

The New York Times

Diana Falzone of Fox News Files Discrimination Lawsuit

By Jonah Engel Bromwich

May 1, 2017

Fox News faced a fresh legal challenge on Monday after Diana Falzone, a reporter at the network, accused it of discriminating against her on the basis of her gender and her fight against a chronic disease.

Ms. Falzone, who appeared regularly on Fox News and helped host several shows on the network's website, claimed in a suit filed Monday in the New York State Supreme Court in Manhattan that she had been barred from further appearances after writing an op-ed column for Fox News disclosing that she had endometriosis and was likely to be infertile.

The suit claims that Ms. Falzone had approval from her supervisors to write the column, which ran with the headline "Women Should Never Suffer in Silence."

According to the lawsuit, her supervisor, Refet Kaplan, told her shortly after the piece ran that executives at the network had barred her from appearing on the air on Fox News or its website, the suit says, adding that Ms. Falzone was not given a reason for the decision. The filing did not elaborate on why she believed the column led to her being barred other than noting that it happened three days after the article was published and that she previously had received positive performance evaluations.

"The issues raised in Diana Falzone's lawsuit are a concern for all women," Nancy Erika Smith, a lawyer for Ms. Falzone, said in a statement. "Fox News never banned her male counterparts who have discussed their personal health issues on air. Indeed, those men saw their careers advance."

Ms. Falzone's claim is the latest of many the network has faced since its former chief, Roger Ailes, was forced out last summer after being accused by at least six women of inappropriate behavior. Last month, Bill O'Reilly, the network's most popular host, was pushed out after The New York Times revealed that five women had been paid about \$13 million to settle harassment claims. Mr. Ailes and Mr. O'Reilly both deny the allegations against them.

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Last week, 11 current and former employees filed a class-action lawsuit against the network accusing it of racial discrimination.

A spokeswoman for the network did not immediately reply to a request for comment.

A version of this article appears in print on May 2, 2017, on Page B2 of the New York edition with the headline: Citing Bias, Contributor To Fox News Files Lawsuit

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- **Diana Falzone, 35, settled a lawsuit in New York state court on March 16 alleging that Fox discriminated against her on the basis of sex and disability**
- **The lawsuit claimed her responsibilities at Fox were diminished because she published an article on Fox's website about her battle with endometriosis**
- **Her pre-approved op-ed piece also detailed her resulting struggle with infertility**
- **After settling the claim, she left the company and is now five months pregnant**
- **Falzone talked with DailyMail.com about her journey to this happy ending**

By STEPHANIE HANEY FOR DAILYMAL.COM

PUBLISHED: 12:55 EDT, 31 March 2018 | **UPDATED:** 10:41 EDT, 2 April 2018

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Following two painful bouts of endometriosis, one heartbreaking infertility diagnosis, and a lengthy legal battle with her past employer, a former Fox News reporter is now five months pregnant and due to deliver a baby boy in August.

Diana Falzone, 35, achieved pregnancy through in vitro fertilization (IVF) in November, after the unexpected return of the disease that prompted her gender and disability discrimination claim against Fox News Network, which she settled earlier this month.

Falzone had sued Fox in May 2017 for allegedly demoting her position and taking her off the air, after she **published an article** on the company website in January 2017

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detailing her first bout with endometriosis, and her resulting infertility.

Falzone spoke with DailyMail.com about the past two years, her continued desire to raise awareness about endometriosis, and what she has coming up next, aside from meeting her future son.



Following two painful bouts of endometriosis, one heartbreaking infertility diagnosis, and a lengthy legal battle with her past employer, former Fox411 host Diana Falzone, 35, is now five months pregnant

Endometriosis is a painful disorder in which tissue that normally lines the inside of a woman's uterus — the endometrium — grows outside of the uterus, which can lead to infertility issues.

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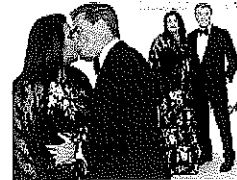
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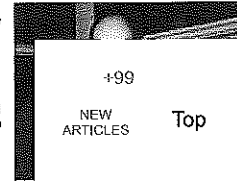
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It affects an estimated 176 million women worldwide, according to endometriosis.org, and Falzone is one of them.

Now, she's committed to continuing to share her story of battling, and ultimately triumphing over the disease, in the hopes of helping other women.

'Unfortunately, there are many who suffer in silence [from endometriosis],' Falzone wrote in the opinion piece that prompted her lawsuit against Fox.

'It's important that women support each other, and help advocate for one another. I shared my story with the hope that it could help just one person.'

