Cuomo to secure COVID tests. But then, based on the findings of the Cravath investigation, Zucker
24 was forced to resign from CNN on February 2, 2022 and was permitted to cite his failure to properly
25 disclose his romantic relationship with Gollust as the reason he was resigning, even though that was
26 not the real reason for his resignation.

27 73. After initially remaining with CNN, Gollust was fired on February 15, 2022. Three
28 days later, *The New York Times* reported on her “trove of written communications” with Gov.

1 Cuomo, including messages in which she agreed to pre-arrange questions for Gov. Cuomo in
2 advance of interviews. Michael M. Grynbaum et al., “CNN Executive Was Ousted After Discussing
3 Interview Topics with Governor,” *The New York Times* (Feb. 18, 2022),
4 <https://www.nytimes.com/2022/02/18/business/media/allison-gollust-cnn-cuomo.html>. In fact, *The*
5 *Wall Street Journal* later reported that Gollust herself offered advice to Gov. Cuomo on how to
6 respond to the allegations. She texted Cuomo a sentence she suggested adding to a statement by
7 Gov. Cuomo regarding the allegations; she also asked Cuomo whether one of Gov. Cuomo’s
8 accusers had ever said publicly that Gov. Cuomo had never touched her, saying that CNN should
9 report on such a statement if it had been made. A spokesperson for Gollust later described these and
10 other actions by Gollust as “innocuous” and “mundane.” Joe Flint & Benjamin Mullin, “CNN Probe
11 Finds Allison Gollust Assisted Chris Cuomo in His Efforts to Help Andrew Cuomo,” *Wall Street*
12 *Journal* (Feb. 25, 2022), [https://www.wsj.com/articles/cnn-probe-finds-allison-gollust-assisted-](https://www.wsj.com/articles/cnn-probe-finds-allison-gollust-assisted-chris-cuomo-in-his-efforts-to-help-andrew-cuomo-11645829880?st=g0i30qw0abzildq&reflink=article_email_share)
13 [chris-cuomo-in-his-efforts-to-help-andrew-cuomo-](https://www.wsj.com/articles/cnn-probe-finds-allison-gollust-assisted-chris-cuomo-in-his-efforts-to-help-andrew-cuomo-11645829880?st=g0i30qw0abzildq&reflink=article_email_share)
14 [11645829880?st=g0i30qw0abzildq&reflink=article_email_share](https://www.wsj.com/articles/cnn-probe-finds-allison-gollust-assisted-chris-cuomo-in-his-efforts-to-help-andrew-cuomo-11645829880?st=g0i30qw0abzildq&reflink=article_email_share). This only serves as further
15 evidence that Gollust and Zucker were fully aware of Cuomo’s assistance to his brother and
16 endorsed it.

17 e.

18 **CNN Disparages Cuomo in Violation of the Employment Agreement**

19 74. Both before and after CNN’s unjustifiable termination of Cuomo, CNN has
20 repeatedly violated its covenant in Cuomo’s Employment Agreement that CNN would “make
21 reasonable efforts to instruct its employees not to make any intentionally disparaging comments
22 regarding [Cuomo] in the context of [Cuomo’s] business and professional activities.” (Agreement, §
23 11(e).) CNN’s failure to undertake reasonable efforts to instruct its employees not to make
24 intentionally disparaging comments regarding Cuomo is underscored by the volume and frequency
25 of such disparaging comments. Below is just a selection of examples.

26 75. CNN allowed its employees to publicly slam Cuomo even before CNN took any steps
27 to discipline him. Jake Tapper, a CNN anchor, stated in May 2021 that he “cannot imagine a world
28 in which anyone in journalism thinks that [Cuomo’s assistance to Gov. Cuomo] was appropriate.”

1 Erik Wemple, “Jake Tapper Backs Criticism of Colleague Chris Cuomo,” *Washington Post* (May 27,
2 2021), [https://www.washingtonpost.com/opinions/2021/05/27/jake-tapper-backs-criticism-](https://www.washingtonpost.com/opinions/2021/05/27/jake-tapper-backs-criticism-colleague-chris-cuomo/)
3 [colleague-chris-cuomo/](https://www.washingtonpost.com/opinions/2021/05/27/jake-tapper-backs-criticism-colleague-chris-cuomo/); *see also* Justin Baragona, “CNN Insiders Disgusted After Network
4 Seemingly Rolls Over for Chris Cuomo,” *The Daily Beast* (May 25, 2021),
5 [https://www.thedailybeast.com/cnn-insiders-disgusted-after-network-seemingly-rolls-over-for-chris-](https://www.thedailybeast.com/cnn-insiders-disgusted-after-network-seemingly-rolls-over-for-chris-cuomo)
6 [cuomo](https://www.thedailybeast.com/cnn-insiders-disgusted-after-network-seemingly-rolls-over-for-chris-cuomo) (“Chris Cuomo’s concern for his brother is admirable but working to discredit the multiple
7 women who have accused Andrew Cuomo of sexual impropriety is both journalistically and morally
8 immoral,” added another [CNN] insider”; “It was a complete letdown of journalistic ethics”); Julia
9 Reinstein, “CNN Is Still Standing By Chris Cuomo, Despite His Role in His Brother’s Alleged
10 Sexual Harassment Saga,” *BuzzFeed.News* (Aug. 3, 2021),
11 <https://www.buzzfeednews.com/article/juliareinstein/chris-cuomo-cnn-andrew-harassment> (quoting
12 a “current CNN staffer” as saying, “[T]he fact that Chris Cuomo wasn’t fired over his inappropriate
13 conflict of interest in actively affecting a news story is not only irresponsible of CNN, but also a
14 disgrace to journalism.”). It is important to emphasize that the claims in these comments that Cuomo
15 was “working to discredit” any of Gov. Cuomo’s accusers and that Cuomo was “actively affecting”
16 the Gov. Cuomo news story are, as demonstrated by the contents of the NYAG report, absolutely
17 false. And those false claims represent the kind of media sensationalism and misleading narratives
18 that influenced CNN’s rush to judgment and its caving to public commentary in wrongfully
19 terminating Cuomo.

