

**JUDGES COPY**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS MAY 24 2007**

MARSHA BARTEL  
14800 River Oaks Drive  
Lincolnshire, Illinois 60069

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT.

Plaintiff,

vs.

NBC Universal, INC.  
30 Rockefeller Plaza  
New York, New York, 10112

Defendant.

07CV2925  
JUDGE DARRAH  
MAGISTRATE JUDGE MASON

**COMPLAINT**

Plaintiff, Marsha Bartel, by the undersigned counsel, files this Complaint against defendant, National Broadcasting Company, Inc. and complains and alleges as follows:

**I. PARTIES**

1. The plaintiff, Marsha Bartel (Bartel), is a resident of the State of Illinois, residing at 14800 River Oaks Drive, Lincolnshire, Illinois 60069. At the time of her termination in December 2006, Ms. Bartel was employed as a producer by NBC.

2. Defendant, National Broadcasting Company, Inc., now renamed NBC Universal, Inc. ("NBC"), headquartered in New York, was engaged in collecting and broadcasting news. At all times relevant hereto, the defendant, NBC, had offices in and was regularly doing business in Chicago, Illinois.

## **II. JURISDICTION AND VENUE**

3. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1332(a)(1).

4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because the ~~claims asserted arise out of actions occurring in this jurisdiction and defendant maintains offices in~~ this jurisdiction.

5. Plaintiff has fulfilled all of the jurisdictional and administrative requirements for filing this action.

## **III. STATEMENT OF FACTS**

6. Plaintiff joined the NBC news team in June 1985 and served NBC with distinction until December 24, 2006, more than twenty-one years later, when she was wrongfully terminated in breach of her then applicable written employment contract with NBC.

7. During the course of more than two decades as an NBC investigative journalist, Ms. Bartel's performance reviews confirmed that she had become a solid, award-winning investigative producer with good instincts and excellent investigative skills who developed into a gifted storyteller with a command of picture making technique. She was recognized by NBC as "tireless in pursuing her stories", and "very good at convincing people to give her information and to go on camera."

8. She was acknowledged by NBC as patient, tenacious and able to stick with and execute highly difficult stories. Further, she had the acknowledged good judgment to recognize that investigative stories are full of "legal bear traps" and able to "avoid" them. She was also acknowledged as being able to "work effectively with colleagues." Other terms used by her superiors to describe her included, one who "not only wants to get the story, she wants to get it first..."; someone whom her reviewer wished he had "a half-dozen just like her"; an award winning

producer with the talent "to tackle tough, complicated stories and make them into eye-catching television." She was conceded to be one of NBC's "best investigators" with the ability to "follow up on small leads and develop them into big stories."

9. Among other tasks assigned to Ms. Bartel was the responsibility of knowing all of NBC's regulations and insuring compliance with each and all that are applicable to news reporting. It was also a compulsory requirement, and primary objective, of Ms. Bartel's job to assure that all ethical standards were observed and to bring to the attention of the President of NBC News or the Executive Producer for Broadcast Standards each and all breaches of journalistic ethics. (A copy of NBC News Policies and Guidelines is enclosed.)

10. NBC's news magazine, Dateline, that regularly airs on national TV initiated a segment in 2004 that has since become very important to its profit margin. Debuting in the fall of that year, NBC began running a sting operation now known as "To Catch a Predator" which succeeds by tapping into American culture's interest in public humiliation. In order to make the show work, NBC uses the services of an organization known as "Perverted Justice" which does most of the groundwork preparing the shows by luring adult men into a computer chat line through the retention of agents pretending to be minor children. Through this ruse, Perverted Justice entices adult men into coming to a meeting place on the pretext that they are meeting a minor for illicit sex, but in fact a pre-prepared sting operation is waiting for them with a camera and Dateline's on-air host, Chris Hansen. Local police are also waiting for these men to arrest and charge them. In many instances, the targets of Dateline's Predator series are people who have had no prior arrests or any sort of criminal record.

