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Attorneys for Plaintiff,

Andre Rhoden

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

ANDRE RHODEN, an individual,

Plaintiff,

vs.

CBS BROADCASTING, Inc., a
Delaware Corporation, PARAMOUNT
GLOBAL, a Delaware Corporation, and
WENDY MCMAHON, an individual,

Defendants.

Case No. _____

COMPLAINT

JURY TRIAL DEMANDED

1 Plaintiff, Andre Rhoden (“Mr. Rhoden”), alleges as follows:

2 **NATURE OF THE ACTION**

- 3 1. This lawsuit is about Defendants’ discrimination against Mr. Rhoden based on
4 his veteran status, race, gender, sexual orientation, age, and disability.
5 2. Mr. Rhoden was born on May 19, 1983, and today, he is 41 years old.
6 3. Defendants declined to hire Mr. Rhoden for a full-time position because he was
7 not a member of the Defendants’ preferred groups.
8 4. Mr. Rhoden is a decorated United States Navy combat-veteran who served as a
9 Combat Cameraman and Reconnaissance expert for nearly 12 years.
10 5. He was medically retired after being injured during combat while serving in the
11 Iraq war. Mr. Rhoden suffers from Post Traumatic Stress Disorder (“PTSD”)
12 stemming from his time in service.
13 6. His many decorations include: a Joint Service Commendation Medal, a Joint
14 Service Achievement Medal, an Iraq Campaign Medal, a GWOT Service
15 Medal, a Meritorious Unit Commendation Medal, and a National Defense
16 Service Medal.
17 7. After Mr. Rhoden was injured in combat, he worked for CBS Broadcasting, Inc
18 (“CBS”) for over a year, receiving accolades and praise for his hard work and
19 talent.
20 8. Despite his exceptional work performance and his excellent relationships with
21 his co-workers, he was passed up for a position because he is an older, disabled-
22 combat-veteran, heterosexual, white, male.
23 9. This was a violation of Mr. Rhoden’s Civil Rights under California Law.

24 **PARTIES, JURISDICTION, AND VENUE**

- 25 10. Defendant CBS Broadcasting Inc. (“CBS”) maintains its headquarters in New
26 York City, New York, and is incorporated in New York.
27 11. Mr. Rhoden was employed by CBS at all times relevant to this complaint.
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1 12. During his tenure at CBS, Mr. Rhoden worked purely behind the scenes, and in
2 a manner that did not affect CBS's ability to speak on matters of public
3 concern.

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

7 **FACTUAL ALLEGATIONS**

8 14. Mr. Rhoden began working as an intern for CBS in 2018. He worked hard and
9 diligently and was appreciated by Otto Petersen ("Petersen"), CBS's then hiring
10 manager.

11 15. Mr. Rhoden dedicated himself to furthering his career at CBS. As a young
12 father and transitioning out of his time serving in the military, Mr. Rhoden was
13 all the more motivated to establish himself.

14 16. But in 2019, the unspeakable occurred. His three-year-old daughter, Vitaliya,
15 was kidnapped. Despite doing all he could to find her, federal and state law
16 enforcement were unable to locate her. She remains missing to this day.

17 17. Over the next couple of years, haunted by this nightmare daily, Mr. Rhoden
18 continued his efforts to find Vitaliya.

19 18. Meanwhile, Mr. Rhoden continued his work at CBS. Through all this
20 adversity, Mr. Rhoden persevered, demonstrating his excellence for the
21 company.

22 19. In March 2022, Petersen hired Mr. Rhoden as a Video-Editor contractor. He
23 valued Mr. Rhoden's hard work and exceptional performance. His military
24 experience as a combat cameraman was clear to see. Mr. Rhoden was
25 recognized at CBS for performing at the highest levels.

26 20. Though Mr. Rhoden was not classified as a full-time staff member, and did not
27 receive benefits, he worked five days a week for 40 hours per week. He worked
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1 diligently, pouring himself into his work. He was often alone in the office,
2 working long hours to ensure everything was perfect for the launch of CBS's
3 new campaign.

4 21. Mr. Rhoden loved his job, and Petersen continued to praise Mr. Rhoden's
5 performance.

6 22. In August of 2022, Petersen went on medical leave. CBS hired Erik Candiani
7 ("Candiani") as his replacement.

8 23. Like Petersen, Candiani appreciated Mr. Rhoden's efforts. He requested that
9 Mr. Rhoden use his personal equipment to create promotional videos, indicating
10 that Mr. Rhoden's continued efforts and cooperation would lead to a full-time
11 Video-Editor position.

