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16 Attorneys for Plaintiff, Jeff Vaughn

17 **UNITED STATES DISTRICT COURT**

18 **CENTRAL DISTRICT OF CALIFORNIA**

19 **JEFF VAUGHN,**

20 Plaintiff

21 v.

22 **CBS BROADCASTING, INC., a**
 23 Delaware Corporation, and
 24 **PARAMOUNT GLOBAL, a**
 25 Delaware Corporation, Wendy
 26 McMahan, an individual,

27 Defendants.

Case No.:

COMPLAINT

JURY TRIAL DEMANDED

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1 Plaintiff Jeff Vaughn (“Mr. Vaughn”) alleges as follows:

2 **NATURE OF THE ACTION**

3 1. This lawsuit is about Defendants’ discrimination against Mr. Vaughn
4 based on his race, sex, age, and sexual orientation.

5 2. He was removed from his job as a highly successful news anchor because
6 he was not a member of the Defendants’ preferred groups.

7 3. Mr. Vaughn is an Emmy Award winning news anchor with over 30 years
8 of experience in broadcast journalism.

9 4. He was born on November 3rd, 1965, and today, he is 58 years old.

10 5. He worked for CBS Broadcasting, Inc (“CBS”) for 8 years and was the
11 primary evening anchor for the KCBS 5 pm, KCAL 8 pm, and 10 pm newscasts.

12 6. His ratings were soaring.

13 7. There was only one problem: Mr. Vaughn is an older, white, heterosexual,
14 male.

15 8. Despite his show’s successes, his great performance, and his exceptional
16 working relationship with his co-anchors, CBS removed Mr. Vaughn in place of a
17 younger minority news anchor because he was an experienced, older white,
18 heterosexual, male.

19 9. This was a violation of Mr. Vaughn’s equal rights under 42 U.S.C § 1981.

20 10. Defendants further violated Mr. Vaughn’s Civil Rights under Title VII of
21 the Civil Rights Act of 1964, U.S.C. § 2000e-2 et seq. by intentionally discriminating
22 against him because of his race, sex, and sexual orientation.

23 11. Defendants further violated Mr. Vaughn’s Civil Rights by violating the
24 Age Discrimination in Employment Act found at 29 U.S.C. §§ 621-634 by
25 discriminating against him because of his age.

26 **PARTIES, JURISDICTION AND VENUE**

27 12. Mr. Vaughn is a California citizen with his primary residence in Los
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1 Angeles, California.

2 13. Defendant CBS maintains its headquarters in New York City, New York,
3 and is incorporated in Delaware.

4 14. Mr. Vaughn was employed by CBS at all times relevant to this complaint.

5 15. Paramount Global (“Paramount”), a Delaware corporation, is doing
6 business in Los Angeles, California. Plaintiff is informed and believes that Paramount
7 is the parent company of CBS and exercises control over same.

8 16. Wendy McMahon (“McMahon”) is the Chief Executive Officer (“CEO”)
9 of CBS. Plaintiff is informed and believes that McMahon is responsible for
10 intentionally implementing the illegal company policy, which favored groups based
11 on their race, sex, and sexual orientation.

12 17. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331
13 because the federal claims arise under the Constitution and laws of the United States.

14 18. Plaintiff seeks compensatory and punitive damages under 42 U.S.C. §§
15 1981, 1985(3), 1988, and 42 U.S.C. § 2000e et seq.

16 19. Venue is proper in this District under 42 U.S.C § 2000e-5(f)(3), and 28
17 U.S.C. § 1391(b)(2).

18 **FACTUAL ALLEGATIONS**

19 20. Mr. Vaughn, one of CBS Broadcasting’s top news anchors, worked at
20 CBS for almost seven years when he found out that CBS intended to find his
21 replacement.

22 21. In May of 2022 Joel Vilmenay (“Vilmenay”), General Manager at CBS
23 News Los Angeles, told him he would not be working at CBS in six months and that
24 he was going to be replaced.