Those sentiments still ring true for the journalist, as she's now working on a book to raise awareness about endometriosis, and provide a resource for those dealing with the disease as well as those supporting women who are diagnosed with it.

Like many women, Falzone didn't know a lot of about the disease when she first found out it had invaded her body.

'I had heard of endometriosis but was not aware of how much of an impact it could have on one's body, let alone possible infertility,' she told DailyMail.com, at the time of the op-ed's publishing.

'It was a really intense journey,' Falzone said, describing the emotional toll of everything that she's been through.

'For any woman with any kind of reproductive health disease, or who has infertility and is going through IVF, it is such a challenge on a physical level,' she said.

'And you're emotionally just scared because you don't know what's going to happen, so you're holding your breath the whole time.'

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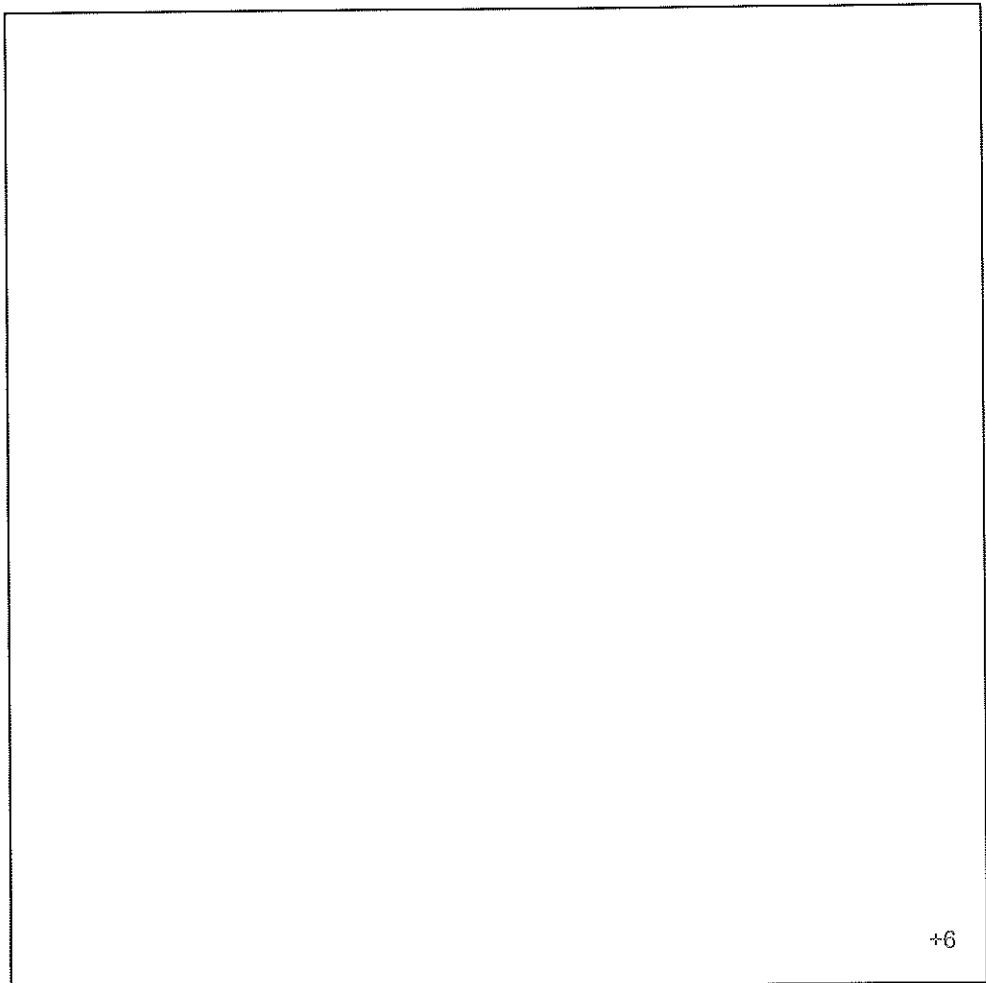
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Fox411 host Diana Falzone filed a lawsuit in New York on May 2017 alleging that Fox, a unit of Twenty-First Century Fox Inc, discriminated against her on the basis of sex and disability

For Falzone, even though she has always been career-focused, she's also always considered family her top priority.

Her plan was to be married by 34, and start her family by 36, 'but endometriosis had another plan,' she said.

In February 2016, she first learned she had endometriosis after excruciating pain landed her in the hospital for emergency surgery, she told DailyMail.com. That's when she was diagnosed with infertility, as well.