12 24. Mr. Rhoden agreed, excited about the prospect of working for CBS officially
13 as a full-time employee. With the new arrangement, Mr. Rhoden's job
14 responsibilities substantially increased. He now worked even longer hours, and
15 spearheaded the filming, lighting, and shooting of promotional videos.

16 25. This continued for months, and Candiani, on a weekly basis, promised Mr.
17 Rhoden that his efforts would lead to a full-time position.

18 26. In October of 2022, a thought occurred to Mr. Rhoden. Perhaps CBS would get
19 his daughter's story more publicity which would help find her.

20 27. Mr. Rhoden brought the idea to CBS news anchor, Pat Harvey. She was
21 receptive and said she could likely get the story on air.

22 28. But when Mr. Rhoden discussed the idea with Candiani, he was told that the
23 story was not "newsworthy" because his daughter is white. That was the end of
24 it.

25 29. In January of 2023, after the Campaign launch, Mr. Rhoden was told he would
26 need to reach one year of work with CBS before a full-time role would be
27 possible. Although disappointed, Mr. Rhoden continued his efforts, unceasingly
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- 1 committing himself to the company.
- 2 30. In March of that year, Mr. Rhoden requested a meeting with Candiani to
- 3 discuss the full-time position. Candiani again reassured him that it was “in the
- 4 works.”
- 5 31. In April 2023, during an all-hands call, Joel Vilmenay (“Vilmenay”), then
- 6 General Manager at CBS, publicly recognized Mr. Rhoden for his exceptional
- 7 efforts and top performance.
- 8 32. After the call, Mr. Rhoden met again with Candiani. He told Mr. Rhoden that
- 9 the decision was now in Vilmenay’s hands.
- 10 33. When Mr. Rhoden spoke with Vilmenay, he praised his work again but
- 11 redirected him back to Candiani. Candiani said that the position was
- 12 unavailable due to an editor being on medical leave.
- 13 34. Frustrated, Mr. Rhoden persisted. He reasonably believed, based on his bosses’
- 14 promises, that when the full-time Video-Editor position opened, he would be
- 15 first on the list to be hired.
- 16 35. In June of 2023, CBS began recruiting for the full-time editor position. Mr.
- 17 Rhoden formally applied for the position. He was not considered.
- 18 36. Dismayed, Mr. Rhoden scheduled another meeting with Candiani. Mr. Rhoden
- 19 inquired about why he was overlooked.
- 20 37. Candiani said, “we have too many straight, white, men in our department.”
- 21 And that, “a minority, female hire was needed to balance things out.”
- 22 38. This struck Mr. Rhoden to the core. He was being discriminated against
- 23 because of his immutable characteristics.
- 24 39. The position was filled by Guadalupe Hernandez (“Hernandez”), a Hispanic
- 25 female with less experience than Mr. Rhoden.
- 26 40. Mr. Rhoden’s co-workers approached him, consoling him, and expressed regret
- 27 that CBS overlooked him because Mr. Rhoden was not a member of CBS’s
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- 1 preferred groups.
- 2 41. After Hernandez was hired, Mr. Rhoden’s hours were substantially diminished.
- 3 42. Ultimately, after these repeated unfulfilled promises, Mr. Rhoden was forced to
- 4 seek full-time employment elsewhere for lower pay.
- 5 43. Mr. Rhoden was left depressed and deeply disturbed by the events during his
- 6 tenure at CBS. The situation severely aggravated his depression and PTSD.
- 7 CBS had disparaged his kidnapped daughter, Vitaliya, on account of her skin
- 8 color and had expressly declined to offer him a full-time position because he is
- 9 male, white, heterosexual, older, and a disabled-combat-veteran.
- 10 44. All of Defendants’ broken promises and reassurances took a toll on Mr.
- 11 Rhoden, leaving him questioning his place in the industry, despite his
- 12 accomplishments and qualifications.
- 13 45. CBS and Mr. Rhoden’s managers showed a reckless disregard for his mental
- 14 well-being, including his PTSD, and acted with animus towards him as a
- 15 disabled-combat-veteran. Defendants’ actions caused Mr. Rhoden a great deal
- 16 of emotional distress.
- 17 46. It was difficult for Mr. Rhoden to comprehend these events.
- 18 47. The truth is that, behind the scenes, CBS, in an effort to increase the diversity
- 19 of their staff, implemented a policy that favored the hiring of individuals of
- 20 certain groups and firing or refusing to hire, heterosexual, white, disabled-
- 21 combat-veteran, males.
- 22 48. This company-wide policy discriminated against individuals like Mr. Rhoden.
- 23 49. CBS executives, through a series of public statements, did not hide that fact.
- 24 50. On April 23, 2019, former CBS Executive Whitney Davis penned an article
- 25 that claimed CBS had a “white problem.”¹

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

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

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

6 53. CEO of CBS Entertainment Group, George Cheeks, “set a goal that all writers’
7 rooms on the network’s primetime series be staffed 40 percent BIPOC in the
8 2021-22 season; 17 out of 21 shows hit or exceeded that target,” according to a
9 2022 article quoting George Cheeks.⁴

10 54. Further, in Paramount’s 2021-2022 Environmental, Social, and Governance
11 (“ESG”) Report, the company boasted that 56% of the projects in development
12 were from BIPOC creators.⁵

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

19 56. These efforts went into high gear in CBS newsrooms after Wendy McMahon
20 (“McMahon”) was hired as CBS News and Stations President in May of 2021.

