

THE ONE WITH ALL THE NETFLIX: BINGEING FRIENDS AT WORK

Kartik Nair

Workplace lawsuits can be valuable archives, bringing work cultures prized for their secrecy, insiderhood, and family feeling into view while writing into the record that which too often “goes without saying.” A few years ago, I heard about a woman who was sued by her employer for bingeing the popular television sitcom *Friends* (David Crane and Marta Kauffman, NBC, 1994–2004 / Netflix, 2015–20 / HBO Max 2020–) at her office desk. In a countersuit, the woman called the allegation of loafing at work spurious.

Her lawsuit is painful to read and tells a very different story—one of disintegrating dreams of professional success and social intimacy, as sexual harassment played out in a toxic workplace. In her suit, she maintains that she never watched *Friends* while she was at work. She does admit, though, that she used the company’s Netflix account and let *Friends* play as she slept after hard days in a pernicious work environment.

Strategic though her confession may have been, it made this stranger instantly intimate to me, for I too have fallen asleep to *Friends*. And in the time since I first read about this case, something else has happened: hundreds of millions have begun working from home. Many of them are now, in a sense, watching Netflix from their office desks. While the lawsuits are ongoing, I want to use their discursive claims and counterclaims to think about a few questions they raise.

These questions are, at first glance, questions about one person’s binge: the who, what, and how much of a *Friends* binge on Netflix. Much of one’s view of the case turns on where and when one believes the binge happened: during the day at the office desk of an idling worker, or at night in the bed of a harassed worker. Regardless, the binge at the

heart of this case illuminates and participates in the blurred edge of labor and leisure, professional and personal life, desk and bed, attention and inattention. This edge is also a boundary over which struggle happens, determining who does what on whose time: power relations are experienced in, through, and as temporal relations, through the “giving of meaning to time.”¹ Bingeing is a practice, and as such its meaning lies less in what it is and more in what it does, in any context.²

The meaning of the *Friends* binge changes as the sun sets. No two acts of bingeing are ever the same: both empirically and experientially, the term is elastic. The *Friends* binge in question here points to some methodological and political challenges: how, where, and for whom value is realized by bingeing are questions that drive the procrastination economy, the distraction economy, the attention economy, or the leisure economy, as variously described.

Who quantifies a binge, though, and how? In its lawsuit, the employer accused the woman of “binging, loafing, and theft of time,” seeking millions of dollars in damages. The alleged theft—stealing time back after selling it off—loops into the temporality of productive work, as the workplace clock is shot through with unaccounted pleasure and stolen moments. In the moral and political economy of loafing, though, what kind of loafing is it if someone never leaves their desk—a loafing that seems neither social nor spatial?

If bingeing is the latest endurance sport, is it still a binge if I’m asleep?³ Among the nine propositions that Tanya Horeck, Mareike Jenner, and Tina Kendall have offered on binge-watching, the “endeavour to colonise sleep is at the heart of Netflix’s business model.”⁴ They noted that, if bingeing is the epic realization of value, sleep threatens: “As Netflix CEO Reed Hastings has infamously commented, Netflix’s biggest competitor is not ‘Amazon Video. . . . We’re competing with sleep.’”⁵ Indeed, in her defense, the woman claimed that she “never binge-watched during working hours” but would sometimes watch *Friends* while falling

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asleep.⁶ What does sleep do to accounts of bingeing? In order to answer these questions, I start with the case itself.

The Canal Productions Context

After its then vice president of Production and Finance, Chase Robinson, abruptly resigned in April 2019, Canal Productions claimed to have discovered some \$250,000 in stolen money and wasted work time. Some of this valuation came from tallying credit-card payments for iPhones, Louis Vuitton handbags, and a dog sitter; uses of the company credit card for hotel stays and Uber rides; a \$600 dinner at the upscale restaurant Nobu; thousands of dollars in groceries; even \$100,000 worth of frequent-flyer miles transferred out of the company account. There was also a \$1,300 flower arrangement from a Manhattan flower shop, which, Canal alleged, “Robinson treated herself to for her birthday.”⁷

If true, this was all understandably galling. As VP of Finance, Robinson was the company watchdog: it was her job to make sure company funds weren’t being misused. Canal filed a lawsuit in August 2019 for “breach of fiduciary duty,” seeking “economic damages from a disloyal employee” in the amount of \$6 million or more.⁸