Infertility doesn't necessarily mean a woman can't get pregnant, but in Falzone's case, it did mean that she had a very low egg reserve, which makes naturally getting pregnant extremely difficult, without some extra help from science.

'So on top of having to undergo a three-and-half hour surgery to remove the endometrial lesions from my organs I had to put a plan together with my doctors of how I was going to preserve my fertility,' Falzone said.

Part of her plan involved freezing her eggs that Fall. She went through two rounds of egg retrieval, and by October 2016 she had seven eggs on ice.

Falzone said she felt OK about that, especially because her doctors had told her there was little chance of her endometriosis coming back.

A few months later, she shared her story on the Fox News website, under the headline, 'Women Should Never Suffer in Silence,' which she said was written by one of her editors.

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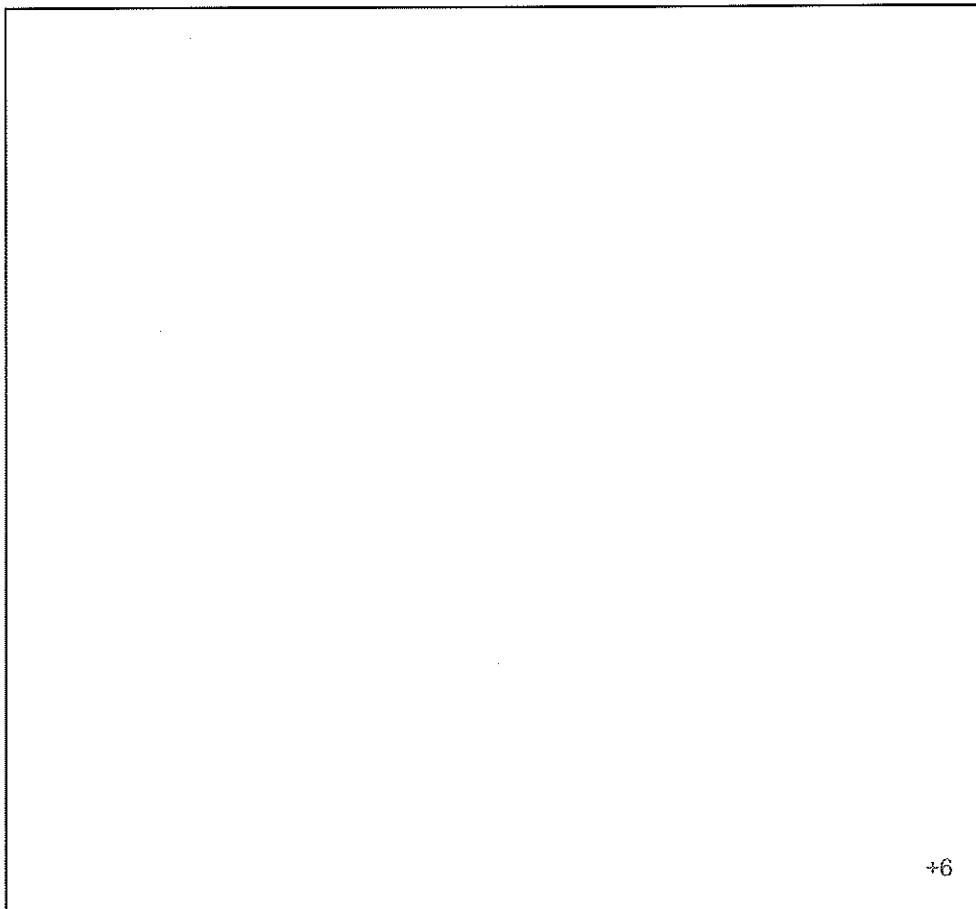
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She was first persuaded to share her story by the manager of her doctor's office who urged her to speak out to help women who may be going through the same things she was going through, alone.

But when she did, she was taken off the air, which she would later claim was due to her pre-approved decision to share her story.



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Doctors told Falzone in June 2017 that she had a six-month window to get pregnant, and only a three- month window to retrieve additional eggs before her body attacked what she had left

It was just a few months after that in May 2017 when she finally had enough, and filed her lawsuit for discrimination against Fox. That's also when she started getting what she called 'foreshadowing pain.'

'It is so intense and debilitating and different than any other pain you've had, that you know its endometriosis, and you know it's back,' she said.

Unfortunately, she wasn't wrong. The disease had come back, and with a vengeance.

In June 2017, Falzone underwent another surgery to remove the uterine lining that was taking over her body, this time four hours long.