21 57. It was the same approach adopted by Candiani’s higher-up, Vilmenay, who, in
22 turn, operated underneath McMahon.

23 58. Mr. Rhoden’s supervisor, Candiani, was merely following the directions of
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25 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>.

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

27 ⁴ Lynette Rice, *Altered Reality*, Entertainment Weekly (Feb. 2, 2022), <https://bit.ly/3SFs3WU>.

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

1 CBS leadership.

2 59. McMahon has been publicly recognized for her work “to make the station
3 group more diverse, on both sides of the camera and in leadership positions.”⁶

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

7 61. As a heterosexual, white, disabled-combat-veteran, male, Mr. Rhoden did not
8 fit into any of the Defendant’s desired groups.

9 62. CBS’s policy favors the hiring of BIPOC and LGBTQ individuals. It provides
10 express carveouts for those groups. It encourages CBS to prioritize those groups
11 in the hiring process. The policy disfavors the hiring of heterosexual, white,
12 disabled-combat-veteran, males, like Mr. Rhoden.

13 63. Defendants have discriminated against Mr. Rhoden in violation of his statutory,
14 Constitutional, and Civil Rights.

15 64. Defendants’ actions have caused Mr. Rhoden to incur damages, constituting
16 lost wages, including back pay and future pay, as well as lost benefits and
17 expected wage increases. The amount of lost wages and benefits will be proven
18 at trial but is believed to exceed \$1,000,000.

19 65. Mr. Rhoden exhausted his administrative remedies by filing a charge of
20 discrimination with the California Department of Civil Rights on January 22,
21 2025.

22 66. Mr. Rhoden has a Notice of Right to Sue Letter from the California
23 Department of Civil Rights, dated January 22, 2025, attached as **Exhibit “A”**.

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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/>.

FIRST CLAIM FOR RELIEF

(FEHA Disparate Treatment vs. all Defendants)

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3 67. Mr. Rhoden incorporates paragraphs 1 through 66 of this Complaint as though
4 set forth fully herein.

5 68. Mr. Rhoden is male, white, heterosexual, and a disabled-combat-veteran who
6 suffers from PTSD.

7 69. The California Fair Employment and Housing Act (“FEHA”) prohibits
8 employers from discrimination based on race, sexual orientation, disability,
9 and/or veteran status when considering a candidate for hire or employment.

10 70. It protects the rights of those able and willing to fulfill a position based on their
11 racial identity, gender, sexual orientation, disability, and/or veteran status.

12 71. Mr. Rhoden, who at all times relevant to this Complaint, was employed by
13 Defendants as a Video-Editor contractor. Mr. Rhoden formally applied for the
14 full-time Video-Editor position upon its opening in June of 2023.

15 72. Defendants refused to hire Mr. Rhoden for the full-time position.

16 73. But for his race, gender, sexual orientation, disability, and veteran status, Mr.
17 Rhoden would have been considered and hired for the full-time Video-Editor
18 role at CBS.

19 74. However, because of his race, Mr. Rhoden was not considered, and
20 furthermore, not hired and employed full-time by CBS. Indeed, because of his
21 race, gender, sexual orientation, disability, and veteran status, he was
22 affirmatively denied full-time employment.

23 75. Mr. Rhoden is informed and believes he was not hired due to his race, gender,
24 sexual orientation, disability, and veteran status.

25 76. This refusal to hire forced Mr. Rhoden to unwillingly seek a different, lower-
26 paid position under a different employer.

27 77. Defendants knowingly and intentionally violated FEHA by expressly refusing
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1 to hire Mr. Rhoden as full-time staff because of his immutable and protected
2 characteristics.

3 78. Defendants' actions were a substantial factor in causing Plaintiff's harm. He
4 has been deprived of wages, past and future, and other employment related
5 benefits.

6 79. Defendants acted with malice and/or reckless indifference to Mr. Rhoden's
7 rights and with knowledge of the illegality of their actions, justifying an award
8 of punitive damages.

9 80. Further, Defendants' conduct caused Mr. Rhoden to suffer severe emotional
10 distress in an amount to be proved at trial.

