

Las Vegas Sun

LOOKING IN ON: JUSTICE:

'Girls Gone Wild' producer ordered to pay Wynn millions

By [Jeff German](#) ([contact](#))

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"Girls Gone Wild" producer Joe Francis went wild in a court deposition this year, and he's being handed a hefty bill as a result.

Unimpressed with his antics, District Judge Michelle Leavitt ruled in favor of Wynn Las Vegas and ordered the soft-porn video mogul to pay the Strip casino a \$2 million gambling debt, which, with interest and court costs, could soar to \$3 million.

In court papers, the Wynn's lawyers argued that Francis improperly asserted his Fifth Amendment right against self-incrimination in refusing to answer even the most innocuous questions during the nearly daylong deposition in February.

And several times during the deposition Francis openly passed gas, further disrespecting the legal proceeding, the Wynn lawyers charged.

"As the court will see from reviewing the video clips of Francis' deposition, his utter contempt for the judicial system is apparent, including his repeated attempts to disrupt the deposition with flatulence," the lawyers wrote.

The deposition was taken inside the kitchen of a Baker community center because Francis claimed he couldn't travel outside California, where he's facing federal tax evasion charges.

Among other things, Francis refused to acknowledge in the deposition whether he had a cell phone, even though he constantly checked his e-mail and took a call on his cell phone during the deposition.

When asked if he understood English, he took the Fifth by reading the privilege in English from a card his lawyer had given him.

"Obviously, Francis did not assert his Fifth Amendment privilege in good faith," the Wynn lawyers charged.

At a hearing in June, Leavitt called Francis' conduct "the most ridiculous exercise of the Fifth Amendment I think I've ever seen."

Leavitt also dismissed his counterclaims against the Wynn, including allegations he was provided prostitutes as part of an effort to run up his gambling losses in February 2007. Francis had taken the Fifth in his deposition when asked about the prostitute claims. He refused to answer questions about whether he had sex with them and whether they were "male or female."

Leavitt is set to finalize her ruling Monday following a meeting with both sides.

Francis, who is expected to appeal Leavitt's decision, is still facing felony charges in Las Vegas stemming from his failure to pay back the Wynn, and he has a trial pending on the tax evasion charges in California.

Federal authorities also are looking to build a bribery case against him in Reno. One of his Hollywood associates was indicted last month on charges of trying to bribe jailers to get preferential treatment for Francis while Francis was behind bars there on the tax charges in November 2007.

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District Judge Elissa Cadish isn't earning rave reviews for her handling of the criminal case against Lt. Gov. Brian Krolicki.

Back in May she disqualified the attorney general's office from prosecuting Krolicki, noting a perception of a conflict of interest — the office had both investigated and provided legal advice to Krolicki. The attorney general didn't share that opinion and appealed to the Nevada Supreme Court, which has yet to rule.

But three months later, it turns out Cadish had her own conflict of interest and shouldn't have even made the call to bounce the attorney general.

Cadish [removed herself from the case this week](#) — the same day the state allocated \$415,000 to hire Las Vegas law firm Gordon & Silver to prosecute Krolicki on charges of misappropriating public money while state treasurer.

In an order explaining her recusal, Cadish said she didn't discover the conflict until after she read grand jury transcripts on Aug. 4. The time line is the crux of the courthouse criticism. Cadish could have read those grand jury transcripts in May.

If she had, she could have saved herself some public embarrassment and avoided delaying the case.

Instead, she belatedly learned that one of Krolicki's lawyers is former Gaming Control Board member Scott Scherer. He had been a partner in a law firm where Cadish worked before Gov. Jim Gibbons appointed her to the bench in August 2007. Cadish also was a shareholder in the firm while Scherer represented Krolicki in the criminal investigation.

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