20 76. At the time CNN suspended Cuomo, CNN released a statement claiming that
21 documents revealed during the New York State Attorney General’s investigation “point to a greater
22 level of involvement in [Gov. Cuomo’s] efforts than CNN previously knew.” Brian Stelter, “CNN
23 Fires Chris Cuomo,” *CNN* (Dec. 5, 2021), [https://www.cnn.com/2021/12/04/media/cnn-fires-chris-](https://www.cnn.com/2021/12/04/media/cnn-fires-chris-cuomo/index.html)
24 [cuomo/index.html](https://www.cnn.com/2021/12/04/media/cnn-fires-chris-cuomo/index.html). This statement suggested that Cuomo had concealed his efforts to assist his
25 brother from CNN, when in fact Cuomo kept CNN executives aware of his situation and never lied
26 to them about any aspect of the support he gave to his brother.

27 77. Following Cuomo’s termination, CNN escalated its campaign to smear Cuomo as a
28 dishonest, unethical liar. The *New York Post* reported that a “CNN source” stated, “[Cuomo’s]

1 biggest crime was he lied to Zucker. He didn't own up to it." Alexandra Steigrad & Bruce Golding,
2 "Chris Cuomo's Texts Were the Final Straw for CNN Boss Jeff Zucker," *New York Post* (Dec. 1,
3 2021), [https://nypost.com/2021/12/01/chris-cuomos-texts-were-the-final-straw-for-cnn-boss-jeff-](https://nypost.com/2021/12/01/chris-cuomos-texts-were-the-final-straw-for-cnn-boss-jeff-zucker/)
4 [zucker/](https://nypost.com/2021/12/01/chris-cuomos-texts-were-the-final-straw-for-cnn-boss-jeff-zucker/).

5 78. Zucker was widely reported to be spreading the account that Cuomo had "lied" about
6 his relationship with Gov. Cuomo. *See, e.g.*, David Folkenflik, "CNN Anchors Grill CEO Over
7 Ouster of Ex-News Chief Jeff Zucker as Sale Looms," *NPR* (Feb. 7, 2022),
8 <https://www.npr.org/2022/02/07/1078924489/cnn-jeff-zucker-resigns-anchors-grill-jason-kilar>; *see*
9 *also* Erik Wemple, "CNN Hypocritically Blames Chris Cuomo for 'Violating Our Standards and
10 Practices,'" *The Washington Post* (Dec. 6, 2021),
11 [https://www.washingtonpost.com/opinions/2021/12/06/cnn-hypocritically-blames-chris-cuomo-](https://www.washingtonpost.com/opinions/2021/12/06/cnn-hypocritically-blames-chris-cuomo-violating-our-standards-practices/)
12 [violating-our-standards-practices/](https://www.washingtonpost.com/opinions/2021/12/06/cnn-hypocritically-blames-chris-cuomo-violating-our-standards-practices/) ("Cuomo 'had been much more deeply involved than we had ever
13 known and than he'd ever told us,' Zucker said on a Monday morning call with CNN employees,
14 according to a source."); Jeremy Barr & Sarah Ellison, "Inside CNN's Decision to Fire Chris
15 Cuomo: 'He Gave Me His Word,'" *Yahoo! News* (Dec. 6, 2021) ("Zucker framed Cuomo's lack of
16 candor as a betrayal, noting that 'he gave me his word that there was no involvement' beyond advice
17 and support to his brother. 'And in the weeks and months that followed, he gave repeated, similar
18 assurances not just to me but to other key members of our management team here."); Charlotte
19 Klein, "The Zucker-Cuomo Saga Just Got Even Messier," *Vanity Fair* (Feb. 16, 2022),
20 <https://www.vanityfair.com/news/2022/02/the-zucker-cuomo-saga-just-got-even-messier> (reporting
21 that Zucker told Cuomo that the "series of scandals" had become "too much" for CNN). Zucker
22 further accused Cuomo of having damaged CNN's reputation, arguing that Cuomo could not claim
23 the remaining amounts owed under his Employment agreement because "[Cuomo's] conduct—in
24 advising his brother—brought the network into disrepute." Jennifer Smith et al., "Chris Cuomo
25 'Blew Whistle on CNN Boss Jeff Zucker's' Affair," *Daily Mail* (Feb. 2, 2022),
26 [https://www.dailymail.co.uk/news/article-10468905/CNN-president-Jeff-Zucker-quits-amid-Chris-](https://www.dailymail.co.uk/news/article-10468905/CNN-president-Jeff-Zucker-quits-amid-Chris-Cuomo-fallout-admits-having-affair-with.html)
27 [Cuomo-fallout-admits-having-affair-with.html](https://www.dailymail.co.uk/news/article-10468905/CNN-president-Jeff-Zucker-quits-amid-Chris-Cuomo-fallout-admits-having-affair-with.html).

1 79. CNN itself published disparaging statements about Cuomo, saying, “[Cuomo] has
2 made a number of accusations that are patently false. This reinforces why he was terminated for
3 violating our standards and practices, as well as his lack of candor.” Erik Wemple, “CNN
4 Hypocritically Blames Chris Cuomo for ‘Violating Our Standards and Practices,’” *The Washington*
5 *Post* (Dec. 6, 2021), [https://www.washingtonpost.com/opinions/2021/12/06/cnn-hypocritically-](https://www.washingtonpost.com/opinions/2021/12/06/cnn-hypocritically-blames-chris-cuomo-violating-our-standards-practices/)
6 [blames-chris-cuomo-violating-our-standards-practices/](https://www.washingtonpost.com/opinions/2021/12/06/cnn-hypocritically-blames-chris-cuomo-violating-our-standards-practices/).