25 22. This came as a shock to Mr. Vaughn, who had been there for almost
26 seven years, had excellent ratings, and loved his job.

27 23. But CBS wanted him out.

1 24. Management never provided a direct reason for his removal from his job.

2 25. On May 2, 2022, Mr. Vaughn asked Mike Dello Stritto (“Dello Stritto”),
3 the Vice President News Director at CBS, why he was being let go. Dello Stritto said:
4 “It’s not about the ratings.”

5 26. Indeed, it was not about the company’s success. It was about something
6 else.

7 27. Defendants, in an effort to increase the diversity of their staff,
8 implemented a policy that favored the hiring of individuals of certain groups and
9 firing or refusing to hire older, white, heterosexual, males.

10 28. CBS executives, through a series of public statements, said the quiet part
11 out loud.

12 29. On April 23, 2019, former CBS Executive, Whitney Davis, penned an
13 article which claimed that CBS had a “white problem.”¹

14 30. In 2020, CBS Entertainment Group set a goal to ensure that by “the
15 2022-2023 broadcast season: half of all writers will be nonwhite.”²

16 31. CBS Entertainment Group also adopted an initiative requiring 50% of the
17 cast members on their reality shows to be Black, Indigenous, or People of Color
18 (“BIPOC”).³

19 32. CEO of CBS Entertainment Group, George Cheeks, “set a goal that all
20 writers’ rooms on the network’s primetime series be staffed 40 percent BIPOC in the
21 2021-22 season; 17 out of 21 shows hit or exceeded that target,” according to a 2022
22 article quoting Mr. Cheeks.⁴

23 33. Further, in Paramount’s 2021-2022 Environmental, Social, and

24 ¹ Whitney Davis, ‘CBS has a White Problem: Executive Blasts Toxic Culture at network in Explosive Letter’, VARIETY
25 (Apr. 23, 2019), <https://variety.com/2019/tv/news/cbs-has-a-white-problem-whitney-davis-explains-decision-1203194484/>.

26 ² Christie D’Zurilla, *CBS Announces Diversity Overhaul of Writers Rooms and Script-Development Program*, LOS
ANGELES TIMES (Jul. 13, 2020), <https://lat.ms/3Sj1t4O>.

27 ³ Sarah Whitten, *CBS Reality Shows Must Now Have 50% Non-White Casts, Network Says*, CNBC (Nov. 9, 2020),
<https://cnb.cx/3Sihh7W>.

28 ⁴ Lynette Rice, *Altered Reality*, ENTERTAINMENT WEEKLY (Feb. 2, 2022), <https://bit.ly/3SFs3WU>.

1 Governance (“ESG”) Report, the company boasted that 56% of the projects in
2 development were from BIPOC creators.⁵

3 34. On April 5, 2022, in Station Town Halls over Zoom, Tiffany Smith-
4 Anoa’i, Executive VP of Paramount’s Entertainment Diversity Equity and Inclusion
5 Department said, “Our culture of belonging has doubled female representation, tripled
6 people of color representation and we’re only getting started” and “[w]e would not
7 move on the doubling of females, tripling the hiring of people of color if it was not
8 demanded.”

9 35. This effort went into high gear in CBS newsrooms after McMahon was
10 hired as CBS News and Stations President in May of 2021.

11 36. It was the same approach adopted by Vilmenay, who operated
12 underneath McMahon.

13 37. McMahon was publicly recognized for her work “to make the station
14 group more diverse, on both sides of the camera and in leadership positions.”⁶

15 38. Her goals were clear: “Under McMahon, CBS News and Stations has
16 prioritized diversity, equity, and inclusion initiatives, hired and promoted several
17 women and/or people of color to serve in key roles...”⁷

18 39. As a 57-year-old white, heterosexual, male, Mr. Vaughn did not meet
19 those criteria.

20 40. CBS decided that there were too many white males at CBS, and it acted
21 accordingly. It needed to solve its “white problem” by firing successful white males.

