

Billboard's 29 Million Lawsuit

Written by Robert ID1102
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Most rap and hip-hop enthusiasts watch the Billboard magazine charts, along with fans from almost every other music genre.

Is Billboard magazine, the so-called "Bible of the Music Industry," guilty of racially profiling its employees?

There's some eye-popping evidence in just-filed court papers from fired editors Keith Girard and Samantha Chang's \$29million lawsuit against the magazine's upper management and Dutch-owned parent company, VNU Business Media Inc.

In one instance, according to the filing in New York State Supreme Court, a Billboard official prepared a chart titled "Editorial Staff Demographics" and listed each employee by name, title and race - "caucasian," "african-american" or "asian or pacific islander."

"The chart was accompanied by an E-mail raising concerns about the friendship of two minority employees and whether it could lead to a lawsuit against the company." This is truly reprehensible," said prominent labor lawyer Murray Schwartz, who is not connected to the case. "It's outrageous to think that people are going to be classified specifically because they're a member of a minority group. In 50 years of practicing law, I have never seen a company find it necessary to resort to such paranoia."

"Legendary labor lawyer Theodore Kheel, who is also unconnected to the lawsuit, told me that if the case goes to a jury, 'I think that Billboard's going to lose. I think it sounds discriminatory and counts against them. 'Sending such E-mails 'is silly,' Kheel said, 'especially in these days of discovery."

"There was no response to the detailed messages about the allegations I left with VNU officials and their lawyers. 'The VNU spokesperson to whom I would normally convey such a request is out of the office today on vacation,' a PR type E-mailed me. 'I will therefore not be able to obtain a quote in time for your deadline."

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"Last June, Lowdown broke the story of Girard and Chang's sensational suit alleging "gender and race-based discrimination, sexual harassment, retaliatory firings, intra-office sabotage and other wrongdoing ... in the offices of the music industry's leading trade publication.

"In the latest salvo, according to E-mails obtained by the plaintiffs, a VNU human resources official was worried in October 2003, when senior editor Chang, an Asian-American, struck up a friendship with Billboard senior writer Carla Hay, an African-American. "Over the weekend I thought more about this possible Carla Hay/Samantha Chang alliance and I'm a little bit concerned," New York human resources manager Lisa Garris E-mailed her Los Angeles-based superior, Judy Bellamy, on Oct. 27. "The demographics of the editorial department in New York are that of mostly Caucasian males. There are only 4 minorities in the department here in NY ... 3 of which are women. ... This is just something we should be mindful of.

"The new court papers allege: "Three hours later, Garris expanded upon her concern in a subsequent E-mail to Bellamy ... "Garris" second E-mail said: "Maybe I am reading too much into this, but I saw Carla and Samantha going to lunch together today. ... Samantha and Carla's budding friendship might not turn into anything that would result in a lawsuit, but I feel it's good to be aware of it and to just keep an eye on it. Better safe than sorry."

Plaintiffs" attorney Kyle Bisceglie - who has already taken E-mail author Garris" deposition and is petitioning the court to help him take Bellamy's deposition in California - told me: "This evidence is part of our case that shows the degree of systemic racial discrimination that exists at VNU. How far it goes is what we're trying to find out."

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