7 80. CNN permitted its employees to spread disparaging statements about Cuomo’s
8 conduct, casting aspersions on his ethics as a journalist. NPR reported that “[n]umerous CNN
9 journalists have told NPR and other news outlets that they believed Chris Cuomo had clearly
10 violated professional and ethical canons by seeking to manage media coverage of his brother”—a
11 demonstrably false claim, since Cuomo *never* sought to influence media coverage of Gov. Cuomo.
12 David Folkenflik, “Chris Cuomo, Newly Fired from CNN, Faces an Allegation of Sexual
13 Misconduct,” *NPR* (Dec. 5, 2021), [https://www.npr.org/2021/12/05/1061639233/chris-cuomo-](https://www.npr.org/2021/12/05/1061639233/chris-cuomo-newly-fired-from-cnn-faces-an-allegation-of-sexual-misconduct)
14 [newly-fired-from-cnn-faces-an-allegation-of-sexual-misconduct](https://www.npr.org/2021/12/05/1061639233/chris-cuomo-newly-fired-from-cnn-faces-an-allegation-of-sexual-misconduct). Another “CNN source” described
15 Cuomo’s truthful description of CNN’s awareness of his activities as “bogus.” Andy Meek, “The
16 Chris Cuomo Saga at CNN Just Got a Lot Messier,” *Forbes* (Dec. 6, 2021),
17 [https://www.forbes.com/sites/andymeek/2021/12/06/the-chris-cuomo-saga-at-cnn-just-got-a-lot-](https://www.forbes.com/sites/andymeek/2021/12/06/the-chris-cuomo-saga-at-cnn-just-got-a-lot-messier/?sh=47f8ea433668)
18 [messier/?sh=47f8ea433668](https://www.forbes.com/sites/andymeek/2021/12/06/the-chris-cuomo-saga-at-cnn-just-got-a-lot-messier/?sh=47f8ea433668).

19 81. Jason Kilar, the chief executive of CNN’s parent company, WarnerMedia, wrote a
20 memo in which he claimed that an internal investigation “found violations of company policies” by
21 Cuomo. Emily Steel et al., “How a Secret Assault Allegations Against an Anchor Upended CNN and
22 Jeff Zucker,” *The New York Times* (Feb. 15, 2022),
23 <https://www.nytimes.com/2022/02/15/business/jeff-zucker-cnn.html>; *see also* John Koblin &
24 Michael M. Grynbaum, “CNN’s Parent Cites Journalistic Lapses in Jeff Zucker’s Exit, As Another
25 Executive Resigns,” *The New York Times* (Feb. 15, 2022),
26 <https://www.nytimes.com/2022/02/15/business/media/allison-gollust-cnn-jeff-zucker.html> (“Based
27 on interviews of more than 40 individuals and a review of over 100,000 texts and emails, the
28 investigation found violations of company policies, including CNN’s News Standards and Practices,

1 by Jeff Zucker, Allison Gollust and Chris Cuomo,' Mr. Kilar wrote on Tuesday. . . . 'We have the
2 highest standards of journalistic integrity at CNN, and those rules must apply to everyone
3 equally.'").

4 82. Jake Tapper, a CNN anchor, publicly stated that Cuomo "put [CNN] in a bad spot."
5 *Id.* Tapper went on to say Cuomo had hired a lawyer who seemed eager to leak damaging
6 information about Mr. Zucker unless CNN gave him severance, saying, "An outside observer might
7 say, 'Well, it looks like Chris Cuomo succeeded.' . . . He threatened Jeff [Zucker]. Jeff said we don't
8 negotiate with terrorists. And Chris [Cuomo] blew the place up. How do we get past the perception
9 that this is the bad guy winning?" Benjamin Mullin, "CNN Employees Grill WarnerMedia CEO
10 Over Jeff Zucker's Departure," *The Wall Street Journal* (Feb. 2, 2022),
11 [https://www.wsj.com/articles/cnn-employees-grill-warnermedia-ceo-over-jeff-zuckers-departure-
12 11643863540](https://www.wsj.com/articles/cnn-employees-grill-warnermedia-ceo-over-jeff-zuckers-departure-11643863540). Tapper had previously "publicly blasted Chris Cuomo's ethics" and "appeared to be
13 gunning for" Cuomo's job. Alexandra Steigrad & Bruce Golding, "Chris Cuomo's Texts Were the
14 Final Straw for CNN Boss Jeff Zucker," *New York Post* (Dec. 1, 2021),
15 <https://nypost.com/2021/12/01/chris-cuomos-texts-were-the-final-straw-for-cnn-boss-jeff-zucker/>.

16 83. Don Lemon, another CNN anchor, claimed that Cuomo had been "found to break
17 with those journalistic standards and then [was] paid handsomely for it." David Rutz, "Chris Cuomo
18 a 'Despised Figure' Within CNN at This Point as Fallout Continues Over His Firing: Insider," *Fox*
19 *News* (Feb. 17, 2022), <https://www.foxnews.com/media/chris-cuomo-despised-figure-cnn-fallout>.

20 84. Anderson Cooper, another CNN anchor, said of Cuomo, "[J]ournalists have strict
21 ethics and strict rules that we are to abide by, and if you don't abide by them, there are
22 repercussions." Ted Johnson, "Anderson Cooper Tells Stephen Colbert What He Thought of Chris
23 Cuomo's Firing: 'Journalists Have Strict Ethics and Strict Rules That We Are to Abide By,'" *Deadline*
24 (Dec. 17, 2021), [https://deadline.com/2021/12/anderson-cooper-chris-cuomo-cnn-firing-
25 1234898825/](https://deadline.com/2021/12/anderson-cooper-chris-cuomo-cnn-firing-1234898825/).

26 85. CNN's chief media correspondent, Brian Stelter, reported that internal CNN sources
27 said Cuomo was "trying to burn the place down." Jennifer Smith et al., "Chris Cuomo 'Blew Whistle
28 on CNN Boss Jeff Zucker's' Affair," *Daily Mail* (Feb. 2, 2022),

