

Lawyer Pays Father of Man Killed With Princess Diana

By Stefanie Knapp

A Los Angeles entertainment attorney last month agreed to pay \$100,000 and issue a written apology to the father of Dodi Al Fayed, the international playboy who died in a fiery car crash with Princess Diana six years ago.

Keith Fleer of Loeb & Loeb, along with at least two others, allegedly tried to swindle wealthy businessman Mohamed Al Fayed out of millions of dollars by offering to sell him phony Central Intelligence Agency documents evidencing an alleged conspiracy by the British government to kill Mohamed Al Fayed's son and the princess, according to Mohamed Al Fayed's attorney, Joseph Kibre of Oberstein, Kibre & Horwitz.

According to court filings, the documents were supposed to prove that the British intelligence agency MI-6 murdered the couple with approval of Buckingham Palace and that Princess Diana was pregnant with Dodi Al Fayed's child in the Aug. 31, 1997, crash on a Paris roadway.

Fleer, who was a partner at Tennenbaum, Emmanuel & Fleer at the time of the allegation, and Oswald LeWinter, Pat McMillan and journalist George Williamson, allegedly offered to sell the documents to Mohamed Al Fayed in 1998, according to Kibre.

The documents were supposed to prove that the British intelligence agency MI-6 murdered Dodi Al Fayed and Princess Diana.

Fleer instructed Mohamed Al Fayed to wire \$25,000 to Williamson's account to cover the expense of meeting in Austria to exchange the documents. Williamson gave all of the money to LeWinter, according to Kibre. Mohamad Al Fayed's representatives and Fleer had negotiated for the group to get \$15 million if the documents were found to be authentic, according to Kibre.

Suspicious of the group's demand, Mohamed Al Fayed contacted U.S. law enforcement, which led to the arrest of LeWinter in Austria and recovery of \$10,000 of the \$25,000, according to Kibre.

LeWinter was found guilty of fraud in Austria and served two years in jail in that country. Meanwhile, federal authorities have not charged Fleer and his other two associates with a crime.

"The Justice Department investigated but declined to file charges," Kibre says. "We don't know why."

A report was filed with the State Bar regarding Fleer in July 1999, but no action was taken by the organization, according to Bar spokeswoman Kathleen Beitiks. She would not elaborate further.

Mohamed Al Fayed filed a \$15,000 civil claim, the amount not recovered, against the group in Los Angeles Superior Court. *Mohamed Al Fayed v. Keith Fleer* BC213751 (L.A. Super. Ct., filed July 19, 1999).

Judge Brett Klein sustained demurs without leave on all claims because one of the elements of fraud is that the party relied on the documents being real, according to Kibre. Klein sustained the demurs because Mohammad Al Fayed contacted U.S. officials and transferred the money on their authority, not because he believed that the documents were authentic, Kibre says.

Mohamed Al Fayed appealed, and the

2nd District Court of Appeal affirmed the demurs on all claims, except that of unjust enrichment.

"Our argument was that ... they shouldn't be able to keep the money [that] they got in an attempted fraud," Oberstein says.

The claim was sent back to the Superior Court in December, and it settled last month with Fleer.

Kibre is in the process of filing for default on LeWinter because LeWinter has not answered the claim. McMillan has filed for bankruptcy, so the firm can take no action against him, Kibre says. The firm is in negotiations with Williamson to settle the case. Williamson claims he had nothing to do

with the conspiracy or plot and was only a journalist following the story, according to Kibre.

"Based on the evidence we have developed, Williamson doesn't appear to have a financial stake in this," Kibre says.

Fleer maintained from the beginning that he didn't know that the documents were phony.

"My role in the offer to sell to Mr. Al Fayed information supporting this belief, and which involved, as I later learned, the creation of forged documents in order to give greater credibility to the information being sold, is one I bitterly regret," Fleer says in his written apology.

John Sheller, partner at the Los Angeles office of Haight, Brown & Bonesteel, who with his partner Lori Behar represents Fleer, declined to comment, other than to state that "Mr. Fleer signed a letter of apology that speaks for itself."

"I accept full responsibility for my conduct," Fleer continues, "I am ashamed of my lack of judgment."

The apology was the critical aspect of the settlement, according to Oberstein.

"The money would not have been sufficient," Oberstein says.

Mohamed Al Fayed intends to donate the \$100,000 to a charity established in his son's memory, Kibre says.