11. The manner in which NBC has come to conduct these sting operations for its Predator series violates many of NBC's own policies and guidelines as well as numerous journalistic ethical standards, including but not limited to the following:

- a) ~~Perverted Justice (a shadowy organization with ill-defined purposes) is a paid~~ participant in and is intensely involved in each of the stories. In some instances, Perverted Justice personnel have been deputized as part of the sting operation.
- b) Contrary to NBC Policies and Guidelines, the identities of Perverted Justice's 50 plus volunteers working at Dateline's behest were kept secret from additional-producer, Marsha Bartel. When she inquired, she was told Dateline checked only a couple of them.
- c) Prior to receiving payment from NBC, Perverted Justice was described in its Dateline scripts as a vigilante organization. However, NBC's description of Perverted Justice was later changed to that of a watchdog organization. In addition, when Ms. Bartel raised concerns about controversial comments made by the founder and head of Perverted Justice, Dateline Executive Producer David Corvo told her, "We all know they're (Perverted Justice) nuts."
- d) Contrary to NBC Policies and Guidelines, as a paid contributor (freelance or otherwise), Perverted Justice founder and its volunteers conducted numerous activities in both their professional and personal lives which demonstrate a conflict of interest.

- e) **Contrary to NBC Policies and Guidelines, NBC unethically pays Perverted Justice to troll for and lure targets into its sting thereby giving it a financial incentive to lie to and trick targets of its sting.**
- ~~f) **Dateline host, Chris Hansen, has falsely claimed in radio, television and newspaper interviews that NBC is conducting a "parallel investigation" with law enforcement. According to host, Chris Hansen, Perverted Justice acts as a type of "wall" with law enforcement . That is simply a ruse to give the public the impression that NBC is conducting itself within ethical standards of the news industry.**~~
- g) **NBC unethically provides local law enforcement with video equipment and video tapes that is then used for arrest and prosecution of individuals invited to the Dateline sting house. In return for this favor, NBC receives dramatically staged arrest scenarios and video taped police interrogations to capture audience attention, increase ratings and ultimately revenues for NBC.**
- h) **NBC unethically pays or indirectly reimburses law enforcement officials to participate in the Predator stings in order to enhance and intensify the dramatic effect of the show.**
- i) **NBC unethically provides unfettered access to live feed data on its sting operations to law enforcement officials during such operations.**
- j) **NBC unethically provides unfettered access to live feed data on its sting operations to local prosecutors during such operations to assist in their prosecutions.**
- k) **NBC unethically obtains otherwise confidential data from local law enforcement officials as part of an unwritten *quid pro quo* agreement with such officials.**

- l) In order to preserve the pretext and image of proper and independent law enforcement, NBC unethically covers up the fact that law enforcement officials act improperly such as goofing off by waiving rubber chickens in the faces of sting targets while forcing them to the ground and handcuffing them.
- m) Perverted Justice does not provide complete transcripts from its trolling operations to NBC, making it impossible for Ms. Bartel to fulfil her contractual duties under NBC Policies and Guidelines.
- n) Contrary to NBC's Policies and Guidelines, Dateline cannot independently verify the accuracy of Perverted Justice transcripts.
- o) Perverted Justice's agents, acting as children, sometimes beg individuals to come to the sting locations even after the targets of the sting initially decide not to come. Transcripts of these phone conversations are either not recorded or are made available to the public, leaving viewers with incomplete and false impressions.
- p) Contrary to NBC Policies and Guidelines, in some instances sting targets are led into additional acts of humiliation (such as being encouraged to remove their clothes) in order to enhance the comedic effect of the public exposure of these persons.
- q) Contrary to NBC News Policies and Guidelines, Dateline correspondent, Chris Hansen, knowingly and falsely claimed "at any given time, 50,000 predators were on the internet prowling for children" even though a transcript of a video taped interview with his source, a former FBI agent, contradicted Hansen's claim. Further, contrary to NBC News Policies and Guidelines, the erroneous note was attributed to only one source.

- r) Contrary to NBC News Policies and Guidelines, anyone acting on behalf of NBC News must respect and obey the laws of the United States of America and local laws. Perverted Justice has been accused of committing the exact crime it claims it wishes to prevent, i.e., minors being exposed to pornography. Yet when this allegation was brought to the attention of NBC, no action was taken.