What grabbed headlines, though, were the allegations of binge-viewing. “When in the office or speaking with co-workers,” the lawsuit alleged, “[Ms. Robinson] had

made it known that she enjoyed shows like *Friends*, *Arrested Development*, and *Schitt’s Creek*.”⁹ The lawsuit goes on: “A review of Canal’s Netflix account, to which she had access, indicates that Robinson spent astronomical amounts of times” on these shows as she “loafed during working hours, binge-watching astounding hours of TV shows on Netflix.”¹⁰ Because she was not connected to artistic development, this bingeing was not part of her duties but was “done for her personal entertainment, amusement and pleasure at times when she was being paid to work.”¹¹

The pièce de résistance of Robinson’s alleged binge was six seasons of *Friends*, leading up to the series finale, in the span of one week. The lawsuit offers seemingly minute details of how the binge unfolded: “For example, over the 4-day period between Tuesday, January 8 and Friday, January 11, 2019, 55 episodes of *Friends* were binged (which carried over to an impressive 32 episodes on Saturday, January 12 alone). Twenty-seven (27) episodes on Monday, January 14 and the final 12 episodes, leading to the series finale, on Tuesday, January 15, yet another workday.”¹² By comparing charges, Canal’s review found that as Robinson “binge-watched twelve (12) episodes of *Friends*,” she “ordered lunch from the delivery service Caviar San Francisco.”¹³ For this, the lawsuit sought damages to recover value lost to “Binging, Loafing, and Theft of Time.”¹⁴

“Loafing” is a class-based and racialized name for a certain kind of unexploited industrial labor time, often a bodily practice in space rendered as public nuisance. To “loaf around” is to trample over land freely and to while away time by wandering directionlessly, and the word *loaf* is likely a back-formation from *loafer*; to loaf is to be a vagrant, a loiterer. In the United States, vagrancy was criminalized by the Vagrancy Act of 1865, one of the so-called Black Laws that sought to curtail the newfound “idleness” of formerly enslaved people.¹⁵

By terming a highly compensated white woman’s solitary viewing of *Friends* in the rarefied air of a Tribeca office “loafing,” Canal was spectrally racializing and criminalizing Robinson’s status as an unproductive presence. After all, Robinson was not even engaged in “social loafing” (the term coined to describe that bane of office managers—the workplace water cooler), a sociality that allegedly drives productivity down. She is, rather, an “anti-social” loafer in a mise-en-scène of self-gifted birthday cakes, endlessly streaming screens, and Uber meals, cut off from colleagues, duty, and the space of the office. The lawsuit, then, would seem to support Greg Goldberg’s argument that contemporary discourses decrying binge-viewing are sometimes not so much concerns about user exploitation by corporate interests as

Binging, Loafing and Theft of Time

55. Robinson’s position required her to spend her time focused on scheduling and coordinating Mr. De Niro’s work obligations while also overseeing aspects of Canal’s operations. The duration of her relationship with Mr. De Niro and the trust he had instilled in her resulted in her having autonomy as to the means and manner her services were performed.

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56. In 2019 Robinson rarely worked from Canal’s office. When in the office or speaking with co-workers, she had made it known that she enjoyed shows like “*Friends*,” “*Arrested Development*,” and “*Schitt’s Creek*.”

57. A review of Canal’s Netflix account, to which she had access, indicates that Robinson spent astronomical amounts of times accessing these shows, not only on weekends and holidays.

58. For example, over the 4-day period between Tuesday, January 8 and Friday, January 11, 2019, 55 episodes of “*Friends*” were accessed (which carried over to an impressive 32 episodes on Saturday, January 12 alone). Twenty-seven (27) episodes were accessed on Monday, January 14 and the final 12 episodes, leading to the series finale, were accessed on Tuesday, January 15, yet another workday. Over \$300 in charges from Paola’s were also placed on Canal’s American Express card on these dates.

The lawsuit against Chase Robinson.

they are about particular kinds of pleasure that are deemed not social enough.¹⁶

In this case, then, the highly charged pejorative label is attached to a loafing not in space but in time. But the evidence supporting Canal's charge is slippery. Where did Robinson loaf, for how long, and when? Canal's lawsuit betrays the difficulty of actually tracking "theft of time" or time-loafing. The lawsuit notes only that approximately 125 episodes of *Friends* were "accessed," rather than "watched" on Netflix, and offers no details of the specific hours of the day on which or the location from which the show was accessed. This difficulty likely arises from Canal using the viewing log that Netflix offers all its users, which allows you to see a list of every title you have watched, arranged in the order you watched it, listed against the date you watched it. But what counts as watching?