'The lesions were everywhere,' she said. 'They were on my bladder, my uterus was fused to my abdomen, my ovaries were fused. My entire appendix was diseased by the endometriosis, that's why I was getting such terrible pain. They removed that.'

And this time, her doctors told her another attack was not only possible, but likely.

They told her she had a six-month window to get pregnant, and only a three- month window to retrieve and preserve additional eggs, before her body attacked whatever she had left.

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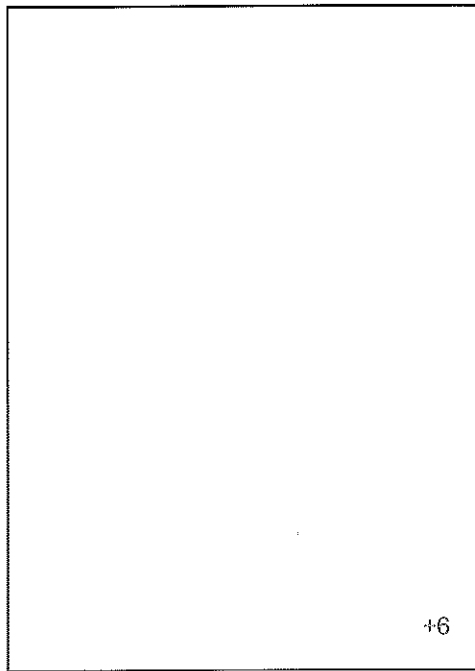
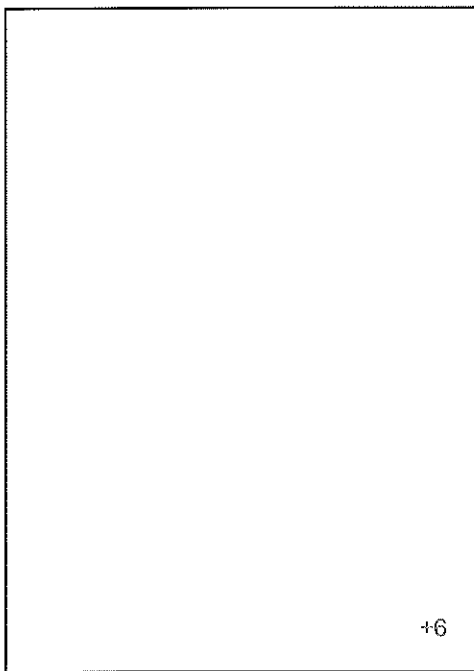
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Falzone's discrimination lawsuit against Fox, which claimed she was demoted and taken off the air for being a woman and writing about the medical condition that left her infertile, was one of several high profile claims against the company in the past year

So, after conferring with her reproductive immunologist and surgeons, Falzone agreed to begin the process as soon as her body was healed enough. She retrieved more eggs in September, and this time made embryos.

Then, on November 22, the day before Thanksgiving, Falzone went to see her doctor to have an embryo transfer.

The embryo implanted, and 10 days later her blood test revealed she was successfully pregnant, with what she'd later find out will be a baby boy.

But she wasn't out of the woods yet. Endometriosis is like a auto immune disorder, so her body could have attacked the cells growing inside of her.

Thankfully, she was monitored closely, that hasn't happened, and all of her troubles with her former employer are behind her.

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Falzone's discrimination lawsuit against Fox, which claimed she was demoted and taken off the air for being a woman and writing about the medical condition that left her infertile, was one of several high profile claims against the company in the past year.

The lawsuit was filed just as she was diagnosed with a returning case of the disease, and on the same day that Fox News co-President Bill Shine resigned, who wasn't accused of sexual harassment but was named in at least four lawsuits for allegedly covering up such behavior.

Falzone was represented by Nancy Smith and Martin Hyman, the same attorneys who filed Gretchen Carlson's sexual harassment lawsuit in 2016 against Roger Ailes.

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While the terms of Falzone's settlement with Fox have not been disclosed, her legal representation helped Carlson secure a \$20 million settlement, which ultimately led to the resignation of Ailes.

Her lawsuit was discontinued on March 16, one week after her last day with the network in New York City.

Falzone is currently reviving a previous project, a comic book she co-created with Geoff Skinner for pre-teens and teens called **Hot Mess**, that aims to help youth prepare for the tough parts of their high school years.

She'll also appear in the upcoming season of Reelz Network's Collision Course as an entertainment reporter and commentator, out this Spring.

