

WOOLMINGTON, CAMPBELL, BENT & STASNY, P.C
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Via Overnight Mail

October 12, 2018

Ms. Jill Mongeon, COM
Vermont Superior Court
Chittenden Unit, Civil Division
175 Main Street
Burlington, VT 05402

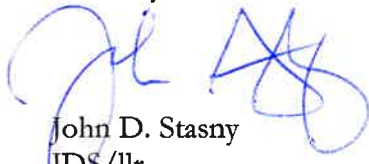
Re: *Catherine Iraheta v. Nexstar Broadcasting, Inc.; and Craig Marrs*
Docket No. 192-3-18 Cncv

Dear Ms. Mongeon:

Enclosed please find Plaintiff's Motion to Amend the Complaint in the above referenced matter, along with our Certificate of Service.

Thank you. Please feel to contact me with any questions or concerns.

Sincerely,



John D. Stasny
JDS/llr

Enc.

cc: Martha Van Oot, Esq. (via U.S. Mail and PDF)
Catherine Iraheta (via PDF)

ROBERT E. WOOLMINGTON EDGAR T. CAMPBELL MERRILL E. BENT JOHN STASNY
DANIEL J. DUBÉ

STATE OF VERMONT

SUPERIOR COURT
CHITTENDEN UNIT

CIVIL DIVISION
Docket No. 192-3-18 Cncv

CATHERINE IRAHETA and
DESIREE ROBERTS

v.

NEXSTAR BROADCASTING, INC.;
and CRAIG MARRS

MOTION TO AMEND THE COMPLAINT

COME NOW, Plaintiffs Catherine Iraheta and Desiree Roberts, and move for an order for leave to amend the complaint filed by Iraheta to join and add the claims of Roberts, pursuant to Vermont Rules of Civil Procedure 15 and 20, and state in support:

I. Factual Background

Attached to this Motion is a proposed Amended Complaint (Exhibit A) and a “redline” version of the Amended Complaint (Exhibit B), highlighting the particular amendments to the allegations of Plaintiff Catherine Iraheta’s Original Complaint.

As shown by the redline version attached as Exhibit B (which still contains all of Iraheta’s allegations in her Original Complaint) Iraheta alleged that she worked as a sales and marketing executive for Defendant Nexstar. (Ex. B at ¶¶ 9–10.)¹ She suffered sexual harassment and gender discrimination, including (among other things) misconduct by Defendant Craig Marrs and a particular meeting in which Marrs aggressively berated her. (Ex. B at ¶¶ 18–20, 26, 29–30.) Iraheta made complaints about the misconduct, including communications with Lindsay Benoit in Nexstar

1. References to paragraph numbers in Exhibit B are to the numbers as amended, rather than their original numbers.

human resources. (Ex. B at ¶¶ 32, 43, 55–57.) These complaints resulted in retaliation against Iraheta. (Ex. B at ¶ 34.)

Desiree Roberts was employed by Nexstar around the same time as Iraheta and experienced the same type of misconduct by Marrs and others. (Ex. B at ¶¶ 60–68.) Roberts complained to Lindsay Benoit, just like Iraheta. (Ex. B at ¶ 70.) Just as with Iraheta, this resulted in retaliation against Roberts, and just like Iraheta, she had a meeting with Marrs in which he bullied her aggressively. (Ex. B at ¶¶ 70–76.) Roberts and Iraheta now seek to join their common claims, which arise out of the same series of transactions and events, around the same time, involving the same individuals and common legal claims.

II. Argument

Rule 15 provides that a party may amend its pleading “by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires.” Vt. R. Civ. P. 15. The standard for leave to amend a pleading is a liberal one. *LeClair v. LeClair*, 2017 VT 34 ¶ 27, 169 A.3d 743, 753. In this case, the deadline under the stipulated scheduling order for adding third parties (which is the purpose of the amendment) has not yet expired, and no depositions have been conducted. There is no reason to deny the amendment under the liberal standard.

As for the joinder of an additional plaintiff, Rule 20 states, “All persons may join in one action as plaintiffs if they assert any right to relief jointly, severally, or in the alternative in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if *any question of law or fact* common to all these persons will arise in the action.” Vt. R. Civ. P. 20(a) (emphasis added). The claims of Iraheta and Roberts arise out of the same series of transactions and occurrences around


the same time, involving similar conduct by the same individuals (such as Defendant Craig Marrs). They involve common questions of fact regarding Defendant Nexstar's handling of sexual harassment complaints, involving the same human resources employee, Lindsay Benoit. They also involve common questions of law regarding the conduct of Nexstar and Marrs, and the legal relationship between conduct of Marrs and Benoit, and Nexstar's liability.

