

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OJINIKA OBIEKWE,

Plaintiff,

-against-

WPIX-TV CHANNEL 11, NEXSTAR MEDIA
GROUP, INC.

Defendants.

No. _____

COMPLAINT & JURY DEMAND

“A Black woman speaks up and she’s insubordinate. Got it.”

-Ojinika Obiekwe

**TV ANCHOR/REPORTER OJINIKA OBIEKWE
IS UNLAWFULLY RETALIATED AGAINST FOR SPEAKING OUT
ABOUT RACIAL AND GENDER DISCRIMINATION AT PIX11 NEWS**

1. Plaintiff Ojinika Obiekwe brings this action to seek justice for the blatant retaliation she faced at the hands of Defendants WPIX-TV Channel 11 (“PIX11”) and Nexstar Media Group, Inc. (“Nexstar”). This lawsuit arises out of Nexstar and PIX11’s wrongful termination of Ms. Obiekwe, for pretextual reasons, after she spoke out repeatedly about racial and gender-based discrimination she was experiencing in the workplace.

2. Prior to her unlawful termination, Ms. Obiekwe had spent her entire professional career at PIX11, starting as an intern and working there for 22 years. Ms. Obiekwe considered PIX11 her professional home. Over time, however, PIX11 began taking advantage of her. As the years progressed, Ms. Obiekwe had to do the work of two or even three people. Ms. Obiekwe, a Black woman, became acutely aware that certain white male peers with her same position had to do less work and were receiving more and better staffing support in the workplace.

3. In 2020, Ms. Obiekwe began to complain about her work conditions, loudly and openly, making clear that she was being discriminated against. In 2021, PIX11 hired a new News Director, Nicole Tindiglia, who promised Ms. Obiekwe that she would investigate her complaints and make changes to better support her. Those were empty promises—change never came. And when Ms. Obiekwe continued to complain and make comments about the discrimination she was experiencing—such as comparing the conditions at the station to those on a plantation—Tindiglia told Ms. Obiekwe to desist because she was making people uncomfortable.

4. Ms. Obiekwe refused to stop calling out discrimination where she saw it and insisted on her right to complain. In response, Tindiglia, acting for PIX11, terminated her for an alleged “failure to perform job duties” and “insubordination,” in retaliation for her good-faith complaints about racial and gender discrimination. But when Ms. Obiekwe and her SAG-AFTRA union lawyers challenged the allegations against her, PIX11’s charges could not be supported by any evidence, laying bare their pretextual nature. Having failed to conjure proof of Ms. Obiekwe failing to do her duties or of her purported insubordination, Tindiglia changed tact, took back the reasons PIX11 originally gave Ms. Obiekwe, and decided that PIX11 was simply not renewing her contract, for no reason.

PARTIES

5. Plaintiff Ojinika Obiekwe is a resident of New Jersey. She is a Nigerian-born Emmy award-winning journalist.

6. Defendant WPIX-TV Channel 11 (“PIX11”) is a television station in New York City with its principal place of business located at 220 East 42nd Street, New York, NY 10017. PIX11 is owned by Mission Broadcasting, Inc

7. Defendant Nexstar Media Group (“Nexstar”) operates PIX11 and Mission Broadcasting Inc.’s other stations, and is the majority owner of The CW Network, LLC, whose subsidiaries also include KTLA, a television station in Los Angeles, California, and WGN-TV (“WGN”), a television station in Chicago, Illinois.

JURISDICTION AND VENUE

8. This Court has diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332 and federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331.

9. Venue is proper in the Southern District of New York pursuant to 28 U.S.C. § 1391 because the parties transacted business and derived substantial revenue from services rendered in the district, and because a substantial part of the events or omissions giving rise to the claims asserted herein occurred in the district.