1 [https://www.dailymail.co.uk/news/article-10468905/CNN-president-Jeff-Zucker-quits-amid-Chris-](https://www.dailymail.co.uk/news/article-10468905/CNN-president-Jeff-Zucker-quits-amid-Chris-Cuomo-fallout-admits-having-affair-with.html)
2 [Cuomo-fallout-admits-having-affair-with.html](https://www.dailymail.co.uk/news/article-10468905/CNN-president-Jeff-Zucker-quits-amid-Chris-Cuomo-fallout-admits-having-affair-with.html). Stelter also stated on CNN that Cuomo “was not
3 going out quietly,” suggesting Cuomo would seek vengeance for his termination. Emma Nolan,
4 “How the Cuomo Domino Effect Stripped CNN of Top Talent,” *Newsweek* (Feb. 4, 2022),
5 [https://www.newsweek.com/cnn-andrew-cuomo-domino-effect-stripped-talent-jeff-zucker-chris-](https://www.newsweek.com/cnn-andrew-cuomo-domino-effect-stripped-talent-jeff-zucker-chris-cuomo-1676212)
6 [cuomo-1676212](https://www.newsweek.com/cnn-andrew-cuomo-domino-effect-stripped-talent-jeff-zucker-chris-cuomo-1676212); see also Lindsay Kornick, “CNN’s Brian Stelter Speculates Jeff Zucker’s
7 Resignation Is Chris Cuomo Trying to ‘Burn the Place Down,’” *Fox News* (Feb. 2, 2022),
8 <https://www.foxnews.com/media/cnn-brian-stelter-jeff-zucker-chris-cuomo-trying-burn-place-down>
9 (“[Cuomo] was going to court trying to burn the place down and claiming that he had incriminating
10 information about Zucker and Gollust. So if that is the case, this is a domino effect that begins with
11 Andrew Cuomo, going down the governor’s office, and Chris Cuomo being fired from CNN, and
12 then Jeff Zucker losing his job at CNN. That’s a remarkable domino effect of chain of events. I think
13 that is part of the story.”); Khaleda Rahman, “CNN’s Chris Cuomo Statement Raises Questions
14 Over ‘Additional Information,’” *Newsweek* (Dec. 5, 2021), [https://www.newsweek.com/cnn-chris-](https://www.newsweek.com/cnn-chris-cuomo-statement-raises-questions-additional-information-1656162)
15 [cuomo-statement-raises-questions-additional-information-1656162](https://www.newsweek.com/cnn-chris-cuomo-statement-raises-questions-additional-information-1656162) (“CNN’s media correspondent
16 Brian Stelter discussed the matter with anchor Jim Acosta on the network on Saturday, saying his
17 former colleague had violated journalistic ethics and norms ‘not once or twice, but many times.’”);
18 Joseph A. Wuhlfson, “CNN’s Brian Stelter on Chris Cuomo Firing: He Caused ‘So Many
19 Headaches,’ for CNN, Staffers Were ‘Very Unhappy,’” *Fox News* (Dec. 4, 2021),
20 <https://www.foxnews.com/media/cnns-brian-stelter-on-chris-cuomo-firing> (Brian Stelter “dinged
21 Cuomo for ‘acting like an unpaid staffer’” for Gov. Cuomo; Cuomo caused “so many headaches” for
22 CNN and “there were many CNN staffers very unhappy with the situation, very frustrated by Chris
23 Cuomo.”); Maeve Sheehy, “CNN Fires Chris Cuomo,” *Politico* (Dec. 4, 2021),
24 <https://www.politico.com/news/2021/12/04/chris-cuomo-fired-cnn-523764> (“Stelter said Chris
25 Cuomo ‘was in the virtual war room trying to defend his brother in ways that were journalistically
26 improper.”).

27 86. “Unnamed media sources,” who on information and belief include CNN employees,
28 stated that “Chris Cuomo blew the whistle on Zucker’s years-long, open-secret affair with Gollust

1 while fighting for his \$18 million severance pay” (Jennifer Smith et al., “Chris Cuomo ‘Blew
2 Whistle on CNN Boss Jeff Zucker’s’ Affair,” *Daily Mail* (Feb. 2, 2022),
3 [https://www.dailymail.co.uk/news/article-10468905/CNN-president-Jeff-Zucker-quits-amid-Chris-](https://www.dailymail.co.uk/news/article-10468905/CNN-president-Jeff-Zucker-quits-amid-Chris-Cuomo-fallout-admits-having-affair-with.html)
4 [Cuomo-fallout-admits-having-affair-with.html](https://www.dailymail.co.uk/news/article-10468905/CNN-president-Jeff-Zucker-quits-amid-Chris-Cuomo-fallout-admits-having-affair-with.html)), portraying Cuomo as a vengeful ex-employee bent
5 on retaliation when in fact Cuomo had no part in the public revelation of Zucker and Gollust’s
6 relationship. *See also* Sophia Ankel, “CNN Insiders Suspect Chris Cuomo Flagged Jeff Zucker’s
7 Workplace Relationship as Revenge for Firing Him, Reports Say,” *Yahoo! News* (Feb. 3, 2022),
8 <https://news.yahoo.com/cnn-insiders-suspect-chris-cuomo-134251008.html> (“Notice Zucker
9 mentioned how this came from the Cuomo investigation,’ one senior CNN staffer told the Daily
10 Beast after Zucker’s announcement [of his resignation]. ‘People think this is clearly Cuomo dragging
11 down Zucker on his way out.’”); Lindsey Ellefson, “Chris Cuomo’s Revenge? Inside Jeff Zucker’s
12 Sudden Ouster as CNN President,” *The Wrap* (Feb. 2, 2022), [https://www.thewrap.com/jeff-zucker-](https://www.thewrap.com/jeff-zucker-ouster-cnn-chris-cuomo-revenge/)
13 [ouster-cnn-chris-cuomo-revenge/](https://www.thewrap.com/jeff-zucker-ouster-cnn-chris-cuomo-revenge/) (“‘This is Chris Cuomo’s revenge, and it worked,’ one media
14 veteran told TheWrap. ‘It was done deliberately.’”); Charlie Gasparino & Eleanor Terrett, “Chris
15 Cuomo’s \$20M War With CNN to ‘Clear His Name’ After Zucker Revelation,” *Fox Business* (Feb.
16 4, 2021), [https://www.foxbusiness.com/media/chris-cuomos-20m-war-cnn-clear-his-name-zucker-](https://www.foxbusiness.com/media/chris-cuomos-20m-war-cnn-clear-his-name-zucker-revelation)
17 [revelation](https://www.foxbusiness.com/media/chris-cuomos-20m-war-cnn-clear-his-name-zucker-revelation) (“‘(Chris’s) lawyers might feel differently, but (Chris) won’t keep quiet for money,’ said
18 one person close to CNN.”); David Rutz, “Chris Cuomo a ‘Despised Figure’ Within CNN at This
19 Point as Fallout Continues Over His Firing: Insider,” *Fox News* (Feb. 17, 2022),
20 <https://www.foxnews.com/media/chris-cuomo-despised-figure-cnn-fallout> (“‘[Cuomo] is a despised
21 figure,’ said the [CNN] insider.”); Jane Their, “CNN Boss Jeff Zucker Fired Chris Cuomo Then
22 Went to His Birthday Party. The Close Relationship Speaks to a Characteristic That Made Him Both
23 an Admired and Flawed Leader,” *Fortune* (Feb. 16, 2022), [https://fortune.com/2022/02/16/jeff-](https://fortune.com/2022/02/16/jeff-zucker-chris-cuomo-cnn/)
24 [zucker-chris-cuomo-cnn/](https://fortune.com/2022/02/16/jeff-zucker-chris-cuomo-cnn/) (“[S]ome CNN employees found Cuomo’s combative, hot-blooded
25 conduct and approach to reporting and commentating ‘rude and even threatening.’”); Jessica Sager,
26 “CNN Has Fired Chris Cuomo—Find Out Why and How His Brother Andrew’s Scandal Played a
27 Part,” *Parade* (Dec. 5, 2021), <https://parade.com/1246960/jessicasager/chris-cuomo-resign/> (“Even
28 fellow CNN staffers questioned the ethics of Chris [Cuomo] covering Andrew [Cuomo]. CNN’s own