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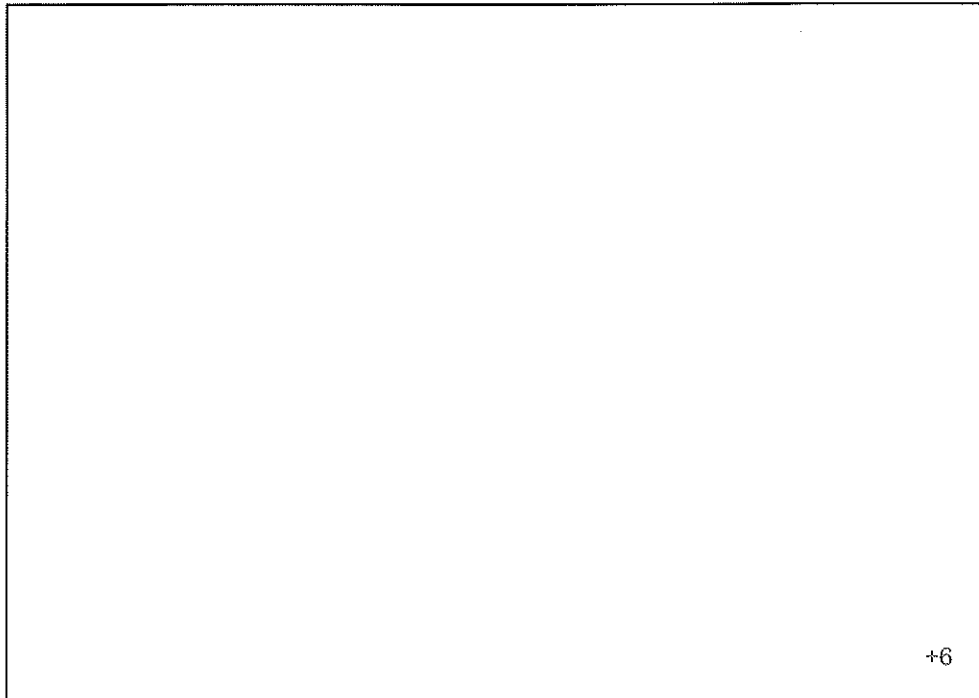
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Fox News Web Personality Diana Falzone Sues Network for Gender Discrimination

By [Brian Steinberg](#)



CREDIT: BEHAR ANTHONY/SIPA

Another [Fox News Channel](#) employee has taken to the courts and has become the latest person to allege discrimination is part of the internal culture at the [21st Century Fox](#)-owned network.

Diana Falzone, who is billed as a former host of programming on FoxNews.com, filed a lawsuit Monday in New York State Supreme Court alleging gender and disability discrimination. In the suit, she made claims suggesting she was banned from taking part in on-air activities at Fox News three days after writing an article about how she suffered from endometriosis, a gynecological condition she said led to her infertility. Falzone said in the lawsuit that the article had been approved by the company before it was published.

A Fox News spokesperson could not be reached for immediate comment.

Falzone is working with Nancy Erika Smith, the attorney who handled former Fox News anchor Gretchen Carlson's sexual-harassment lawsuit against former Fox News chief [Roger Ailes](#). Her allegations sparked an internal probe that led to Ailes' ouster last year. Ailes has denied all charges.

In the suit, Falzone alleges a supervisor told her three days after her article ran in January of 2017 that he had been instructed by senior executives to ban her from ever appearing on FoxNews.com, and that she would never again be permitted to host her own shows, conduct her own interviews, appear on Fox TV, or even do voiceovers.

“The issues raised in Diana Falzone’s lawsuit are a concern for all women,” said Smith, a Montclair, NJ, attorney, in a prepared statement. “Fox News never banned her male counterparts who have discussed their personal health issues on air. Indeed, those men saw their careers advance,” said Smith.

According to the suit, Falzone asked several times why she was being treated in such a fashion. Her supervisor suggested she look for another job, according to the lawsuit. Falzone filed a formal complaint of discrimination through the [21st Century Fox](#) hotline, but Fox declined to put her back on the air or otherwise redress her complaint, she alleged.

The suit adds to a growing batch of litigation levied against the highly-rated cable-news network. Fox News recently parted ways with Bill O’Reilly, its top primetime anchor, after reports surfaced that he had paid approximately \$13 million in settlements to women who complained of sexual harassment or inappropriate behavior. Last week, eleven current and former Fox News employees filed a racial discrimination lawsuit against the network in the State Supreme Court of the Bronx (Fox News “vehemently denied” the claims). And federal investigators are examining whether Fox News made payments to former employees without disclosing them appropriately to investors in its parent company.