11 **SECOND CLAIM FOR RELIEF**

12 **(FEHA Age Discrimination vs. all Defendants)**

13 81. Mr. Rhoden incorporates paragraphs 1 through 66 of this Complaint as though
14 set forth fully herein.

15 82. Mr. Rhoden is a 41-year-old individual, born on May 19, 1983.

16 83. CBS began recruiting to fill their full-time Video-Editor position in June of
17 2023.

18 84. Mr. Rhoden formally applied for this position.

19 85. Mr. Rhoden was 40 years old at the time of Defendants' refusal to consider Mr.
20 Rhoden for full-time hire.

21 86. Instead, a much younger individual, Hernandez, filled the position that
22 Defendants had long promised to Mr. Rhoden.

23 87. At the time of Defendants' refusal to hire, Mr. Rhoden was a member of the
24 protected age group as defined under FEHA.

25 88. Mr. Rhoden was highly qualified for the position of a full-time Video-Editor at
26 the time Defendants did not consider him for hire. He had the necessary skills,
27 experience, and qualifications for the job. His performance was more than
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- 1 adequate, as indicated by his public praise from Defendants.
- 2 89. Mr. Rhoden is informed and believes that he was not hired because of his age.
- 3 90. Defendants' actions were a substantial factor in causing Plaintiff's harm. He
- 4 has been deprived of wages, past and future, and other employment related
- 5 benefits.
- 6 91. Defendants acted with malice and/or reckless indifference to Mr. Rhoden's
- 7 rights, and with knowledge of the illegality of their actions, justifying an award
- 8 of punitive damages.
- 9 92. Further, Defendants' conduct caused Mr. Rhoden to suffer severe emotional
- 10 distress in an amount to be proved at trial.

11 **THIRD CLAIM FOR RELIEF**

12 **(Constructive Discharge v. all Defendants)**

- 13 93. Mr. Rhoden incorporates paragraphs 1 through 66 of this Complaint as though
- 14 set forth fully herein.
- 15 94. Defendants intentionally or knowingly created and permitted a work
- 16 environment that continually undermined Mr. Rhoden on account of his being
- 17 white, heterosexual, a disabled-combat-veteran, and male.
- 18 95. These working conditions were so intolerable that a reasonable person in Mr.
- 19 Rhoden's position would have had no reasonable alternative except to resign.
- 20 96. Mr. Rhoden left his position because of these working conditions.
- 21 97. Defendants acted with malice and/or reckless indifference to Mr. Rhoden's
- 22 rights, and with knowledge of the illegality of their actions, justifying an award
- 23 of punitive damages.

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PRAYER FOR RELIEF

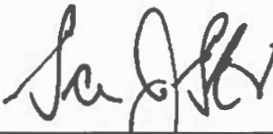
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2 WHEREFORE, Mr. Rhoden respectfully requests that this Court enter
3 judgement in his favor and against all Defendants jointly and severally as to all
4 Counts alleged and grant the following relief:

- 5 A. A declaratory judgment that the Defendants' de facto hiring policy violates the
6 California Fair Employment and Housing Act (FEHA), California Government
7 Code §12900 et seq.
- 8 B. A permanent injunction barring the Defendants from violating applicable
9 nondiscrimination laws.
- 10 C. Actual and compensatory damages in an amount exceeding \$1,000,000.
- 11 D. Punitive damages under California Civil Code §3294, in an amount to be
12 determined at trial.
- 13 E. Reasonable costs and expenses of this action, including attorneys' fees, costs, and
14 disbursements and any other applicable laws.
- 15 F. Pre-and post-judgment interest.
- 16 G. Such other relief as the Court deems appropriate and just.

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1 DATED: January 22, 2025

JW HOWARD | ATTORNEYS, LTD.

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4 By: 

5 John W. Howard
6 Scott J. Street
7 Michelle D. Volk
8 Peter C. Shelling
9 Attorneys for Plaintiff,
10 Andre Rhoden

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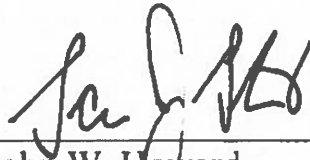
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JURY TRIAL DEMAND

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

DATED: January 22, 2025

JW HOWARD | ATTORNEYS, LTD.

By: 

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Scott J. Street
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EXHIBIT “A”

1 VERIFICATION

2 I, **Peter Shelling**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based on
4 information and belief, which I believe to be true. The matters alleged are based on
5 information and belief, which I believe to be true.

6 On January 22, 2025, I declare under penalty of perjury under the laws of the State of
7 California that the foregoing is true and correct.

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San Diego, CA