JURY DEMAND

10. Plaintiff demands trial by jury in this action.

FACTS

Ms. Obiekwe Was an Exemplary Employee at PIX11 for Over Two Decades

11. At just 17 years old, Ms. Obiekwe moved from Nigeria to the United States. In 2001, at 22 years old, she was a student at Seton Hall University, where she met PIX11 employees at a job fair and thereafter ultimately became an intern at PIX11.

12. After being hired on the assignment desk and to be a Field Producer, she moved up over the years. Ms. Obiekwe became a Coordinating Producer, and then a Segment Producer, covering medical, political, sports, and news segments, before ultimately becoming an Entertainment Producer.

13. In or around 2007, after Ms. Obiekwe completed a National Association of Black Journalists fellowship in Senegal, PIX11 began casting her as an on-camera journalist covering

entertainment topics. Once Ms. Obiekwe's on-camera presence began to grow significantly, including covering entertainment and feature stories, PIX11 required that Ms. Obiekwe join the Screen Actors Guild - American Federation of Television and Radio Artists ("SAG-AFTRA").

14. In or around 2017, PIX11 promoted Ms. Obiekwe to the role of Entertainment Anchor/Reporter.

Ten Years Plus Doing Many Jobs: Ms. Obiekwe's Experience and Her Complaints

15. Over the ensuing years, Ms. Obiekwe began feeling taken advantage of by PIX11.

16. Despite having promoted her to the Entertainment Anchor/Reporter position, PIX11 failed to give Ms. Obiekwe the additional support she needed, in line with her increased responsibilities.

17. Ms. Obiekwe continued having to do the work of two or even three employees, such as the work of a Segment Producer and even that of a Copy Editor.

18. Sam Rubin and Dean Richards are two white males who hold the same position as Ms. Obiekwe at PIX11's sister stations (and subsidiaries of shared parent company Nexstar), KTLA in Los Angeles and WGN in Chicago, respectively.¹

19. Ms. Obiekwe always knew that Rubin and Richards were paid more than her. The pay differential was described as context for Ms. Obiekwe's actual complaint—that she did not receive adequate support from the station, as her white male colleagues did.

20. Over time, Ms. Obiekwe also learned that her white male colleagues were receiving more support and a more competent staff than her, a Black woman, who also had more responsibilities on her plate than them.

¹ Sam Rubin, who Ms. Obiekwe considered a cherished colleague and friend, sadly passed away after the relevant events in this case occurred.

21. Ms. Obiekwe learned that her white male colleagues' support staff did the additional preparation, script drafting and redrafting, and other non-broadcast work that PIX11 expected Ms. Obiekwe to do herself.

22. In 2020, Ms. Obiekwe began openly complaining about her work conditions, making clear that she was experiencing discrimination on the basis of her race and gender.

23. She made public remarks to this effect on-set, in the newsroom, and in the presence of colleagues, superiors, and subordinates, including producers, directors, and technical and support staff.

24. For example, Ms. Obiekwe regularly and openly remarked, in sum and substance:

- a. Regarding PIX11: "This might as well be a plantation."
- b. Reacting to the disproportionate amount of work she was expected to do:
"All that's left for me to do at this point is pick cotton."
- c. Regarding being discriminated against due to her race: "Just call me Django [a fictional character of a once-enslaved Black man]—but even Django was unchained";
- d. "I thought this was 2022, not the 1800s"—referring to the era of chattel slavery in the United States;
- e. "My ancestors didn't go through what they went through just for me to go through this"; and even "I thought slavery was abolished."

25. In or around early 2021, Ms. Obiekwe went to Nexstar Human Resource employee Courtney Williams, now Nexstar's Vice President of Communications, and formally complained about the lack of support, citing her white male colleagues' level of support staff as an example.

26. First, Ms. Obiekwe notified Ms. Williams that despite being promoted to Entertainment Anchor/Reporter, she still had to do the job of a Segment Producer and of a Copy Editor, positions she had not held for years.

27. Second, Ms. Obiekwe notified Ms. Williams, in sum and substance, that she had to do more work with less support than her white male peers.

