

Chris Cuomo Can't Disqualify Arbitrator In \$125M CNN Fight

By **Rachel Scharf**

Law360 (January 23, 2024, 3:09 PM EST) -- News anchor Chris Cuomo can't get the JAMS Inc. arbitrator overseeing his \$125 million unlawful termination claim against CNN disqualified, a New York state judge ruled on Tuesday, saying she was unpersuaded that the arbitrator is biased by his representation of the network more than 20 years ago.

Ruling from the bench during a virtual hearing, New York Supreme Court Justice Andrea Masley granted **summary judgment** throwing out Cuomo's special proceeding against JAMS and arbitrator Stephen P. Sonnenberg. The justice also denied Cuomo's bid to **conduct discovery** probing Sonnenberg's relationship with CNN during his time as an employment lawyer at Paul Hastings LLP.

Sonnenberg is overseeing Cuomo's **\$125 million JAMS arbitration** alleging CNN wrongly terminated him in 2021 for assisting his brother, then-New York Gov. Andrew Cuomo, amid the sexual harassment investigation that ultimately led to the governor's **resignation**.

Cuomo filed the separate state court suit in June seeking to disqualify Sonnenberg due to Paul Hastings' prior representation of CNN. Justice Masley **declined to issue** a preliminary injunction over the summer, saying the only relevant question was whether Sonnenberg failed to properly disclose his personal work on a single CNN matter in 2003.

The justice answered that question in the negative on Tuesday. She credited Sonnenberg's statement that he did not recall working for CNN more than 20 years ago on a matter that lasted only three months and netted less than \$3,000 in fees for Paul Hastings.

"An arbitrator or judge cannot disclose something that they're not aware of, and for that reason the motion for summary judgment is granted and the special proceeding is dismissed," Justice Masley said.

The justice said there's no evidence of Sonnenberg making biased rulings in favor of CNN during the arbitration proceedings thus far. She also shot down an argument from Cuomo's counsel that the arbitrator should have recused himself after his impartiality was challenged.

"As a judge who gets these sorts of applications from time to time ... we cannot start recusing ourselves every time someone makes a motion to recuse," Justice Masley told Tina Glandian of Geragos & Geragos APC. "I'm sorry that you don't understand how you could possibly continue after someone challenges you in this way, but I'm telling you that's the way it is. If you were on this side of the bench, you'd understand."

Counsel for JAMS and Sonnenberg declined to comment following the decision on Tuesday. Lawyers for Cuomo and CNN did not return Law360's requests for comment.

Cuomo's arbitration against CNN had previously been scheduled for a nine-day hearing before Sonnenberg beginning Feb. 5. However, the lawyers stated during Tuesday's arguments that the hearing has been delayed and does not currently have a firm date.

Cuomo is represented by Tina Glandian of Geragos & Geragos APC.

JAMS and Sonnenberg are represented by Howard I. Elman, Yelena Rapoport and Benjamin S. Litman

of Elman Freiberg PLLC.

CNN is represented by Jeffrey I. Kohn, Natasha W. Teleanu, Daniel M. Petrocelli and David Marroso of O'Melveny & Myers LLP.

The case is Cuomo v. JAMS Inc. et al., case number 652945/2023, in the Supreme Court of the State of New York, County of New York.

--Editing by Nicole Bleier.