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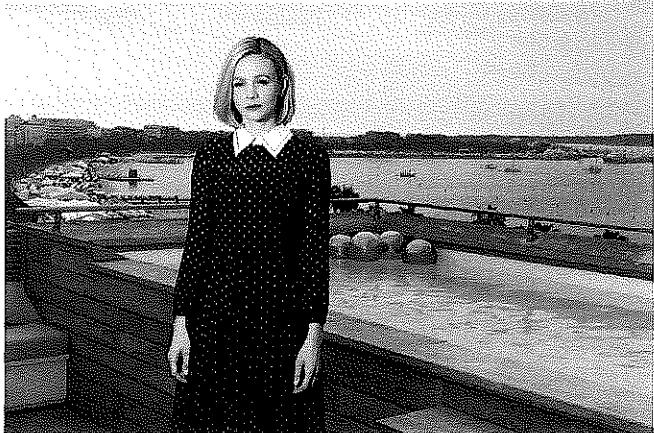
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Fox News settles gender discrimination suit with female reporter, her lawyer says

by Oliver Darcy @oliverdarcy

March 8, 2018: 9:11 PM ET

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Diana Falzone, a reporter who covered entertainment and issues related to sexual harassment, has settled a lawsuit with Fox News and left the company, her lawyer told CNN Thursday evening.

"We resolved Diana Falzone's case against Fox News and she no longer works there," Nancy Erika Smith, the attorney representing Falzone, told CNN in a statement.

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Falzone said she could not disclose the terms of the settlement. Neither Falzone nor a spokesperson for Fox News immediately returned a request for comment.

Falzone filed a lawsuit against Fox News in May 2017. In it, she alleged gender discrimination and said she was demoted for writing a column about her struggle with endometriosis, a painful disorder often accompanied by other severe symptoms, including infertility. Fox News had previously denied the allegations in her lawsuit.

Falzone had written in her column that she was "reluctant to share the story" of her battle with the disorder. But she wrote that she ultimately chose to do so after being persuaded by a manager in her doctor's office, who told her, "Many women suffer in silence alone. Please share your story." (Falzone recently wrote on Facebook that she had been told for years the disorder had rendered her infertile, but said that through in vitro fertilization she had become pregnant.)

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alleged sexual relationship between porn actress Stephanie Clifford -- whose stage name is Stormy Daniels -- and Donald Trump.

Falzone's lawsuit is the latest Fox News has settled in recent years. In September 2016, 21st Century Fox reached a \$20 million settlement with Gretchen Carlson, a former host who had sued Roger Ailes, the former Fox News CEO and chairman, alleging that he sexually harassed her. Other settlement deals were also completed with a "handful" of women who accused Ailes of harassment, a person briefed on the matter told CNN at the time. Ailes, who died in May 2017, denied all allegations of wrongdoing.

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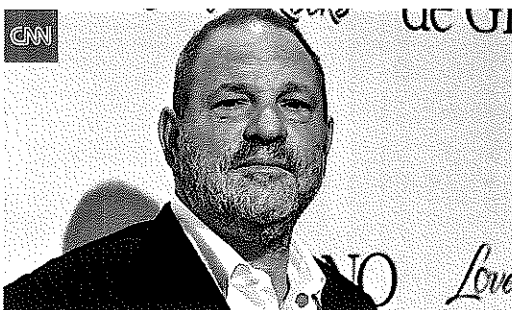
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Fox News Settles Gender Discrimination Suit With Journalist Diana Falzone

Falzone said she was abruptly taken off air by Fox News after writing an article about her struggle with endometriosis.

REUTERS



MARK SAGLIOCCO VIA GETTY IMAGES

In her complaint, Diana Falzone said she was abruptly taken off air by Fox News after writing an article about her struggle with endometriosis.



Fox News Settles Gender Discrimination Suit With Journalist Diana Falz...



(Reuters) - Journalist Diana Falzone has settled a gender discrimination lawsuit she filed against Fox News and left the company, her lawyer said on Thursday.

"Confirmed," her lawyer, Nancy Smith, tweeted to Reuters when asked if Falzone had reached a settlement and no longer worked at the television channel.

Fox News officials did not immediately respond to a request for comment on Smith's announcement, which was first reported by CNN. Fox denied Falzone's allegations after she filed her lawsuit in May, 2017.

In her complaint in New York state court, Falzone said she was abruptly taken off air by Fox News after writing an article in January 2017 about her struggle with endometriosis, a medical condition that would likely leave her infertile.

She said Fox, a unit of Twenty-First Century Fox Inc, discriminated against her on the basis of sex and disability in violation of New York City law.

Fox executives decided she did not conform to their image of on-air women as "physically perfect" once she disclosed her condition, Smith said in a statement at the time.