1 senior media reporter, Oliver Darcy, tweeted, ‘The revelation that Cuomo had advised his brother
2 during strategy sessions has vexed staffers inside CNN. Multiple CNN staffers told me they were
3 bothered by Cuomo’s conduct and the violation of traditional journalistic standards.’”); Lachlan
4 Cartwright et al., “CNN Indefinitely Suspends Chris Cuomo After Docs Reveal He Dug for Dirt on
5 Brother’s Accusers,” *Daily Beast* (Dec. 1, 2021), [https://www.thedailybeast.com/cnn-indefinitely-](https://www.thedailybeast.com/cnn-indefinitely-suspends-chris-cuomo-after-docs-reveal-he-dug-for-dirt-on-andrews-accusers)
6 [suspends-chris-cuomo-after-docs-reveal-he-dug-for-dirt-on-andrews-accusers](https://www.thedailybeast.com/cnn-indefinitely-suspends-chris-cuomo-after-docs-reveal-he-dug-for-dirt-on-andrews-accusers) (“Another CNN
7 insider told The Daily Beast that Cuomo had become incredibly unpopular among network staffers
8 and fellow hosts. ‘I don’t know anyone who likes him,’ the insider added.”); Lachlan Cartwright et
9 al., “Cuomo ‘Livid’ After Shock Firing by CNN,” *Daily Beast* (Dec. 4, 2021),
10 [https://www.thedailybeast.com/cnn-cans-chris-cuomo-for-helping-andrew-cuomo-fight-sexual-](https://www.thedailybeast.com/cnn-cans-chris-cuomo-for-helping-andrew-cuomo-fight-sexual-harassment-allegations)
11 [harassment-allegations](https://www.thedailybeast.com/cnn-cans-chris-cuomo-for-helping-andrew-cuomo-fight-sexual-harassment-allegations) (“One CNN insider told The Daily Beast, ‘Finally. Chris was a toxic and
12 distracting presence. The network did the right thing.’”).

13 87. Clearly, if CNN head Jeff Zucker was widely spreading disparaging remarks about
14 Cuomo, there was no effort by CNN to instruct any of its lower-ranked employees not to disparage
15 him. Instead, in an attempt to restore its scandal-worn image, CNN launched a campaign to
16 scapegoat Cuomo and to destroy his public image. CNN repeatedly breached its agreement with
17 Cuomo, and Cuomo has suffered untold damage to his personal and professional reputation. As a
18 direct result of CNN’s calculated efforts to tar and feather him, Cuomo is now untouchable in the
19 world of broadcast journalism, effectively bringing his storied career to a premature end and costing
20 him decades of earnings, exceeding \$125 million in consequential damages.

21 f.

22 **Cuomo’s Contract with Turner**

23 88. On or about May 3, 2019, Cuomo and Turner entered into an Employment
24 Agreement (the “Agreement”), which took effect July 1, 2019 and remained in effect at the time of
25 Cuomo’s termination. The Agreement is hereby incorporated by reference in its entirety.

26 89. The Agreement includes the following provision:

27 6.2 Cause. The Company [Turner] may terminate your [Cuomo’s]
28 employment hereunder for “Cause.” “Cause” shall mean your (a) violation
of any of the material provisions of this Agreement; (b) misconduct that is
reasonably likely to cause material damage (monetary or otherwise) to the

1 Company, any Affiliated Entity, or any personnel thereof; (c) conviction
2 of or plea of guilty or nolo contendere to any felony, whether or not any
3 right to appeal has been or may be exercised; (d) unethical business
4 activity, including, but not limited to, fraud, misappropriation,
5 embezzlement, dishonesty, harassment or discrimination in violation of
6 Company policies, willful or negligent destruction of Company property
7 or gross negligence; or (e) failure to adequately or reasonably perform any
8 of your material duties or material obligations hereunder. In the cases of
9 (a) or (e) hereunder, if such basis for Cause is curable, you will be given
10 notice and a five (5) day opportunity to cure.

11 Agreement, § 6.2.

12 90. At no time did CNN, Turner, or any of its representatives inform Cuomo as to which
13 provision of the Agreement purportedly justified Turner's termination of Cuomo.

14 91. To the extent that Turner contends that Cuomo was terminated pursuant to section
15 6.2(a) or (e) of the Agreement, Turner failed to provide Cuomo with notice of the purported basis for
16 cause and a five-day opportunity to cure, as required by the Agreement.

17 92. To the extent that Turner contends that Cuomo was terminated as a result of the
18 assistance he provided to Gov. Cuomo and his staff, this conduct did not constitute cause for
19 termination within the meaning of the Agreement, especially given that Turner (through Zucker and
20 Gollust) consented to Cuomo's actions and did not take any disciplinary action against Cuomo when
21 the nature of the assistance to Gov. Cuomo and his staff were first reported in May 2021. Thus,
22 Turner waived any such grounds to terminate Cuomo for cause because Turner was aware of the full
23 extent and nature of the assistance that Cuomo provided to Gov. Cuomo.

