

Vegas casino says O.J. Simpson too tarnished to defame

Written by Administrator

Thursday, 23 January 2020 15:26 -

LAS VEGAS — O.J. Simpson couldn't have been defamed by accounts that he was drunk and disruptive before being banned from a Las Vegas Strip hotel-casino, because his reputation was already tarnished, attorneys for the property told a judge.

The Cosmopolitan of Las Vegas cited the former football star's criminal and civil trials in the 1994 deaths of his ex-wife and her friend in Los Angeles and his conviction and imprisonment in Nevada in his 2007 armed robbery case.

Simpson "is a well-known public figure," Cosmopolitan attorneys said in court documents filed Jan. 14, and media reports that Simpson was "wasted," "disruptive" or "angry" could not have resulted in "tangible damage to his reputation."

Simpson blames unnamed hotel staff for telling celebrity website TMZ that he was prohibited from returning to the Cosmopolitan in November 2017. TMZ is not a defendant in the lawsuit.

Simpson's lawyer, Malcolm LaVergne, responded with a Monday court filing labeling the Cosmopolitan argument "immoral" and invoking the history of two landmark U.S. Supreme Court decisions regarding race — the 1857 Dred Scott ruling denying full citizenship to African Americans and Plessy v. Ferguson, a 1898 case upholding the idea of segregated "separate but equal" facilities. Both precedents have since been invalidated by constitutional amendments and court challenges.

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LaVergne denied Wednesday he was, in his words, "playing the race card." Still, he alleged "undertones that are very disturbing" of bias by defendants the Cosmopolitan and corporate owner Nevada Property 1 LLC.

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“What are they saying? Anyone can do anything and say anything against him?” LaVergne said of the company attitude toward Simpson. LaVergne called that “the slavery-segregation argument that Simpson doesn’t deserve damages.”

Officials and attorneys representing the Cosmopolitan declined Wednesday to comment.

They are asking a judge to move the case to private arbitration instead of a public trial because they say damages would not exceed a \$50,000 threshold.

The Cosmopolitan has also exercised a right to have the case reassigned from Clark County District Court Judge Adriana Escobar. Attorneys did not have to provide a reason for the request, and the case is now before Judge Ronald Israel.

LaVergne called Escobar one of few minority judges on the court.

Simpson, 72, is living in a Las Vegas golf community after serving nine years in a Nevada prison for leading five men, including two with guns, in a bid to retrieve personal items and memorabilia from two collectibles dealers in a Las Vegas hotel room. His parole is due to end in 2022.

His civil complaint acknowledged he received a trespass notice prohibiting him from returning to the Cosmopolitan after he and two friends spent several hours at a restaurant and a lounge. It says he was never given a reason, and he denies he was “belligerent toward staff (or) patrons,” broke glass or damaged property.

Nevada parole officials visited Simpson the next day and determined he had not violated probation, according to Simpson’s lawsuit. It said officials “ultimately determined that the Cosmopolitan’s assertions against Simpson were false.”

Simpson, a member of the Pro Football Hall of Fame, was acquitted in Los Angeles in the

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slayings of his ex-wife, Nicole Brown Simpson, and Ronald Goldman. A civil court jury found him liable for the killings in 1997 and ordered him to pay \$33.5 million to victims' families.

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