28. Specifically, Ms. Obiekwe complained that she was consistently required to write or re-write her own scripts. By contrast, her fellow white male Entertainment Anchors/Reports had adequate support staff to do that work for them.

29. Ms. Obiekwe told Ms. Williams, in sum and substance, that the same level of support that her white male colleagues were getting was not available to her because Black women like her were expected to just be able to handle whatever is thrown at them without complaining.

30. Ms. Obiekwe reported her understanding to Ms. Williams that her white male colleagues had adequate support staff teams that took care of script-preparation, fact-checking, revision, shoot-logistics, and more—whereas she was often left to do the work of a Segment Producer and Copy Editor herself.

31. She told Ms. Williams that if she made a chart with her pay and level of support received, as compared to that of her white male counterparts, the differential treatment on the basis of race and sex would be clear.

32. While Ms. Obiekwe understood that pay differentials between herself and her white male colleagues may exist based on differing levels of experience, she was clear that there could be no legitimate, non-discriminatory basis for denying her the same level of competent support that Rubin and Richard enjoyed.

33. Ms. Obiekwe recalls that Ms. Williams responded, in sum and substance, by saying: “I was expecting you to speak up earlier than you did. What took you so long?”

PIX11 Conducts a Perfunctory Investigation into Ms. Obiekwe’s Complaints and, Unsurprisingly, Clears Itself of Any Wrongdoing

34. PIX11 told Ms. Obiekwe that it took her complaints seriously, and that it would investigate them.

35. However, PIX11 never formally interviewed Ms. Obiekwe and there is no indication that PIX11 interviewed any relevant witnesses.

36. On August 4, 2021, Ms. Obiekwe was called into a meeting with Ms. Williams, Nicole Tindiglia (PIX11’s newly-hired News Director), and HR employee Kathy Neder.

37. Ms. Obiekwe was told that PIX11 had determined that Ms. Obiekwe was receiving fair market pay.

38. On the question of workload and support, Ms. Tindiglia, as a newly-hired department leader, urged Ms. Obiekwe to be patient while she got up to speed and sought to rectify the situation.

39. Ms. Obiekwe memorialized this meeting in an email to Ms. Tindiglia, Ms. Neder, and Ms. Williams.

40. In her email, Ms. Obiekwe stated that PIX11’s HR personnel had “missed the point” by focusing exclusively on the pay disparity, rather than the broader issue of preferential treatment for her two white colleagues in terms of support and workload.

41. Ms. Tindiglia made additional promises to rectify the situation after this email, but never fulfilled those promises.

42. As a result, Ms. Obiekwe continued to call out, openly and in the presence of colleagues, the discrimination she was facing at PIX11.

Ms. Obiekwe's Complaint Remains Unresolved for Nearly a Year, and She Continues to Complain About Racial Discrimination

43. Ms. Obiekwe's complaints went unresolved over the subsequent year despite her consistent efforts to document the issues and raise them with Ms. Tindiglia and others, as Ms. Tindiglia had requested.

44. PIX11 still failed to give Ms. Obiekwe the adequate support that her similarly situated white male colleagues received.

45. On May 20, 2022, a Friday, PIX11 HR employee Yujing (Ruby) Wu wrote to Ms. Obiekwe, about "unpleasant errors [that] happened in your segments" and her "concerns about unfair treatment and underpay"—concerns that, Ms. Wu asserted, had only "recently" been raised with Ms. Tindiglia. Ms. Wu said that Ms. Obiekwe was "one of WPIX [sic] popular talents and I do want to help not just resolve work issues but also make you feel being cared and listened to at WPIX. We are trying to make employees feel inclusive and recognized at WPIX."

46. Ms. Wu asked that Ms. Obiekwe sit down for an in-person meeting with her and Ms. Tindiglia so that they could "assist [her] to resolve [her] concerns."

47. The statement was an acknowledgment that Ms. Obiekwe's concerns remained unresolved despite the prior HR "investigation."