12. On or about August 9, 2006, Ms. Bartel was assigned to act as the sole producer for the Predator series. Just as is the case for all of NBC's news programs, corporate policy required the producer in charge of each Predator broadcast to be responsible for everything in the broadcast, including the accuracy and ethics of the journalists' actions and statements. Upon being assigned to the Predator series, Ms. Bartel attempted to follow corporate procedures and guidelines regarding journalistic ethics and accuracy. Over time, she became aware of the problems listed in the foregoing paragraph, *inter alia*. It was obvious to Ms. Bartel that Dateline was not acting ethically and was failing to take the most elemental steps needed to insure news reporting accuracy.

13. Concerned about the lapses she had discovered, Ms. Bartel promptly brought these concerns to the attention of Dateline producer Lynn Keller, Dateline correspondent Chris Hansen, Dateline senior producer Allan Maraynes, Dateline executive producer David Corvo, Dateline attorney Craig Bloom and to the attention of the Executive Producer for Broadcast Standards. Rather than respond to her concerns, NBC's management ignored her reports. Left with the obligation and corporate duty to insure accuracy and ethics, but with no power to assure such compliance, Ms. Bartel advised NBC that she could not act as a producer for the Predator series.

14. According to the employment contract (signed on or about March 31, 2006 and hereinafter referred to as "Contract") in effect at the time of Plaintiff's termination, NBC had agreed to employ Ms. Bartel from December 26, 2005 to December 20, 2009.

15. However, upset that Ms. Bartel had insisted on ethical and accurate reporting on the Predator series (one of NBC's most profitable news programs), on November 17, 2006, NBC notified Plaintiff that her employment was being terminated, effective December 24, 2006. As grounds for this termination, NBC advised Plaintiff that she had been included in a mass layoff precipitated by general business factors. This was a pretext used to terminate Ms. Bartel. In fact, Ms. Bartel was terminated because she refused to violate a primary objective and facet of her employment (*i.e.*, acting ethically) and because she insisted on compliance with corporate rules designed to insure accurate news reporting. NBC elected to act in bad faith with respect to its own mandatory employment rules because it was more interested in sensationalizing and dramatizing the Predator series for profit than news reporting.

16. At no time did Ms. Bartel breach the Contract. She fully honored all of its requirements and was in full compliance with her obligations. NBC terminated Ms. Bartel in the middle of an option year without good cause and in bad faith. Throughout Ms. Bartel's more than 21 years with NBC, her work was exemplary, her stories accurate, and her ethics the highest.

17. The alleged mass layoff used by NBC was in fact a ruthless management tool initially imposed on NBC by its parent company, General Electric Corporation, and thereafter periodically used as a ruse to sort out people to terminate and eliminate by a large corporation for multiple reasons. Thus, NBC's David Corvo used the ploy as a pretextual means to eliminate Ms.

Bartel because she had insisted his acting ethically and reporting accurately in producing the Predator series.

18. Pursuant to the mandatory corporate rules and regulations governing the conduct of NBC production employees such as Ms. Bartel, producers were required to vouch for the material which they played a role in causing NBC to publish and report. As an NBC producer, Ms. Bartel was called upon to understand, observe and implement the highest ethical journalistic standards. Recognized ethical rules applicable to news journalism hold that by NBC's actions in paying for Perverted Justice and by allowing itself to become intensely involved in the story purportedly covered by Dateline, NBC has crossed the line and has acted as a privately funded law enforcement agency rather than a news caster reporting on the news. By allowing its reporting work to be routinely seized and employed by law enforcement agencies to use in seeking convictions, NBC has also made itself a material witness.

**COUNT I**  
**(Breach of Contract)**

19. Plaintiff incorporates paragraphs 1 to 18 as if set forth herein.

20. NBC agreed to pay Plaintiff to work for it from December 26, 2005 through December 20, 2009.

21. NBC breached the agreement by terminating the employment contract on December 24-26, 2006.

22. As a result of this breach, Plaintiff did not receive the salary or benefits due to her under the employment agreement.

WHEREFORE, plaintiff Marsha Bartel demands judgment against defendant NBC in the amount of \$1,000,000, plus interest and costs, as well as any other relief that justice requires.

**JURY DEMAND**

Plaintiff, Marsha Bartel, requests a trial by jury on all appropriate issues.

Respectfully submitted,



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