The Court must therefore grant the amendment under Rules 15 and 20.

WHEREFORE, Plaintiffs respectfully request that this Court grant the proposed amendment.

WOOLMINGTON, CAMPBELL, BENT & STASNY, P.C.
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802-362-2560
ATTORNEYS FOR PLAINTIFF

By: 


John D. Stasny, *for the firm*
john@greenmtlaw.com
ERN: 7861

Certificate of Service

I certify that on October 12, 2018, I served the above and foregoing document via U.S. Mail, postage pre-paid, to counsel for Defendants, Martha Van Oot, Esq. at her last known address of Jackson Lewis, P.C., 100 International Drive, Suite 363, Portsmouth, NH 03801.



John D. Stasny
Attorney for Plaintiffs

EXHIBIT A

PARTIES

2. Plaintiff Catherine Iraheta is an individual residing in Chittenden County, Vermont, and is a citizen of the state of Vermont. She resided in Chittenden County, Vermont, throughout her employment for Defendants and during the time since then.

3. Plaintiff Desiree Roberts is an individual residing in Chittenden County, Vermont, and is a citizen of the state of Vermont. She resided in Chittenden County, Vermont, throughout her employment for Defendants and during the time since then.

4. Defendant Craig Marrs is an individual who, upon information and belief, resided in Chittenden County, Vermont at the time this suit was originally filed, and was then a citizen of the state of Vermont.

5. Defendant Nexstar Broadcasting, Inc. ("Nexstar") is a corporation organized under Delaware law, with its principal place of business at 545 E. John Carpenter Freeway, Suite 700, Irving, Texas 75062.

6. Nexstar's registered agent in Vermont is Corporation Service Company, 100 North Main Street, Suite 2, Barre, Vermont 05641.

JURISDICTION AND VENUE

7. All or a substantial part of the events and omissions giving rise to the claims in this suit occurred in Vermont.

8. Venue is proper in this Court because Plaintiffs and Defendant Craig Marrs reside in Chittenden County, Vermont.

FACTS COMMON TO ALL COUNTS

Iraheta's Employment

9. Plaintiff Catherine Iraheta worked for Nexstar beginning on or about March 27, 2017.

10. Iraheta's position at Nexstar was as a Sales and Marketing Executive.
11. Nexstar operates two television stations in the Burlington, Vermont area.
12. One of those two stations is Fox affiliate WFFF, local channel 44.
13. The second station is ABC affiliate WVNY, local channel 22.
14. Nexstar also maintains a website at MyChamplainValley.com.
15. Nexstar has employed Defendant Craig Marrs as Vice President and General Manager of the WFFF and WVNY stations since 2015.

Harassment and Discrimination against Iraheta

16. In her employment for Nexstar, Defendants subjected Iraheta to sexual harassment and other gender discrimination.
17. Iraheta was on a sales team with one other woman, Zara Vincent, with the remainder of the team consisting of several men.
18. Marrs and the men on Iraheta's sales team at WFFF and WVNY operated as a "good old boys' club," demeaning the women and depriving them of the same sales opportunities.
19. For example, early in her employment, Marrs described Iraheta as the "hot" new sales representative and complimented Iraheta's legs.
20. On another occasion, Marrs said he was surprised there were "attractive, successful, and well educated women in Vermont," and then said in a degrading manner that he previously "thought all women in Vermont looked like Lindsay," referring to human resources director Lindsay Benoit at WFFF and WVNY.
21. At a meeting in the summer of 2017, the entire sales team (of which Iraheta was a member) was told that because of good sales performance, the team would receive a special day off to spend a day doing an activity together as a team.

22. Iraheta then learned, however, that the “team” activity being offered for the special day off was actually a day of golfing at Jay Peak for the *men* on the team, and not for the two women.

23. When Iraheta asked to join the men for golfing (even just to play a single hole), her supervisor, Jesse Alamed, refused and told Iraheta that Nexstar would instead provide the two women on the team with a “spa day” at Jay Peak.

24. Iraheta learned later, however, that Nexstar would not pay for a “spa day.”

25. Alamed then told Iraheta that she and Zara Vincent could drive to Jay Peak to join the men for lunch, but later cancelled that invitation.

26. A week prior to the men-only golf outing, Marrs said at a meeting that the only reason there would be to have “girls” at the team-building activity was to “serve drinks from the golf carts to the men.”