48. Ms. Obiekwe responded to Ms. Wu on May 23, the following Monday. Ms. Obiekwe reminded Ms. Wu of the precise nature of her original complaint to Ms. Williams and Ms. Neder: *i.e.*, that they centered on race- and gender-based differential treatment in the provision of support to an on-camera entertainment journalist, and were broader than just her pay.

49. Ms. Obiekwe also again called out the discriminatory treatment she faced relative to Rubin and Richards in the context of staffing support: "Another big difference is that they're

both white men and I'm not... And I can tell you that if Oji was a white man... I would not even be having this conversation."

50. Finally, Ms. Obiekwe asked that an in-person meeting suggested by Ms. Wu be scheduled after a larger, previously scheduled staff meeting with producers took place.

51. PIX11 never followed up to see if anything had been done to rectify Ms. Obiekwe's complaints.

52. Shortly after the above-described email exchange, Ms. Obiekwe saw Ms. Wu at work at the station, and Ms. Wu said to Ms. Obiekwe, in sum and substance, that she had no idea Ms. Obiekwe was going through the issues she was facing.

PIX11 Seeks to Silence Oji Obiekwe

53. By the summer of 2022, Nexstar and PIX11 had still not rectified the situation.

54. In an on-set discussion of her challenges, Ms. Obiekwe again compared her workplace to a "plantation" and said, in sum and substance, that her "ancestors"—referring to the enslaved people stolen from West Africa, including Nigeria, where Ms. Obiekwe was born and raised—would be "so disappointed in [her] right now for agreeing to go through what [she's] going through now, after all they went through."

55. On information and belief, another employee conveyed the above comment to Ms. Tindiglia, who called Ms. Obiekwe into her office as a result.

56. In or around the fall of 2022, instead of taking this complaint seriously, Ms. Tindiglia called Ms. Obiekwe into a meeting and challenged her sincerity in comparing her situation to slavery.

57. Ms. Tindiglia took issue with Ms. Obiekwe's complaints, telling her, in sum and substance, that when people think of "slavery," they think of "whips and chains." Ms. Tindiglia

told Ms. Obiekwe, in sum and substance, that these comments were “making people uncomfortable” and were inappropriate.

58. Ms. Obiekwe was blunt in response, referring again to the disappointment of her ancestors, and stating, in sum and substance, that she did feel like a slave, and that just because Ms. Tindiglia did not see “whips and chains,” Ms. Obiekwe experiencing racial discrimination was no less valid.

59. Ms. Obiekwe stood firm for her right to engage in the protected activity of calling out discrimination where she saw it, responding, in sum and substance, that regardless of any discomfort, she was simply speaking out about how she felt.

60. Ms. Obiekwe’s concerns went unresolved over the next few months.

PIX11 Launches a Campaign of Retaliation Against Ms. Obiekwe

61. Instead of attempting to rectify the discrimination Ms. Obiekwe was experiencing, PIX11 began a retaliatory campaign to impugn Ms. Obiekwe’s job performance.

62. Ms. Tindiglia concocted a series of complaints to the effect that Ms. Obiekwe was not doing her job—complaints that were demonstrably false, and that Ms. Obiekwe debunked in meetings and discussions with other Nexstar and PIX11 executives.

In Retaliation for Speaking Up About Discrimination, PIX11 Terminates Ms. Obiekwe

63. The promised support never came. Instead, PIX11 continued to impose unreasonable work demands on Ms. Obiekwe through year-end 2022.

64. Throughout the final months of 2022, Ms. Obiekwe continued to object, openly and pointedly, to the discrimination she was experiencing.

65. Eventually, on January 31, 2023, Ms. Obiekwe was called to a meeting with Ms. Tindiglia, Nicole Johnson (PIX11 Reporter and Ms. Obiekwe’s SAG-AFTRA representative), and Ms. Williams. There, she was handed a letter on Nexstar letterhead, and signed by Ms.