22 41. Long before CBS told Mr. Vaughn he was going to be let go, he was
23 excluded and ostracized in numerous ways.

24 42. For CBS News’ 20th anniversary 9/11 special coverage, Mr. Vaughn was
25

26 ⁵ Press Release, Paramount Global, Paramount Releases 2021-2022 Environmental, Social, and Governance Report
(Sept. 9, 2022) (available at <https://bit.ly/47Rhepn>).

27 ⁶ Michael Malone, *Wonder Women of Los Angeles 2022: Wendy McMahon*, NEXT TV (May 31, 2022),
<https://www.nexttv.com/features/wonder-women-of-los-angeles-2022-wendy-mcmahon>.

28 ⁷ *Wendy McMahon*, CBSNews.com (updated on Aug. 14, 2023), <https://www.cbsnews.com/team/wendy-mcmahon/>.

1 completely left out and did not even appear on the program. That was extremely odd
2 when he had remarkable experience with that historic incident. He was at Ground
3 Zero in Manhattan, reporting during the events of September 11, 2001. He was the
4 only member of the CBS news team who was there.

5 43. In planning the 9/11 special coverage, CBS management asked everyone
6 for story ideas. Mr. Vaughn shared personal pictures, videos, and interviews that he
7 conducted at the Twin Towers site with President George W. Bush, Senator Hillary
8 Clinton, and Mayor Rudi Giuliani. A reasonable person would assume that his
9 experience would be invaluable to the special and that CBS would embrace it.

10 44. But Mr. Vaughn was told that his experience would make others
11 uncomfortable. Why, was never explained.

12 45. He was not included in the 9/11 special.

13 46. His African American colleague hosted the show, and reporters from
14 minority groups hosted all the featured stories. Not one of them had personally been
15 present at ground zero reporting during the events of 9/11.

16 47. He was also the only person from the entire CBS News team that was left
17 out of the November 2021 “Chips for Kids” charity event, another act of racial,
18 gender, and age discrimination.

19 48. In 2022, Mr. Vaughn was excluded from other events that he normally
20 attended annually, including, America Fest Fourth of July Ceremonies, Children
21 Hospital, Taste of Soul, and Race for the Cure.

22 49. Mr. Vaughn was also excluded from multiple major field anchor events,
23 including the Rams Super Bowl Victory Parade in February 2022.

24 50. In the fall of 2022, CBS News implemented a new promotional campaign
25 for its evening news shows, which included on-air and billboard promotions for its
26 evening newscast. Mr. Vaughn was the premier evening anchor at that time but was
27 left off the promotions entirely.

1 51. The billboard included every one of Mr. Vaughn’s co-anchors, all of
2 whom were either racial or gender minorities. He was the only anchor not placed on
3 the billboard.

4 52. The television advertisement promotion was the same. All of his co-
5 anchors who were either racial or gender minorities appeared in the commercials, but
6 Mr. Vaughn was excluded.

7 53. Additionally, Mr. Vaughn was excluded from KCAL and KCBS social
8 events, but his co-anchors, who were either racial or gender minorities, were always
9 invited.

10 54. A few days before the end of Mr. Vaughn’s contract, Vilmenay called
11 Mr. Vaughn’s agent and said that they couldn’t find the “right person” to fill his
12 position, asking to extend his contract through the holidays of 2022.

13 55. Mr. Vaughn agreed in hopes that, ultimately, Vilmenay would reconsider
14 and decide to keep him on the team. Mr. Vaughn wanted to keep his job.

15 56. But Vilmenay made himself completely unavailable to meet with Mr.
16 Vaughn. He would not talk with him on the phone, let alone meet with him in person.

17 57. Vilmenay intentionally avoided contact with Mr. Vaughn in the office.

18 58. Indeed, despite Mr. Vaughn’s attempts to negotiate, and despite his high
19 ratings, CBS removed him when they finally found the “right person.”

20 59. On July 6, 2023, and July 24, 2023, CBS held auditions for Mr. Vaughn’s
21 position. Serious contenders were brought on set to audition with Mr. Vaughn’s co-
22 anchors.