27. On the day of the “team” activity, the men played golf and had lunch with upper management, without the two women.

28. Also in the summer of 2017, Iraheta met with Marrs in his office about the possibility of WFFF/WVNY promoting a local maritime festival.

29. During the meeting, Marrs berated and belittled Iraheta and became extremely aggressive.

30. At one point in the meeting when Iraheta attempted to speak, Marrs stared down at her breasts and asked if she was wearing a bathing suit.

31. When Iraheta left Marrs’ office, she spoke with her supervisor, Jesse Alamed about the meeting, who suggested that she work from home for the afternoon.

32. The next day, Iraheta attending a meeting with Alamed, Marrs, human resources director Lindsay Benoit, and director of sales Harvey Adelberg, to discuss Marrs' misconduct.

33. During the meeting, Marrs apologized for his conduct the day before and suggested that Iraheta's salary guarantee (a portion of her salary not based on sales commissions) should be reevaluated to account for how his conduct had hurt her ability to close pending sales.

34. Despite Marrs' show of apparent contrition, however, Iraheta's workplace became increasingly hostile and discriminatory from that point on in retaliation for her opposition to Marrs' conduct.

35. For example, very soon after the meeting about Marrs' conduct, two of Iraheta's large sales accounts were taken from her without any legitimate reason and given to a male member of the sales team.

36. To make matters worse, important information such as information about promotional events or a meeting with a significant client was also kept from Iraheta until long after the men on the sales team were given the same information, further harming Iraheta's sales efforts.

37. The general atmosphere in the workplace also became increasingly hostile toward Iraheta after the meeting about Marrs' conduct.

Iraheta Forced to Resign

38. Iraheta was finally forced to resign after an incident in the fall of 2017.

39. In November 2017, a combination of actions by Alamed, news director Mark Rosen, and creative services director Andy Brumbaugh caused a representative for a new client secured by Iraheta to miss a scheduled television interview.

40. The mishap humiliated Iraheta, angered the client representative, and effectively ruined the client relationship.

41. In an effort to save the client relationship, Iraheta scheduled a meeting with the client representative, Rosen, Adelberg, Marrs (who declined the meeting), and Alamed.

42. In that meeting, Rosen repeatedly referred to the client representative (a woman) as “honey” and offered to fix things by giving her “a hug.”

43. After the meeting, Iraheta met with Alamed and human resources director Benoit, and complained that Nexstar was repeatedly taking actions that made it impossible for her to retain clients.

44. They indicated that Iraheta should resign.

45. With no choice, Iraheta did resign.

46. Iraheta’s resignation was in reality a constructive discharge from her employment.

Other Harassment, Discrimination, and Retaliation against Iraheta

47. The specific examples of harassment, discrimination, and retaliation described above are not exhaustive.

48. For example, one of Iraheta’s male co-workers many times showed the sales team photos of naked women in sexual positions, and told Iraheta graphic stories in which he claimed to have had sexual encounters with women he met.

49. Another co-worker took photos of his exposed genitals beneath his desk at work and sent them to a former female co-worker.

50. Male co-workers spoke about women generally as emotional, “slutty,” flighty, hysterical, and dramatic.

51. Male sales team members were also given more sales accounts and sales leads, while the two women on the team were forced to work harder to pursue sales.

Defendants' Knowledge of the Misconduct

52. Nexstar and Marrs knew of the discrimination, harassment, and retaliation Iraheta experienced.

53. Marrs himself, who was the General Manager and Vice President, engaged in some of the misconduct.

54. Iraheta's direct supervisor, Alameda, also participated in the misconduct and was increasingly hostile after the summer 2017 meeting about Marrs' conduct.

55. Human resources at WFFF/WVNY also knew of the misconduct, as human resources director Benoit had participated in the summer 2017 meeting about Marrs' conduct.

56. In about October 2017, Iraheta met with Benoit to discuss the increasingly hostile behavior of one coworker in particular.

57. At least one other time, Iraheta spoke with Benoit about the unfair treatment she was receiving in comparison to the men on the sales team.

58. The problems were never remedied.

59. The illegal mistreatment Iraheta suffered in her employment for Defendants caused her to suffer mental and emotional anguish and anxiety, and also monetary losses.

Desiree Roberts' Employment

60. Plaintiff Desiree Roberts worked for Nexstar beginning in or about November 2017.

61. Early in Roberts' employment, the morning show on which she worked was staffed almost entirely by women.

62. Craig Marrs considered this a problem, and said that there were "too many skirts" on the morning show, and that it needed a "suit"—a male employee.