Williams, declaring that, after more than 20 years of service, her employment at PIX11 was terminated, effective immediately.

66. The stated reasons given were an alleged “failure to perform job duties” and “insubordination.”

67. In response, Ms. Obiekwe said, in sum and substance: “A Black woman speaks up and she’s insubordinate. Got it.”

PIX11’s “Cause” for the Termination Is Revealed to Be a Pretext

68. Following her termination, SAG-AFTRA lawyers representing Ms. Obiekwe contacted PIX11 and informed management that Ms. Obiekwe intended to grieve her termination.

69. When the SAG-AFTRA lawyers demanded that PIX11 provide proof of Ms. Obiekwe failing to do her job duties and “insubordination,” PIX11 delayed for weeks.

70. Eventually, PIX11 offered a single email, which on its face proved not to be a legitimate example of insubordination, as it involved Ms. Obiekwe ostensibly missing a specific work event, whereas she actually had a medical procedure scheduled on the same day as the event. Then-manager Rebecca Millman was aware that Ms. Obiekwe had her medical procedure scheduled the same day as the work event.

71. Insubordination and failure to perform job duties having been revealed to be pretexts, PIX11 changed course, and announced that it had simply decided not to renew Ms. Obiekwe’s employment contract, which had expired on December 31, 2022, and had been extended for the month of January 2023 pending approval of a contract renewal.

72. PIX11 thereafter informed Ms. Obiekwe that her contract was not being renewed.

FIRST CAUSE OF ACTION
42 U.S.C. § 1981 – Retaliation

73. Plaintiff repeats and realleges the foregoing factual allegations as if the same were fully set forth at length herein.

74. Ms. Obiekwe participated in a protected activity in complaining about the discrimination she was experiencing in the workplace.

75. In the years, months, and weeks prior to her termination, Ms. Obiekwe protested and objected to PIX11's discriminatory treatment of her in terms of workload and staff support, relative to two of her white male peers who held the same positions at PIX11's sister stations, KTLA and WGN.

76. PIX11 knew and was on notice of Ms. Obiekwe's protected activity. Ms. Obiekwe made her complaints openly, publicly, and in the presence of colleagues, superiors, and subordinates, including producers, directors, Senior Segment Producers, and technical and support staff.

77. Ms. Obiekwe also voiced her complaints directly to Nexstar and PIX11 Human Resources staff, such as Ms. Williams (Nexstar) and Ms. Wu (PIX11), as well as to management-level employees, such as Ms. Tindiglia and during another occasion, Nexstar Vice President & General Manager Chris McDonnell, the General Manager in charge of PIX11.

78. Ms. Obiekwe faced adverse employment actions due to her participation in protected activity—Ms. Obiekwe was terminated on January 31, 2023, and her contract was thereafter not renewed, due to speaking out about the discrimination she was experiencing.

79. A causal connection between Ms. Obiekwe's participation in protected activity and the adverse employment actions, her termination and subsequent non-renewal of contract,

exists in this case. But-for Ms. Obiekwe's participation in protected activity in complaining of discrimination, Nexstar and PIX11 would not have terminated her.

80. The close temporal proximity between Ms. Obiekwe's participation in protected activity (complaining of discrimination) and the adverse employment actions (termination and non-renewal of contract) demonstrates the causal connection between the two.

81. As a result of the foregoing, Ms. Obiekwe was damaged, including financially and emotionally.

PRAYERS FOR RELIEF

WHEREFORE, Plaintiff Ojinika Obiekwe respectfully requests judgment against Defendants Nexstar and PIX11 as follows:

1. Awarding compensatory damages in an amount to be determined at trial.
2. Awarding punitive damages in an amount to be determined at trial.
3. Awarding attorneys' fees, costs, and disbursements in an amount to be determined at trial.
4. Awarding prejudgment interest in an amount to be determined at trial.
5. Directing such other and further relief as the Court may deem just and proper.

Dated: January 29, 2025
New York, New York

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