23 60. All the individuals who came on set to audition for his position were
24 younger, racial minorities.

25 61. Management ushered in and out Mr. Vaughn’s prospective replacements
26 while he was at work.

27 62. On August 30, 2023, Mr. Vaughn received notice that he was going to be
28

1 terminated. CBS asked him to continue working until his replacement started.

2 63. To make matters worse and to further humiliate Mr. Vaughn, Vilmenay
3 asked him to publicly announce that he was saying goodbye and that it was his own
4 decision to leave.

5 64. Mr. Vaughn refused to lie on air.

6 65. After his last day, Friday, September 22, 2023, the KCAL news team
7 issued a statement live on the air, where CBS implied that Mr. Vaughn left of his own
8 accord. It said: “Friday was Jeff Vaughn’s last newscast with KCAL news. Now, he
9 didn’t want to make a big fuss about leaving, but we wanted you to know. He has
10 been a vital part of the KCAL news team for 8 years, and we have taken great pride
11 working with Jeff to share your stories...”

12 66. That statement was false. Mr. Vaughn did not decide to leave.

13 67. He was never given a reason for his firing. But it was obvious. He was
14 too old, and not a member of the right race, sex, or sexual orientation category for
15 CBS’ retention policy.

16 68. Mr. Vaughn wanted to continue on the CBS news team, grow his
17 viewership, and foster his relationship with the community.

18 69. Mr. Vaughn, a four-times Emmy Award winning legend of broadcasting,
19 with over 30 years of experience as a broadcasting journalist at the peak of his career,
20 was not fired for poor performance or because there was someone better. He was fired
21 because he is an older, white, heterosexual, male.

22 70. Chauncey Glover (“Glover”), a young African American male, who
23 checked CBS’s “diversity” boxes, replaced Mr. Vaughn, though he had minimal
24 experience.

25 71. Shortly after he replaced Mr. Vaughn, Glover appeared front and center
26 on a KCAL News billboard.

27 72. Glover is not better at his job than Mr. Vaughn, and he does not have
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1 more experience than Mr. Vaughn. There is no category in which Glover outperforms
2 Mr. Vaughn.

3 73. The truth is, CBS News, at the direction of McMahon, implemented an
4 illegal hiring, promotion, or retention policy based on age, race, sexual orientation,
5 and sex.

6 74. Mr. Vaughn lost his job because he did not fit any of the desired diversity
7 categories.

8 75. Defendants have discriminated against Mr. Vaughn in violation of his
9 Constitutional and Civil Rights.

10 76. Defendants' actions have caused Mr. Vaughn to incur damages
11 consisting of lost wages, including back pay and future pay, as well as loss of benefits
12 and expected wage increases under his union contract. The amount of lost wages and
13 benefits will be proven at trial but is believed to exceed \$5,000,000.

14 77. Mr. Vaughn exhausted his administrative remedies by filing a charge of
15 discrimination with the Equal Employment Opportunity Commission on February 23,
16 2024. See **Exhibit 1**.

17 78. Mr. Vaughn has a Notice of Right to Sue Letter from the United States
18 Equal Employment Opportunity Commission (EEOC), dated April 19, 2024. See
19 **Exhibit 2**.

20 **FIRST CLAIM FOR RELIEF**

21 **(Violation of the Civil Rights Act of 1866, 42 U.S.C. §1981 vs. all Defendants)**

22 79. Mr. Vaughn incorporates paragraphs 1 through 78 of this Complaint as
23 though set forth fully herein.

24 80. 42 U.S.C. § 1981 prohibits racial discrimination in the making and
25 enforcement of private contracts.

26 81. It protects the rights of “would-be” contractors along with those who
27 have already made contracts.

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1 Vaughn due to his race, sex, and heterosexuality.

2 91. Thereafter, Mr. Vaughn was terminated due to his race, sex, and
3 heterosexuality.