63. In order to provide the "suit" that Marrs wanted, Nexstar hired a male employee named Michael Hoey-Lukakis to work on the morning show.

64. When Roberts and Lukakis were worked together, he made extremely offensive remarks.

65. Lukakis mocked women and women's voices. He demeaned women by calling them "b****es," or a "f***ing idiot."

66. He would refer to things as "retarded" in a manner expressing insult.

67. He would refer to his genitals, and even made graphic, sexual insults (not quoted here) involving Nexstar CEO Perry Sook and satirical (but still repulsive) descriptions of sexual acts between Lukakis and Mr. Sook.

68. To make matters even worse, the first time that Roberts worked with Lukakis without wearing a bulky sweater or parka on her torso, Lukakis spent an entire conversation leering overtly at Roberts' chest.

69. Roberts complained in writing and orally to Nexstar human resources.

70. Just a few days after Roberts sent a written complaint to human resources—an email to Lindsay Benoit on March 22, 2018—Craig Marrs personally appeared at a "review" of Roberts' employment.

71. In that meeting, Marrs bullied Roberts, saying things like, "why do you still work here?," "what's wrong with you?," and "who hired you?"

72. In further retaliation, Roberts was no longer given many assignments or duties, and was stripped a significant amount of her work hours, which reduced her total wages as an hourly employee.

73. Nexstar claimed to have “investigated” Roberts’ complaints, but took no meaningful action to remedy the problem and instead retaliated against Roberts.

74. In fact, Roberts was explicitly told that a different photographer, instead of Roberts, had been given an assignment with Lukakis so that Roberts would not be “uncomfortable” with Lukakis, thereby taking away hours from Roberts and effectively punishing her for complaining rather than addressing the problem.

75. Defendants’ conduct effectively forced Roberts to resign from her job at Nexstar around mid-summer of 2018.

76. As with Iraheta, Marrs’ and Nexstar’s illegal conduct caused Roberts to suffer mental and emotional anguish and anxiety, and also monetary losses.

**COUNT I: VIOLATION OF THE VERMONT FAIR
EMPLOYMENT PRACTICES ACT: SEX DISCRIMINATION**

77. Plaintiffs incorporate the foregoing paragraphs by reference.

78. Defendants subjected Plaintiffs Catherine Iraheta and Desiree Roberts to sex discrimination, as alleged above, in violation of the Vermont Fair Employment Practices Act, 21 V.S.A. § 495 *et seq.*

79. The sex discrimination suffered by Plaintiffs took the form of both sexual harassment, as described in 21 V.S.A. § 495d(13), and other actions constituting sex discrimination as alleged above.

80. The conduct alleged herein made Plaintiffs’ work environment hostile, intimidating, offensive, and abusive.

81. A reasonable person in either Plaintiffs' position would have felt that the conduct alleged herein made the work environment hostile, intimidating, offensive, and abusive.

82. Plaintiffs actually believed that, because of the conduct alleged herein, their workplace was hostile, intimidating, offensive, and abusive.

83. The discrimination and harassment was sufficiently severe and pervasive to alter the conditions of Plaintiffs' employment and to create an abusive working environment.

84. Defendants were aware of the discrimination and harassment to which Plaintiffs were subjected.

85. Even if one or more Defendants lacked actual knowledge of any part of the discrimination and harassment suffered by Plaintiffs, Defendants should have been aware of it.

86. Defendants failed to take any appropriate remedial actions to protect Plaintiffs or respond to the harassment or discrimination.

87. Plaintiffs have suffered damages including, but not limited to, lost past and future earnings; lost benefits; emotional distress such as humiliation, discomfort and insecurity; and emotional and mental anguish and suffering as a result of Defendants' unlawful conduct.

88. As Defendants' actions were willful, wanton, and in reckless and callous disregard of Plaintiffs' rights, Plaintiffs are further entitled to punitive damages.

**COUNT II: VIOLATION OF THE VERMONT FAIR EMPLOYMENT
PRACTICES ACT: UNLAWFUL RETALIATION**

89. Plaintiffs incorporate the foregoing paragraphs by reference.

90. As alleged above, Defendants retaliated against Plaintiffs for opposing unlawful harassment and discrimination, in violation of the Vermont Fair Employment Practices Act, 21 V.S.A. § 495 *et seq.*

91. Plaintiffs have suffered damages including, but not limited to, lost past and future earnings; lost benefits; emotional distress such as humiliation, discomfort and insecurity; and emotional and mental anguish and suffering as a result of Defendants' unlawful conduct.