In late 2019, Netflix announced a change in its methodology, explaining in a letter to its shareholders: "We are now reporting on households (accounts) that chose to watch a given title."¹⁷ "Choosing" is explained in a footnote on page 4 of the letter as "Chose to watch and did watch for at least 2 minutes—long enough to indicate the choice was

intentional—is the precise definition."¹⁸ This new methodology yielded viewing numbers that were 35 percent higher than previously. Netflix claimed that it "is similar to the BBC's metric for radio news, *New York Times* for articles and YouTube view counts" in that all equate the act of choosing something to consume with having consumed it.¹⁹

Ironically, then, an obfuscatory metric developed by Netflix to produce success in the "streaming wars" (wherein to have watched means only to have accessed) is the same one that Canal marshals as a measure of fiduciary debt (wherein to have accessed means to have watched means to owe). The fact that what Canal trumpeted as "astronomical hours of bingeing" turns on such thin evidence suggests that the metric was not meant to stand on its own, but rather to serve as a kind of trope: the invocation of bingeing brings together sordid details of bouquets, cab rides, handbags, and \$600 lunches into a quickly drawn portrait of a young woman who is undisciplined, antisocial, unproductive—vampiric even.

But there is a story beneath the story.

The Chase Robinson Countersuit

Chase Robinson had worked at Canal Productions' New York City office since 2008. She began at the age of twenty-five as an assistant to the actor Robert De Niro, who owned the company. Quickly though, Robinson came to feel that De Niro treated her as his "office wife."²⁰ He allegedly underpaid her and denied her overtime despite "punishingly long hours," once called her "a bitch," and referred to his female assistants as "the girls."²¹ De Niro allegedly joked to Robinson about his Viagra prescription, suggested she get pregnant using a coworker's sperm, urinated during telephone calls and met her in his bathrobe, asked her to scratch his back, button his shirts, tie his ties, prod him awake when he was in bed, vacuum, wash his sheets, and set his table.

She quit in 2019, warning that she was going to bring a discrimination lawsuit. But Canal sued first with a lawsuit that, in her lawyer's words, "is replete with 'clickbait' allegations. Now, when her name is Googled, these allegations of bingeing and theft of time pop up on the screen. The results have been devastating to Ms. Robinson. Her reputation and her career have been destroyed."²² Canal's lawsuit was met with a countersuit; Robinson accused De Niro "of gender discrimination and fostering an abusive working environment," and of preemptively leaking false accusations of the *Friends* binge that cast her as a "loafer, a liar, and a thief."²³ Robinson's suit was filed under the New York City Human

Over the past several years, we've been developing an animation studio within Netflix to produce a wide array of animated content for kids, adults and families. We have amazing creators with pedigree from Disney Animation, Pixar, DreamWorks Animation and Illumination now working at Netflix on their next big projects. In Q4, we debuted filmmaker Sergio Pablos' *Klaus*, our first original feature-length animated film that was also nominated for an Academy Award. In its first 28 days, 40m members chose to watch this heartwarming Santa Claus origin story. Later in 2020, we'll premiere the ambitious *Over the Moon*, from legendary animator Glen Keane, followed by a schedule that builds to several big animated feature films per year.

As we've expanded our original content, we've been working on how to best share content highlights that demonstrate popularity. Given that we now have titles with widely varying lengths - from short episodes (e.g. *Special* at around 15 minutes) to long films (e.g. *The Highwaymen* at 132 minutes), we believe that reporting households viewing a title based on 70% of a single episode of a series or of an entire film, which we have been doing, makes less sense. We are now reporting on households (accounts) that chose to watch a given title.¹ Our new methodology is similar to the BBC iPlayer in their rankings based on "requests" for the title, "most popular" articles on the New York Times which include those who opened the articles, and YouTube view counts. This way, short and long titles are treated equally, leveling the playing field for all types of our content including interactive content, which has no fixed length. The new metric is about 35% higher on average than the prior metric. For example, 45m member households chose to watch *Our Planet* under the new metric vs. 33m under the prior metric.