4 92. Further, similarly situated individuals outside of Plaintiff’s race, sex, and
5 sexual orientation were treated more favorably by Defendants.

6 93. Mr. Vaughn has complied with Title VII’s charge filing provisions, 42
7 U.S.C. §§ 2000e-5(e)(1) and (f)(1).

8 94. The Defendants’ actions as described herein constitute unlawful race and
9 sex discrimination in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C.
10 § 2000e et seq., and thus have caused Mr. Vaughn to be damaged in an amount that is
11 currently unknown but is believed to exceed \$5,000,000.

12 95. In doing the acts herein complained of, the Defendants acted with fraud,
13 oppression, and malice and with a willful and malignant intention to do harm and
14 injury to the plaintiff by reason of which Mr. Vaughn is entitled to punitive and
15 exemplary damages to accord with proof adduced at the time of trial.

16 **THIRD CLAIM FOR RELIEF**

17 **(Violation of the Age Discrimination in Employment Act, 29 U.S.C. §§ 621-634**
18 **vs. Defendants CBS and Paramount)**

19 96. Mr. Vaughn incorporates paragraphs 1 through 95 of this Complaint as
20 though set forth fully herein.

21 97. Mr. Vaughn is a 58-year-old individual, born on November 3, 1965, who,
22 at all times relevant to this complaint, was employed by Defendants as a News
23 Anchor.

24 98. Mr. Vaughn was 57 years old at the time of his dismissal.

25 99. Mr. Vaughn was replaced by 37-year-old Glover.

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1 100. At the time of his dismissal, Mr. Vaughn was a member of the protected
2 age group as defined in the Age Discrimination in Employment Act, 29 U.S.C § 631
3 (a).

4 101. Mr. Vaughn was highly qualified for his job as News Anchor at the time
5 Defendants removed him from his position and did not consider him for rehire. He
6 had the necessary skills, experience, and qualifications for the job. His performance
7 was more than adequate, as indicated by his team’s soaring ratings.

8 102. Mr. Vaughn is informed and believes that he was removed and not
9 rehired because of his age.

10 103. As a direct and proximate result of Defendants’ actions, Mr. Vaughn
11 suffered and continues to suffer substantial losses in earnings and other employment
12 benefits, as well as substantial emotional distress.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Mr. Vaughn respectfully requests that this Court enter
15 judgment in his favor and against all Defendants jointly and severally as to all Counts
16 alleged and grant the following relief:

17 A. A declaratory judgment that the Defendants’ de facto hiring policy
18 violates 42 U.S.C. § 1981 and/or Title VII of the Civil Rights Act of 1964, 42 U.S.C.
19 § 2000e-2 et seq.

20 B. A permanent injunction barring the Defendants from violating applicable
21 nondiscrimination laws.

22 C. An injunction requiring Defendants to offer Plaintiff a full-time job as a
23 main anchor.

24 D. Actual and compensatory damages in an amount exceeding \$5,000,000.

25 E. Punitive damages under 42 U.S.C. § 1981, in an amount to be determined
26 at trial.

27 F. An order for such equitable relief, including back pay, and lost benefits,
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1 will make Mr. Vaughn whole for the Defendant’s conduct; compensatory damages;
2 punitive damages; and prejudgment and post-judgment interest.

3 G. Reasonable costs and expenses of this action, including attorneys’ fees,
4 costs, and disbursements under 42 U.S.C. § 1988 and any other applicable laws.

5 H. Pre- and post-judgment interest.

6 I. Such other relief as the Court deems appropriate and just.

7
8 DATED: July 1, 2024

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12 By: /s/ John W. Howard

13 John W. Howard
14 Scott J. Street
15 Michelle D. Volk
16 Peter C. Shelling
17 Attorneys for Plaintiff
18 JEFF VAUGHN

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JURY TRIAL DEMAND

Mr. Vaughn demands a trial by jury on all claims for which it is available.

DATED: July 1, 2024

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AMERICA FIRST LEGAL FOUNDATION**

By: /s/ John W. Howard

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