92. As Defendants' actions were willful, wanton, and in reckless and callous disregard of Plaintiffs' rights, Plaintiffs are further entitled to punitive damages.

COUNT III: VIOLATION OF 21 V.S.A § 342
(by Iraheta against Nexstar)

93. Plaintiff Catherine Iraheta incorporates the foregoing paragraphs by reference.

94. Defendant Nexstar has one or more employees its service.

95. After Plaintiff Iraheta's employment for Nexstar ended, Nexstar failed to pay her the full amount of remuneration owed and payable for her services.

96. The remuneration remains unpaid.

PRAYER

WHEREFORE, Plaintiff prays for relief against Defendants as follows:

- A. Award Plaintiffs damages in the form of past and future pecuniary losses resulting from the unlawful discrimination, retaliation, and constructive discharge by Defendants, including but not limited to appropriate back-pay with prejudgment interest, liquidated damages pursuant to 21 V.S.A. § 495B(c), lost benefits, job-search expenses and front-pay, in amounts to be determined at trial;

- B. Order forfeiture to Plaintiff Catherine Iraheta of twice the value of remuneration unpaid, pursuant to 21 V.S.A. § 347.
- C. Award Plaintiffs damages to compensate them for past and future nonpecuniary losses resulting from Defendants' unlawful conduct, including but not limited to mental and emotional anguish and anxiety, in amounts to be determined at trial;
- D. Award punitive damages for Defendants' malicious and reckless conduct described above, in amounts to be determined at trial;
- E. Award Plaintiffs their reasonable attorneys' fees and costs incurred in bringing and pursuing this action; and
- F. Grant such other relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury.

Date: October 12, 2018

WOOLMINGTON, CAMPBELL, BENT & STASNY, P.C.
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802-362-2560
ATTORNEYS FOR PLAINTIFF

By: _____
John D. Stasny, *for the firm*
john@greenmtlaw.com
ERN: 7861

EXHIBIT B

STATE OF VERMONT

SUPERIOR COURT
CHITTENDEN UNIT
3-18 Cncv

CIVIL DIVISION
DOCKET No. _____192-

CATHERINE IRAHETA, and]
_____]
Plaintiff DESIREE ROBERTS]
_____]
Plaintiffs,]
]
v.]
]
NEXSTAR BROADCASTING, INC.;]
AND CRAIG MARRS]
]
Defendants.]

ORIGINAL FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

COMESCOME NOW Plaintiff Plaintiffs, Catherine Iraheta and Desiree Roberts, by and through the undersigned counsel, and for her Original their Amended Complaint against Defendants Nexstar Broadcasting, Inc. and Craig Marrs alleges allege as follows:

INTRODUCTION

1. Catherine Iraheta worked as a sales executive for Nexstar Broadcasting, Inc. While working Desiree Roberts worked for Nexstar as a photographer and backup director. Although they were not acquainted with each other while employed there, Iraheta was they suffered similar experiences. They were both subjected to gender discrimination and sexual harassment. When she, and when they complained about the harassment and discrimination it, Defendants retaliated against her them and ultimately forced her them to resign. After Additionally, after Iraheta's employment ended, Defendants failed to pay some of the compensation owed to her. Iraheta files this suit and Roberts assert claims for discrimination and retaliation under the Vermont Fair

Employment Practices Act, and for failing to pay compensation in violation of 21 V.S.A. § 342.

PARTIES

2. Plaintiff Catherine Iraheta is an individual residing in Chittenden County, Vermont, and is a citizen of the state of Vermont. She resided in Chittenden County, Vermont, throughout her employment for Defendants and during the time since then.

3. Plaintiff Desiree Roberts is an individual residing in Chittenden County, Vermont, and is a citizen of the state of Vermont. She resided in Chittenden County, Vermont, throughout her employment for Defendants and during the time since then.

3-4. Defendant Craig Marrs is an individual who, upon information and belief, resides in Chittenden County, Vermont at the time this suit was originally filed, and is was then a citizen of the state of Vermont.

4-5. Defendant Nexstar Broadcasting, Inc. ("Nexstar") is a corporation organized under Delaware law, with its principal place of business at 545 E. John Carpenter Freeway, Suite 700, Irving, Texas 75062.