In its June 23 response to Falzone's complaint, Fox said it maintained an equal employment, a harassment-free work environment where personnel decisions were made on the basis of merit, and retaliation was prohibited against anyone who reported a discrimination claim.

Fox News has faced a number of legal claims that it ignored employees' complaints of sexual harassment and gender and race discrimination.

Bill O'Reilly, the network's most popular anchor, and former Fox News chief Roger Ailes both have been ousted over harassment claims by several women, which they deny.

Smith and Martin Hyman filed a sexual harassment lawsuit last year against Ailes on behalf of former Fox News anchor Gretchen Carlson. The lawsuit, which was settled for \$20 million, led to Ailes' resignation after two decades as one of the most influential executives in cable television.

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Fox News settles gender discrimination suit with female reporter: lawyer

Reuters Staff



(Reuters) - Journalist Diana Falzone has settled a gender discrimination lawsuit she filed against Fox News and left the company, her lawyer said on Thursday.

FILE PHOTO - A Fox News channel sign is seen on a television vehicle outside the News Corporation building in New York City, in New York, U.S. November 8, 2017. REUTERS/Shannon Stapleton

“Confirmed,” her lawyer, Nancy Smith, tweeted to Reuters when asked if Falzone had reached a settlement and no longer worked at the television channel.

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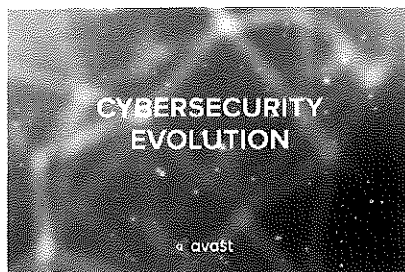
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In her complaint in New York state court, Falzone said she was abruptly taken off air by Fox News after writing an article in January 2017 about her struggle with endometriosis, a medical condition that would likely leave her infertile.



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She said Fox, a unit of Twenty-First Century Fox Inc, discriminated against her on the basis of sex and disability in violation of New York City law.

Fox executives decided she did not conform to their image of on-air women as “physically perfect” once she disclosed her condition, Smith said in a statement at the time.

In its June 23 response to Falzone’s complaint, Fox said it maintained an equal employment, harassment-free work environment where personnel decisions were made on the basis of merit, and retaliation was prohibited against anyone who reported a discrimination claim.

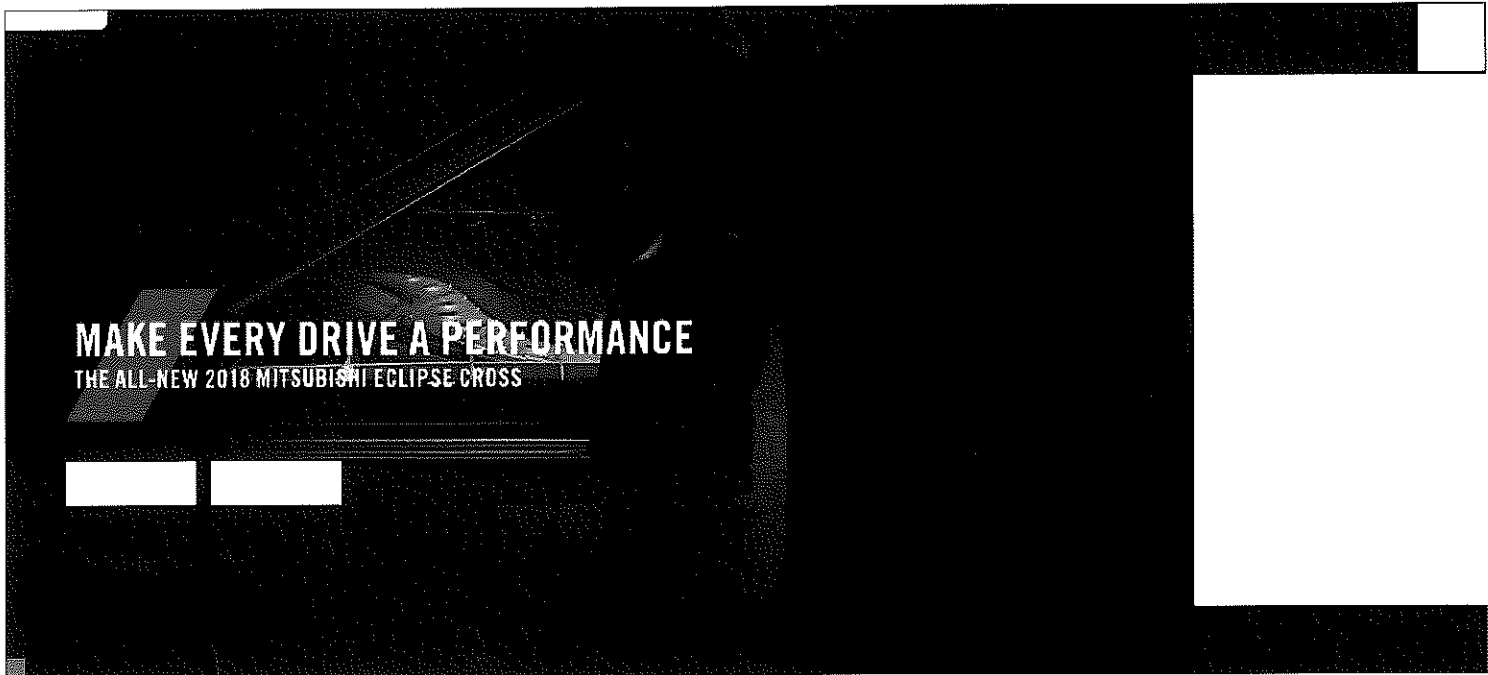
Fox News has faced a number of legal claims that it ignored employees’ complaints of sexual harassment and gender and race discrimination.

