

Ex-TMZ Employee Decries Sexism In EEOC Complaint

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By **Braden Campbell**

Law360 (August 25, 2020, 5:11 PM EDT) -- A former TMZ employee accused the tabloid and its pop culture-focused sister site TooFab on Tuesday of fostering a sexist workplace and firing her for speaking out in a discrimination complaint to the U.S. Equal Employment Opportunity Commission.

Bernadette Zilio's charge alleges leaders for TMZ and TooFab frequently favored male staffers and belittled women, targeting her for dismissal over trumped-up errors and plagiarism accusations after her second human resources complaint went nowhere.

"Ms. Zilio, along with her female colleagues, was belittled and abused, held to different and more stringent standards, excluded from business and social interactions in which only male employees participated, denied advancement opportunities, and retaliated against when she resisted the sexist and misogynistic ways," the charge alleges.

Zilio's charge charts her experience at TMZ from her initial internship in 2015 through her February firing, portraying the gossip site as a "boys' club" and "frat house" where women are demeaned and stifled, and ignored — or worse — when they speak out.

TMZ hired Zilio as a production assistant and she was promoted to an associate producer position at TooFab in early 2017 despite the company tending to more quickly promote men from PA roles, she alleges.

In her new associate producer role, Zilio reported to TooFab managing editor Joseph Kapsch, who would frequently insult her and her female colleagues, including by calling them "dumb" and "worthless" and claiming "monkeys could do a better job" in a staffwide email, she alleged. By contrast, Kapsch "never treated any of the male staff in anything close to resembling an abusive and insulting manner," she said.

Zilio filed a 10-page complaint with HR describing Kapsch's treatment of women, but never heard back, she claims. Kapsch was fired later in 2017 after being rude to TMZ tour manager Andy Mauer, the partner of founder Harvey Levin, she said.

Kapsch was replaced in 2018 by Shyam Dodge, who similarly treated Zilio and other female workers "with condescension and derision," she alleges. When Zilio complained about misogyny in articles written by senior team member Ross McDonagh, Dodge — who

was close with McDonagh from a past job — brushed her off and sought out ways to punish her for complaining, she alleged. For example, Dodge blew out of proportion a segment of an article in which she misquoted a People Magazine report, Zilio alleges.

Zilio complained to HR following a confrontation with Dodge in April 2019, and the company investigated. The probe found a divide between men and women on the team but did not find gender bias, Zilio alleges.

Dodge ramped up the mistreatment following the HR complaint, moving his desk directly beside Zilio's and reprimanding her for more overblown errors, she alleges. This pattern continued into 2020, and Zilio filed another complaint after Dodge berated a female colleague to the point of tears, Zilio claims. Again, the company found no wrongdoing and let her go days after closing the probe, Zilio alleges.

This response is "the exact opposite" of what a company should do when confronted with sexism complaints, said Zilio's attorneys, David Gottlieb and Bryan Arbeit of Wigdor LLP.

"The only way to fix a toxic work environment is to truly encourage employees to speak up and provide a genuinely effective avenue to raise concerns," they said.

The charge names TMZ parent companies EHM Productions and Warner Bros Entertainment and Levin, Dodge and McDonagh.

TMZ and TooFab described the charge as "a blatant attempt to use negative publicity and inaccurate claims to force TooFab and TMZ to pay a monetary settlement."

"As Ms. Zilio and her attorney are well aware, TooFab.com parted ways with Ms. Zilio because of multiple and documented incidents of plagiarism and inaccurate reporting," the outlets said. "These incidents were addressed at the time and Ms. Zilio acknowledged her errors."

Zilio's charge begins the process of bringing a discrimination lawsuit. The EEOC will investigate her claims and take action itself or permit her to sue.

Zilio is represented by David Gottlieb and Bryan Arbeit of Wigdor LLP.

Counsel information for the companies was not immediately available Tuesday.

The case is Bernadette Zilio v. EHM Productions et al., before the Equal Employment Opportunity Commission. The charge number was not available Tuesday.