5-6. Nexstar's registered agent in Vermont is Corporation Service Company, 100 North Main Street, Suite 2, Barre, Vermont 05641.

JURISDICTION AND VENUE

6-7. All or a substantial part of the events and omissions giving rise to the claims in this suit occurred in Vermont.

~~7~~.~~8~~. Venue is proper in this Court because ~~Plaintiff~~Plaintiffs and Defendant Craig Marrs reside in Chittenden County, Vermont.

FACTS COMMON TO ALL COUNTS

Iraheta's Employment

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~~17~~.~~18~~. Marrs and the men on Iraheta's sales team at WFFF and WVNY operated as a "good old boys' club," demeaning the women and depriving them of the same sales opportunities.

~~18~~.~~19~~. For example, early in her employment, Marrs described Iraheta as the "hot" new sales representative and complimented Iraheta's legs.

~~19,20.~~ On another occasion, Marrs said he was surprised there were “attractive, successful, and well educated women in Vermont,” and then said in a degrading manner that he previously “thought all women in Vermont looked like Lindsay,” referring to human resources director Lindsay Benoit at WFFF and WVNY.

~~20,21.~~ At a meeting in the summer of 2017, the entire sales team (of which Iraheta was a member) was told that because of good sales performance, the team would receive a special day off to spend a day doing an activity together as a team.

~~21,22.~~ Iraheta then learned, however, that the “team” activity being offered for the special day off was actually a day of golfing at Jay Peak for the *men* on the team, and not for the two women.

~~22,23.~~ When Iraheta asked to join the men for golfing (even just to play a single hole), her supervisor, Jesse Alamed, refused and told Iraheta that Nexstar would instead provide the two women on the team with a “spa day” at Jay Peak.

~~23,24.~~ Iraheta learned later, however, that Nexstar would not pay for a “spa day.”

~~24,25.~~ Alamed then told Iraheta that she and Zara Vincent could drive to Jay Peak to join the men for lunch, but later cancelled that invitation.

~~25,26.~~ A week prior to the men-only golf outing, Marrs said at a meeting that the only reason there would be to have “girls” at the team-building activity was to “serve drinks from the golf carts to the men.”

~~26,27.~~ On the day of the “team” activity, the men played golf and had lunch with upper management, without the two women.

~~27,28.~~ Also in the summer of 2017, Iraheta met with Marrs in his office about the possibility of WFFF/WVNY promoting a local maritime festival.

~~28-29.~~ During the meeting, Marrs berated and belittled Iraheta and became extremely aggressive.

~~29-30.~~ At one point in the meeting when Iraheta attempted to speak, Marrs stared down at her breasts and asked if she was wearing a bathing suit.

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~~31-32.~~ The next day, Iraheta attending a meeting with Alamed, Marrs, human resources director Lindsay Benoit, and director of sales Harvey Adelberg, to discuss Marrs' misconduct.

~~32-33.~~ During the meeting, Marrs apologized for his conduct the day before and suggested that Iraheta's salary guarantee (a portion of her salary not based on sales commissions) should be reevaluated to account for how his conduct had hurt her ability to close pending sales.

~~33-34.~~ Despite Marrs' show of apparent contrition, however, Iraheta's workplace became increasingly hostile and discriminatory from that point on in retaliation for her opposition to Marrs' conduct.

~~34-35.~~ For example, very soon after the meeting about Marrs' conduct, two of Iraheta's large sales accounts were taken from her without any legitimate reason and given to a male member of the sales team.

~~35-36.~~ To make matters worse, important information such as information about promotional events or a meeting with a significant client was also kept from Iraheta until long after the men on the sales team were given the same information, further harming Iraheta's sales efforts.

~~36-37.~~ The general atmosphere in the workplace also became increasingly hostile toward Iraheta after the meeting about Marrs' conduct.

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~~37-38.~~ Iraheta was finally forced to resign after an incident in the fall of 2017.

~~38-39.~~ In November 2017, a combination of actions by Alamed, news director Mark Rosen, and creative services director Andy Brumbaugh caused a representative for a new client secured by Iraheta to miss a scheduled television interview.

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~~42-43.~~ After the meeting, Iraheta met with Alamed and human resources director Benoit, and complained that Nexstar was repeatedly taking actions that made it impossible for her to retain clients.

~~43-44.~~ They indicated that Iraheta should resign.

~~44-45.~~ With no choice, Iraheta did resign.

~~45-46.~~ Iraheta's resignation was in reality a constructive discharge from her employment.