24 93. To the extent that Turner contends that Cuomo was terminated as a result of the
25 anonymous allegations of sexual misconduct raised against Cuomo, which is belied by a statement
26 made by a WarnerMedia spokesperson as reported by *The New Yorker*, Turner's utter failure to
27 conduct even a cursory investigation into the truth of the allegations vitiates any argument that the
28 anonymous allegations provided just cause for Cuomo's termination. Had Turner conducted an
appropriate investigation into the allegations, it would have learned that the allegations were false
and unfounded. In any event, the anonymous allegations in the letter could not have provided cause
for Turner to terminate Cuomo at least because the allegations related to conduct that predated

1 Cuomo's employment with Turner. Even if the allegations were true (and they are not), the conduct
2 complained of allegedly took place before Turner and Cuomo entered into the Agreement and
3 therefore could not constitute a breach of any of Cuomo's duties under the Agreement.

4 94. The Agreement further contains the following provision: "CNN agrees that it will
5 make reasonable efforts to instruct its employees not to make any intentionally disparaging
6 comments regarding [Cuomo] in the context of [Cuomo's] business and professional activities."
7 (Agreement, § 11(e).)

8 95. The Agreement further contains the following provision:

9 [Cuomo] acknowledge[s] that [Turner] is in the competitive business of
10 supplying national and international all-news cable programming and
11 services for dissemination throughout the United States through its
12 ownership of networks, websites, digital properties and programming
13 services ('Company Business'). Accordingly, [Cuomo] agree[s] that
14 during the Term and through six (6) months after the effective date of
15 termination of employment if the Agreement is terminated pursuant to
16 Section 6.2, 6.3, or 6.4, [Cuomo] shall not, either directly or indirectly,
17 alone or in conjunction with any other person or legal entity (other than
18 [Turner]), perform any duties substantially similar or the same to those
19 which [Cuomo] performed for [Turner] for any person or business that
20 competes with [Turner] in the Company Business as defined above within
21 the Prohibited Territory. 'Prohibited Territory' shall mean the United
22 States of America."

23 Agreement, § 8.

24 96. At the time that Turner terminated Cuomo, 19 months remained on his contract.
25 (Agreement, § 2.1.) Had Turner not breached the Agreement, Cuomo would have been entitled to
26 approximately \$14,406,250.00 in base salary. (Agreement, § 3.1.) Cuomo would also have been
27 entitled to bonuses, including at least a ratings-based bonus. (Agreement, § 3.3.) Therefore, as a
28 direct and proximate result of Turner's unexcused breach of the Agreement, Cuomo has been
damaged in an amount to be proven at trial, but in no event less than \$15 million.

g.

CNN's Failure to Enforce Policy Against Other Employees

97. CNN has a long-established pattern and practice of selectively enforcing its policies
based on cynical calculations of public perception. Indeed, CNN fostered a culture in which

1 “exceptions” to the network’s standards and practices were routinely sanctioned, and that culture
2 began at the top with Zucker and Gollust. As long as CNN’s ratings would not be hurt, Zucker and
3 Gollust were more than willing to overlook major transgressions by CNN personalities such as Don
4 Lemon and Jake Tapper, or even to engage in blatant misconduct themselves.

5 98. For example, in November 2021, CNN anchor Don Lemon was widely criticized for
6 a flagrant breach of journalistic ethics when actor Jussie Smollett testified at trial that Lemon had
7 texted him to warn him that Chicago police did not believe Smollett’s allegations of suffering a
8 racist, homophobic attack. Lemon had covered Smollett’s accusations and his subsequent
9 investigation and prosecution, so intervening in the ongoing investigation by texting Smollett was an
10 inexcusable breach of ethics. Yet CNN did nothing; Lemon was not disciplined in any way.

11 99. Similarly, in October 2020, CNN’s chief political analyst, Jeffrey Toobin, was
12 suspended and fired by *The New Yorker*, where he also served as a staff writer, after he masturbated
13 while on a video call with colleagues. Despite this sordid act of sexual harassment, CNN took no
14 disciplinary action against Toobin; instead, CNN permitted Toobin to take a seven-month “hiatus” to
15 “deal with a personal issue.” CNN later allowed Toobin to return to work without even issuing a
16 public apology.

17 100. In another troubling incident, Fox News reported on September 10, 2020 that CNN
18 anchor Jake Tapper had repeatedly urged Congressional candidate Sean Parnell not to run against
19 Rep. Conor Lamb, but to run in a “safer,” more heavily Republican district. Tapper reportedly
20 repeated this advice in a phone call, text messages, and direct Twitter messages, one of which Fox
21 News obtained and published. After the story broke, Tapper reportedly reached out to Parnell
22 repeatedly asking him to make a joint statement to clear Tapper’s name of this obvious breach of
23 journalistic ethics. CNN conducted no inquiry and imposed no disciplinary measures on Tapper.

24 101. In each of the above-described incidents, CNN allowed employees to retain their jobs
25 for offenses much more egregious than anything CNN alleges Cuomo ever did. But because Cuomo
26 was so strongly linked to Gov. Cuomo, whose political standing and corresponding value to CNN
27 had turned dramatically, CNN falsely claimed that Cuomo violated its policies and practices as an
28

1 excuse to terminate his contract. This is the epitome of hypocrisy, as there was no valid basis for
2 terminating his contract.

3 102. CNN’s “standards and practices” were in fact so vague and ill-defined that they
4 provided no guidance whatsoever to employees. The network’s policy guide made clear that it did
5 not seek to create hardline rules, but that appropriate conduct varied according to each unique set of
6 circumstances. Above all, the guide emphasized that employees should consult their supervisors to
7 determine how to proceed—exactly as Cuomo did.

8 **h.**

9 **Jurisdiction**

10 103. As set forth herein, the Agreement between Cuomo and Turner contains the following
11 provisions:

12 With the exception of the claims set forth below, to the fullest extent permitted by
13 law, you [Cuomo] and the Company [Turner] agree that any and all legal disputes or
14 claims arising out of or relating to your employment of the termination of your
15 employment shall be settled exclusively by final and binding arbitration before a
16 neutral third party arbitrator in accordance with this provision.

17 . . .

18 Except as limited below, arbitration shall apply to any and all such legal disputes
19 whether asserted against the Company, the Affiliated Entities, and/or any of their
20 officers, alleged agents or managers, directors, or other representatives.

21 . . .

22 Arbitration shall take place under the JAMS Employment Arbitration Rules &
23 Procedures in New York, New York before an experienced employment arbitrator
24 licensed to practice law in New York who has been selected in accordance with such
25 Rules & Procedures.

26 . . .

