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Simon & Schuster Sues Author Over His Lineage

By FELICITY BARRINGER
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In 2001, the publisher Simon & Schuster signed a \$500,000 contract with Michael Pellegrino, a Las Vegas resident who claimed to be the illegitimate grandson of the late Mafia boss Carlo Gambino. In return, Mr. Pellegrino, using the pseudonym Michael Gambino, delivered a novel called "The Honored Society," which Pocket Books, a division of Simon & Schuster, published last November.

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The book was marketed as the work of "the highest-ranking mob member ever to record the innermost workings" of the Mafia.



But now Simon & Schuster contends Mr. Pellegrino is not who he says he is. The publisher has sued both the author and the agency that represented him, saying they committed fraud by giving him a far darker criminal history than he actually had.

Simon & Schuster filed the suit in Federal District Court in Manhattan in February. But not until this week — four days after the publisher took the unusual step of filing a second federal fraud suit against the agency, Artists Management Group, the Los Angeles talent company founded by Michael Ovitz — did the publisher disclose publicly that it believed that it had been deceived.

Mr. Pellegrino's lawyer contends Pocket Books owes his client the last \$100,000 of his book advance, and has countersued to receive it. The lawyer, Leon Friedman, said last night that Mr. Pellegrino had fulfilled his contract by writing the book he had promised. Nothing in the contract made reference to Mr. Pellegrino's biographical claims, the lawyer said.

Another lawyer for Mr. Pellegrino, Gus Flangas of Las Vegas, said that Mr. Pellegrino does believe he is the illegitimate grandson of Carlo Gambino, as he has been told since childhood. Mr. Friedman questioned why the author's biography should matter anyway.

"Why do you publish a book?" he said. "Because it's got literary quality or because we can advertise this as the grandson of Carlo Gambino? What's important in publishing these days?"

A spokeswoman for Mr. Pellegrino's agent, Joel Gotler, said he would not comment on pending litigation.

Simon & Schuster's lawsuit against the agency was reported in The New York Post yesterday.

According to Adam Rothberg, the spokesman for Simon & Schuster, questions about Michael Gambino and his authenticity surfaced after publication of "The Honored Society" by Pocket Books. He would not say who raised the questions.

"Over the course of time neither Gambino nor his agent were able to provide us with satisfactory proof of his bona fides," Mr. Rothberg said.

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Some time after publication of the book, Mr. Rothberg said, it was withdrawn. The online bookseller Amazon.com lists "The Honored Society" as "out of print."

Mr. Rothberg did not comment on the extent to which the publisher checked Mr. Pellegrino's contentions. Criminal records in Clark County, Nev., show that the author was sentenced to a minimum of 19 months in prison in November 1999 on felony theft charges. Mr. Flangas, his lawyer, said the charges involved the misappropriation of a \$2,400 rental deposit.

As part of its marketing campaign, Simon & Schuster arranged for Michael Gambino to be interviewed on ABC's "Good Morning America" in December. During the interview, the author told Charles Gibson that writing the roman à clef "helps me cleanse my soul." Mr. Gibson described his guest as a member of "the most powerful crime family in New York."

Lisa Finkel, a spokeswoman for "Good Morning America," said that ABC learned of the publisher's doubts only on Tuesday.

"We were pitched this book from a reputable publisher with whom we regularly do business and reported on it in good faith," she said in a statement yesterday. "We learned only yesterday that the publisher now believes that the author is a fraud, and we started looking into the story as soon as we learned about the lawsuit. We plan to follow up on the story as soon as we have all the facts."

Judith M. Curr, the president of Pocket Books, is vacationing in Sydney, Australia, near her hometown. She did not respond to two messages left on her phone there.

Asked why Simon & Schuster had taken the unusual step of suing the talent agency, Mr. Rothberg, the Simon & Schuster spokesman, said, "This is an extraordinary step, but we felt we had no other recourse."

He added: "For us the larger issue here is that we do hundreds or thousands of deals a year with agencies. We need to be able to rely on them to bring us authors and literary properties that are authentic and as billed. Without that reliability, the whole relationship of the whole business collapses."

The lawsuit against the agency contends that it contacted Simon & Schuster, a division of Viacom, telling the publisher that Mr. Pellegrino "was a crime boss of one of the most respected and feared crime families in the world," and that he had served 12 years in a federal penitentiary — claims repeated in publicity releases.

According to Mr. Flangas, the Nevada lawyer for Mr. Pellegrino, his client had been charged in two separate state cases more than three years ago, pleading guilty to the theft charges.

The question of how much to trust an author and how much to check any contentions perennially bedevils publishers.

It has been a rough year for Simon & Schuster in another area. One of its authors, Doris Kearns Goodwin, has been under fire for inappropriately copying passages in a book she wrote in 1987.

Another Simon & Schuster historian, Stephen E. Ambrose, acknowledged in January that he had inadvertently copied sentences and phrases in his best-selling book "The Wild Blue" from another historian's earlier work.

Photo: "The Honored Society" is the subject of a lawsuit filed by its publisher, Simon & Schuster.

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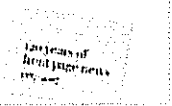
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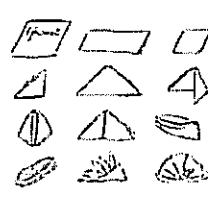
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