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~~46-47.~~ The specific examples of harassment, discrimination, and retaliation described above are not exhaustive.

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~~48-49.~~ Another co-worker took photos of his exposed genitals beneath his desk at work and sent them to a former female co-worker.

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~~50-51.~~ Male sales team members were also given more sales accounts and sales leads, while the two women on the team were forced to work harder to pursue sales.

Defendants' Knowledge of the Misconduct

~~51-52.~~ Nexstar and Marrs knew of the discrimination, harassment, and retaliation Iraheta experienced.

~~52-53.~~ Marrs himself, who was the General Manager and Vice President, engaged in some of the misconduct.

~~53-54.~~ Iraheta's direct supervisor, Alameda, also participated in the misconduct and was increasingly hostile after the summer 2017 meeting about Marrs' conduct.

~~54-55.~~ Human resources at WFFF/WVNY also knew of the misconduct, as human resources director Benoit had participated in the summer 2017 meeting about Marrs' conduct.

~~55-56.~~ In about October 2017, Iraheta met with Benoit to discuss the increasingly hostile behavior of one coworker in particular.

~~56-57.~~ At least one other time, Iraheta spoke with Benoit about the unfair treatment she was receiving in comparison to the men on the sales team.

~~57-58.~~ The problems were never remedied.

59. The illegal mistreatment Iraheta suffered in her employment for Defendants caused her to suffer mental and emotional anguish and anxiety, and also monetary losses.

Desiree Roberts' Employment

60. Plaintiff Desiree Roberts worked for Nexstar beginning in or about November 2017.

61. Early in Roberts' employment, the morning show on which she worked was staffed almost entirely by women.

62. Craig Marrs considered this a problem, and said that there were "too many skirts" on the morning show, and that it needed a "suit"—a male employee.

63. In order to provide the "suit" that Marrs wanted, Nexstar hired a male employee named Michael Hoey-Lukakis to work on the morning show.

64. When Roberts and Lukakis were worked together, he made extremely offensive remarks.

65. Lukakis mocked women and women's voices. He demeaned women by calling them "b****es," or a "f***ing idiot."

66. He would refer to things as "retarded" in a manner expressing insult.

67. He would refer to his genitals, and even made graphic, sexual insults (not quoted here) involving Nexstar CEO Perry Sook and satirical (but still repulsive) descriptions of sexual acts between Lukakis and Mr. Sook.

68. To make matters even worse, the first time that Roberts worked with Lukakis without wearing a bulky sweater or parka on her torso, Lukakis spent an entire conversation leering overtly at Roberts' chest.

69. Roberts complained in writing and orally to Nexstar human resources.

70. Just a few days after Roberts sent a written complaint to human resources—an email to Lindsay Benoit on March 22, 2018—Craig Marrs personally appeared at a “review” of Roberts’ employment.

71. In that meeting, Marrs bullied Roberts, saying things like, “why do you still work here?,” “what’s wrong with you?,” and “who hired you?”

72. In further retaliation, Roberts was no longer given many assignments or duties, and was stripped a significant amount of her work hours, which reduced her total wages as an hourly employee.

73. Nexstar claimed to have “investigated” Roberts’ complaints, but took no meaningful action to remedy the problem and instead retaliated against Roberts.

74. In fact, Roberts was explicitly told that a different photographer, instead of Roberts, had been given an assignment with Lukakis so that Roberts would not be “uncomfortable” with Lukakis, thereby taking away hours from Roberts and effectively punishing her for complaining rather than addressing the problem.

75. Defendants’ conduct effectively forced Roberts to resign from her job at Nexstar around mid-summer of 2018.

76. As with Iraheta, Marrs’ and Nexstar’s illegal conduct caused Roberts to suffer mental and emotional anguish and anxiety, and also monetary losses.

**COUNT I: VIOLATION OF THE VERMONT FAIR
EMPLOYMENT PRACTICES ACT: SEX DISCRIMINATION**

58:77. Plaintiff incorporates Plaintiffs incorporate the foregoing paragraphs by reference.

59:78. Defendants subjected Plaintiff Plaintiffs Catherine Iraheta and Desiree Roberts to sex discrimination, as alleged above, in violation of the Vermont Fair

Employment Practices Act, 21 V.S.A. § 495 *et seq.*

~~60.79.~~ The sex discrimination suffered by Plaintiff Plaintiffs took the form of both sexual harassment, as described in 21 V.S.A. § 495d(13), and other actions constituting sex discrimination as alleged above.