Product and Partnerships

In Product, we are investing our resources to grow engagement and our storytelling capabilities (like the branching narratives in *Black Mirror: Bandersnatch*), deepen our penetration in key markets and help our members find great content through better suggestions. To do this, we try many approaches; in 2019 alone, we conducted hundreds of product tests to try to improve our member experience from sign up to billing and payments to content discovery. About 30% of these led to a gain in retention, engagement or revenue, up from 20% in the prior year. It's a humbling exercise as so many of our ideas do not "win" with members, but this helps tune our judgment and innovation priorities for the future.

In Q4, we launched a mobile-only plan in Malaysia and Indonesia (which we introduced to India in Q3 last year). We've seen similar results with this plan driving incremental subscriber growth and improving retention. We expect the mobile-only plan to be revenue-positive which will allow us to further invest in content to be enjoyed by our members and continue to feed the virtuous cycle. We plan to continue to test adding this plan, as well as additional ideas in other countries around the world.

Competition

Many media companies and tech giants are launching streaming services, reinforcing the major trend of the transition from linear to streaming entertainment. This is happening all over the world and is still in its early stages, leaving ample room for many services to grow as linear TV wanes. We have a big

¹ Chose to watch and did watch for at least 2 minutes -- long enough to indicate the choice was intentional -- is the precise definition.

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Rights Law, the New York State Labor Law (including the New York Equal Pay Law), and the Fair Labor Standards Act (including the Equal Pay Act). She is suing De Niro for violating labor laws and for lost wages, up to \$12 million. Speaking to the *New York Times*, Robinson said that the charge of binge-viewing was particularly absurd. She said that she “never binge-watched during working hours,” only that she would sometimes turn on *Friends* for “white noise” as she “was falling asleep” at home.²⁴

Michel de Certeau has elaborated the practice of *la perruque*, or stealing time from one’s employers in an act of worker solidarity. Perhaps the “white noise” of *Friends* offered Robinson the streaming solace of social cohesion, coffee-shop chats, heterosexual romance, and professional success, all attained by men and women conspicuously absconding from the workplace.²⁵ *Friends*, as Anne Marie Todd once wrote, was “an explanation and exploration of what it meant to come of age in the 1990s.”²⁶ In its continued and accelerating consumption as binge stream, writes Neil Ewen, “the show is increasingly loaded with nostalgia for a pre-crash economy where jobs were meaningful and long-term life narratives could be imagined and projected into the future.”²⁷

At the center of the show are visions of intimacy that are neither filial nor collegial, but friendly, as the show centers a “constructed family not linked by a workplace.”²⁸ *Friends* is

infused with a thematic insistence on and formal strategies of intimacy, write Simone Knox and Kai Hanno Schwing, a quality somewhat at odds with the show’s multicamera, laugh-tracked situational comedy.²⁹ Yet everything that *Friends* is—a theme song to clap along to, a joke you know is coming but wait to laugh at, even fictional situations of exploitation at work that resolve comedically—becomes a “metronome whose dominant affective reactions are pleasure and relief.”³⁰ In this sense, the soundtrack to which Robinson fell asleep nightly would have convened not only her past familiarity with the show, but something akin to an entire residual formation of broadcast television and its audiences, a peopled history to watch over her while she sleeps. This is a formation different from the must-watch, must-stay-awake imperatives of Netflix’s original programming and bandwidth-saving “Are you still watching?” prompts, but it predicted bingeing’s pandemic capacity for “holding spectators in times of loss and deprivation.”³¹

Sleeping and bingeing are not inherently opposed. As Jonathan Crary writes, “[F]or all the ways in which sleep is unexploitable and unassimilable, it is hardly an enclave outside the existing global order.”³² It wasn’t always a “theft of time.” Despite what Canal alleged, Robinson’s slumbering binge was, if anything, a type of “sustenance that helps certain people cope with the demands of their workday.”³³ As her personal slumber machine, Netflix ran interference



Friends as “white noise.”

that eventually allowed her to sleep. But all white-noise machines index, in their material presence, the anxiety of not being able to fall asleep and the often-expensive effort made to do so. As it prepared her for another day at work, Robinson's binge sleep stream was generating value for Netflix, for the showrunners' and stars' residual contracts, for Canal—and for her. In these and other ways, it is indistinguishable from another binge, and would be tracked by Netflix as one—even if she wasn't awake for it.

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