Bill O’Reilly, the network’s most popular anchor, and former Fox News chief Roger Ailes both have been ousted over harassment claims by several women, which they deny.

Smith and Martin Hyman filed a sexual harassment lawsuit last year against Ailes on behalf of former Fox News anchor Gretchen Carlson. The lawsuit, which was settled for \$20 million, led to Ailes’ resignation after two decades as one of the most influential executives in cable television.

Reporting By Andrew Hay, additional reporting by Brendan Pierson; Editing by Robert Birsel

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Fox News web personality Diana Falzone sues network for gender discrimination

Brian Steinberg Monday, May 01, 2017

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Another Fox News Channel employee has taken to the courts and has become the latest person to allege discrimination is part of the internal culture at the 21st Century

MARKET SUMMARY AND INVESTMENTS

Fox-owned network.

Diana Falzone, who is billed as a former host of programming on FoxNews.com, filed a lawsuit Monday in New York State Supreme Court alleging gender and disability discrimination. In the suit, she made claims suggesting she was banned from taking part in on-air activities at Fox News three days after writing an article about how she suffered from endometriosis, a gynecological condition she said led to her infertility. Falzone said in the lawsuit that the article had been approved by the company before it was published.

A Fox News spokesperson could not be reached for immediate comment.

Falzone is working with Nancy Erika Smith, the attorney who handled former Fox News anchor Gretchen Carlson's sexual-harassment lawsuit against former Fox News chief Roger Ailes. Her allegations sparked an internal probe that led to Ailes' ouster last year. Ailes has denied all charges.

In the suit, Falzone alleges a supervisor told her three days after her article ran in January of 2017 that he had been instructed by senior executives to ban her from ever appearing on FoxNews.com, and that she would never again be permitted to host her own shows, conduct her own interviews, appear on Fox TV, or even do voiceovers.

"The issues raised in Diana Falzone's lawsuit are a concern for all women," said Smith, a Montclair, NJ, attorney, in a prepared statement. "Fox News never banned her male counterparts who have discussed their personal health issues on air. Indeed, those men saw their careers advance," said Smith.

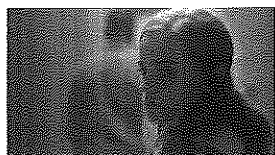
According to the suit, Falzone asked several times why she was being treated in such a fashion. Her supervisor suggested she look for another job, according to the lawsuit. Falzone filed a formal complaint of discrimination through the 21st Century Fox hotline, but Fox declined to put her back on the air or otherwise redress her complaint, she alleged.

The suit adds to a growing batch of litigation levied against the highly-rated cable-news network. Fox News recently parted ways with Bill O'Reilly, its top primetime anchor, after reports surfaced that he had paid approximately \$13 million in settlements to women who complained of sexual harassment or inappropriate behavior. Last week, eleven current and former Fox News employees filed a racial discrimination lawsuit against the network in the State Supreme Court of the Bronx (Fox News "vehemently denied" the claims). And federal investigators are examining whether Fox News made payments to former employees without disclosing them appropriately to investors in its parent company.

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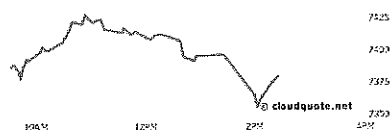
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