~~61.80.~~ The conduct alleged herein made Plaintiff's Plaintiffs' work environment hostile, intimidating, offensive, and abusive.

~~62.81.~~ A reasonable person in Plaintiff either Plaintiffs' position would have felt that the conduct alleged herein made the work environment hostile, intimidating, offensive, and abusive.

~~63.82.~~ Plaintiff Plaintiffs actually believed that, because of the conduct alleged herein, ~~her~~ their workplace was hostile, intimidating, offensive, and abusive.

~~64.83.~~ The discrimination and harassment was sufficiently severe and pervasive to alter the conditions of Plaintiff's Plaintiffs' employment and to create an abusive working environment.

~~65.84.~~ Defendants were aware of the discrimination and harassment to which Plaintiff ~~was~~ Plaintiffs were subjected.

~~66.85.~~ Even if one or more Defendants lacked actual knowledge of any part of the discrimination and harassment suffered by Plaintiff Plaintiffs, Defendants should have been aware of it.

~~67.86.~~ Defendants failed to take any appropriate remedial actions to protect Plaintiff Plaintiffs or respond to the harassment or discrimination.

~~68.87.~~ Plaintiff ~~has~~ Plaintiffs have suffered damages including, but not limited to, lost past and future earnings; lost benefits; emotional distress such as humiliation, discomfort and insecurity; and emotional and mental anguish and suffering as a result

of Defendants' unlawful conduct.

~~69.88.~~ As Defendants' actions were willful, wanton, and in reckless and callous disregard of ~~Plaintiff's~~ Plaintiffs' rights, ~~Plaintiff is~~ Plaintiffs are further entitled to punitive damages.

COUNT II: VIOLATION OF THE VERMONT FAIR EMPLOYMENT PRACTICES ACT: UNLAWFUL RETALIATION

~~70.89.~~ ~~Plaintiff incorporates~~ Plaintiffs incorporate the foregoing paragraphs by reference.

~~71.90.~~ As alleged above, Defendants retaliated against ~~Plaintiff~~ Plaintiffs for opposing unlawful harassment and discrimination, in violation of the Vermont Fair Employment Practices Act, 21 V.S.A. § 495 *et seq.*

~~72.91.~~ ~~Plaintiff has~~ Plaintiffs have suffered damages including, but not limited to, lost past and future earnings; lost benefits; emotional distress such as humiliation, discomfort and insecurity; and emotional and mental anguish and suffering as a result of Defendants' unlawful conduct.

~~73.92.~~ As Defendants' actions were willful, wanton, and in reckless and callous disregard of ~~Plaintiff's~~ Plaintiffs' rights, ~~Plaintiff is~~ Plaintiffs are further entitled to punitive damages.

COUNT III: VIOLATION OF 21 V.S.A § 342
(by Iraheta against Nexstar)

~~74.93.~~ Plaintiff Catherine Iraheta incorporates the foregoing paragraphs by reference.

~~75.94.~~ Defendant Nexstar has one or more employees its service.

~~76.95.~~ After Plaintiff's Plaintiff Iraheta's employment for Nexstar ended, Nexstar failed to pay her the full amount of remuneration owed and payable for her services.

~~77.96.~~ The remuneration remains unpaid.

PRAYER

WHEREFORE, Plaintiff prays for relief against Defendants as follows:

- A. Award Plaintiff Plaintiffs damages in the form of past and future pecuniary losses resulting from ~~her~~ the unlawful discrimination, retaliation, and constructive discharge by Defendants, including but not limited to appropriate back-pay with prejudgment interest, liquidated damages pursuant to 21 V.S.A. § 495B(c), lost benefits, job-search expenses and front-pay, in amounts to be determined at trial;
- B. Order forfeiture to Plaintiff Catherine Iraheta of twice the value of remuneration unpaid, pursuant to 21 V.S.A. § 347.
- C. Award Plaintiff Plaintiffs damages to compensate ~~her~~ them for past and future nonpecuniary losses resulting from Defendants' unlawful conduct, including but not limited to mental and emotional anguish and anxiety, in amounts to be determined at trial;
- D. Award punitive damages for Defendants' malicious and reckless conduct described above, in amounts to be determined at trial;
- E. Award Plaintiff ~~her~~ Plaintiffs their reasonable attorneys' fees and costs incurred in bringing and pursuing this action; and
- F. Grant such other relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff Plaintiffs hereby ~~demands~~ demand a trial by jury.

Date: ~~February 9, 2018~~ October 12, 2018 ~~October 9, 2018~~

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