27 Arbitration in this manner shall be the exclusive remedy for any claim that must be
28 arbitrated pursuant to this Section.

Agreement, § 16.

104. The Agreement between Cuomo and Turner defines “Affiliated Entity” as “any
corporation, partnership, or other entity or enterprise that directly or indirectly controls, is controlled
by, or is under common control with the Company.” Agreement, § 1.1.

105. Upon information and belief, CNN is an “Affiliated Entity” within the meaning the
Agreement.

IV.

1 **LEGAL CLAIMS**

2 **FIRST CAUSE OF ACTION**

3 **(BREACH OF WRITTEN CONTRACT – AGAINST TURNER SERVICES, INC.)**

4 106. Cuomo incorporates by reference the foregoing paragraphs as if restated in their
5 entirety herein.

6 107. Cuomo and Turner entered into the Agreement, which constituted a binding contract
7 between them.

8 108. Cuomo performed as required by the Agreement, except to the extent that his
9 performance was expressly or implicitly waived by Turner.

10 109. Turner failed to perform under the Agreement, at least by (1) purporting to terminate
11 Cuomo’s employment on terms and for reasons other than those permitted by the Agreement; and
12 (2) failing to honor its obligations to continue Cuomo’s employment and to pay him his agreed
13 salary. Turner’s failure to perform its obligations under the Agreement constituted a material breach
14 thereof.

15 110. As a direct and proximate result of Turner’s breach of the express terms of the
16 Agreement, Cuomo has been damaged in an amount to be proven at trial, but in excess of \$15
17 million.

18 **SECOND CAUSE OF ACTION**

19 **(BREACH OF WRITTEN CONTRACT – AGAINST TURNER SERVICES, INC. AND CNN**
20 **AMERICA, INC.)**

21 111. Cuomo incorporates by reference the foregoing paragraphs as if restated in their
22 entirety herein.

23 112. Cuomo and Turner entered into the Agreement, which constituted a binding contract
24 between them.

25 113. In the Agreement, Turner represented and warranted to Cuomo that “the execution,
26 delivery, and performance of this Agreement by the Company has been duly authorized by all
27 necessary corporate action.” Agreement, § 7.2.

28

1 114. Cuomo performed as required by the Agreement, except to the extent that his
2 performance was expressly or implicitly waived by Turner.

3 115. The Agreement states that “CNN agrees that it will make reasonable efforts to
4 instruct its employees not to make any intentionally disparaging comments regarding [Cuomo] in the
5 context of [Cuomo’s] business and professional activities.” Agreement, § 11(e).

6 116. Turner and CNN failed to perform under the Agreement, at least by repeatedly failing
7 to “make reasonable efforts to instruct its employees not to make any intentionally disparaging
8 comments regarding [Cuomo] in the context of [Cuomo’s] business and professional activities.”
9 (Agreement, § 11(e).)

10 117. As a direct and proximate result of Turner and CNN’s breach of the express terms of
11 the Agreement, Cuomo has suffered consequential damages in an amount to be proven at trial but in
12 no event less than \$110 million.

13 **THIRD CAUSE OF ACTION**

14 **(BREACH OF THE IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING –**
15 **AGAINST TURNER SERVICES, INC.)**

16 118. Cuomo incorporates by reference the foregoing paragraphs as if restated in their
17 entirety herein.

18 119. Cuomo and Turner entered into the Agreement, which constituted a binding contract
19 between them.

20 120. Turner acted in a manner that, although not expressly forbidden by any contractual
21 provision, deprived Cuomo of the right to receive the benefits under their agreement, including at
22 least by failing to enforce Turner’s policies consistently against both Cuomo and other Turner
23 employees.

24 121. As a direct and proximate result of Turner’s breach of the implied covenant of good
25 faith and fair dealing, Cuomo has been damaged in an amount to be proven at trial, but certainly in
26 excess of \$15 million.

27 **Prayer for Relief**

1 122. For the reasons stated herein and those presented during the arbitration, Cuomo
2 respectfully requests an award granting the following relief:

- 3 a. An award of money damages sufficient to allow Cuomo to recover his damages as
- 4 proven at trial, but in no event less than \$125 million;
- 5 b. Pre-judgment and post-judgment interest and all costs; and
- 6 c. Such other and further relief as may be deemed just and proper.

7
8 Date: March 16, 2022

Respectfully submitted,

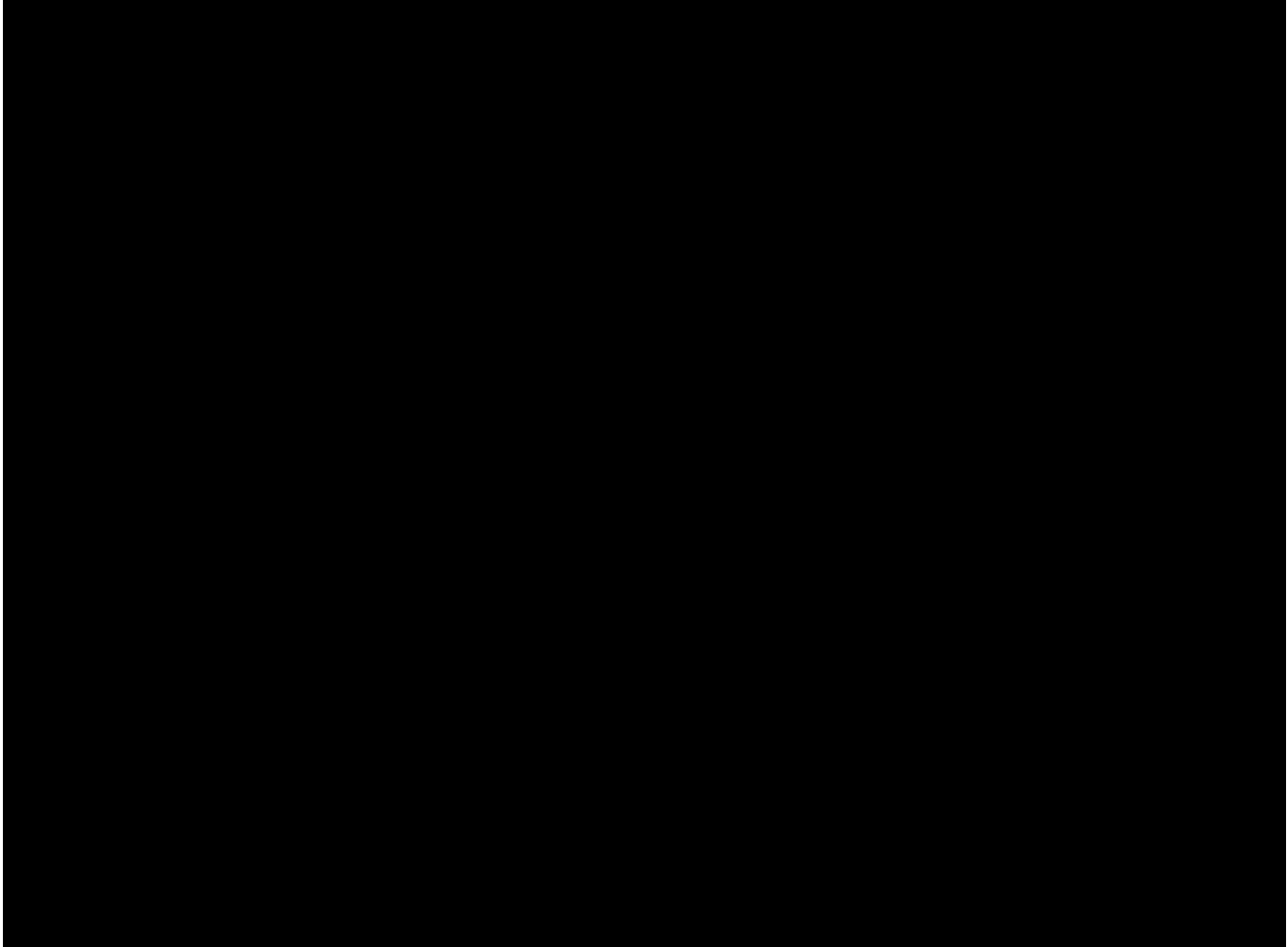
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10 

11 _____
12 Bryan J. Freedman
13 Sean M. Hardy
14 Theresa M. Troupson
15 Freedman + Taitelman, LLP

16 James Valentino
17 Clayman Rosenberg Kirshner & Linder
18 LLP

19 Attorneys for Claimant
20 Christopher Cuomo

Deadline



Section 16. Arbitration. With the exception of the claims set forth below, to the fullest extent permitted by law, you and the Company agree that any and all legal disputes or claims arising out of or relating to your employment or the termination of your employment shall be settled exclusively by final and binding arbitration before a neutral third party arbitrator in accordance with this provision. This arbitration agreement applies to, among other things and without limitation, disputes about the validity, interpretation, or effect of this Agreement or alleged violations of it, any claim under federal, state or local statute, regulation or common law doctrine regarding employment discrimination, conditions of employment or termination of employment. Except as limited below, arbitration shall apply to any and all such legal disputes whether asserted against the Company, the Affiliated Entities, and/or any of their officers, alleged agents or managers, directors or other representatives.

The only claims that are arbitrable are those that, in the absence of this Agreement, would have been justiciable under applicable federal, state or local law. In addition, claims for state employment insurance (*e.g.*, unemployment compensation, worker's compensation, worker disability compensation) or claims under the National Labor Relations Act shall not be subject to arbitration. Statutory or common law claims alleging that the Company retaliated or discriminated against you for filing a state employment insurance claim, however, shall be subject to arbitration. Further, arbitration does not apply and nothing in this Agreement shall prohibit the Company from

seeking injunctive and/or other equitable relief to protect its business interests (e.g., without limitation, claims alleging violations of Sections 1.2, 2.2, 8, 9, 10, 11, and 12 or other claims relating to confidentiality, trade secrets, non-competition, tortious interference with contract or business relations) or as necessary to protect the health, safety and general welfare of its employees.


A demand for arbitration shall be made within a reasonable time after the claim has arisen. In no event shall the demand for arbitration be permitted after the date when institution of legal or equitable proceedings based on such claim would be barred by the applicable statute of limitations (or, with regard to a claim of discrimination or harassment for which you choose to file a charge of discrimination with a local, state or federal administrative agency, after the expiration of the notice period provided by the law governing your claim). The arbitrator shall not conduct class arbitration, meaning that you have no right to demand to arbitrate a claim in a representative capacity or to participate as a member of a class of claimants against the Company, unless such class action arbitration is otherwise mandated as a matter of law.

Arbitration shall take place under the JAMS Employment Arbitration Rules & Procedures in New York, New York before an experienced employment arbitrator licensed to practice law in New York who has been selected in accordance with such Rules & Procedures. The arbitrator may not modify or change this Agreement in any way. The arbitrator shall have jurisdiction to hear and rule on pre-hearing disputes and is authorized to hold pre-hearing conferences by telephone or in person, as the Arbitrator deems necessary. The Arbitrator shall have the authority to entertain a motion to dismiss and/or a motion for summary judgment by any party and shall apply the standards governing such motions under the Federal Rules of Civil Procedure, and is required to issue written opinions for both motions and final rulings of arbitration, which shall state the essential findings and conclusions upon which the decision or ruling is based.

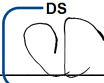
Each party shall pay the fees of the attorneys, the expenses of witnesses, and any other expenses that party incurs in connection with the arbitration, but all other costs of the arbitration, including the fees of the arbitrator, the cost of any record or transcript of the arbitration, administrative fees, and other fees and costs shall be paid in equal shares by you and the Company or Affiliated Entities. In statutory rights cases, the parties will, consistent with the applicable rules or law, pay the fees and expenses of arbitration; however, you shall have no obligation greater than those fees applicable to you had you proceeded in a court filing; and, attorneys' fees will be awarded in accordance with the applicable statutory provisions.

Arbitration in this manner shall be the exclusive remedy for any claim that must be arbitrated pursuant to this Section. Should you or the Company attempt to resolve such a claim by any method other than arbitration pursuant to this Section, the responding party will be entitled to recover from the initiating party all available damages, expenses, and attorneys' fees incurred as a result of that breach. The provisions contained in this Section 16 shall survive the termination and/or expiration of this Agreement. If any portion of this provision is held to be invalid, then it shall be considered void, but the remaining portions of this provision shall be enforceable.

below: The parties indicate their acceptance of the foregoing arbitration provision by initialing



For the Company



Employee

