Villages to sue 'Borat'

Romanians angry over their portrayal vow legal action today. Fox disputes accusations.

By Bojan Pancevski, Special to The Times

VIENNA — Attorneys representing the villagers of Glod, Romania, plan to file lawsuits today against "Borat" in New York, Florida and Germany, asking for more than $30 million in damages and seeking to stop further screening of the controversial comedy, which was No. 3 at the box office this past weekend, if scenes making fun of the villagers are not cut or changed.

The villagers, who are mostly gypsies, or Roma, assert that they were manipulated by the crew and lied to about the true nature of the film, and that unlike others in the movie, they did not sign release forms, a claim disputed by a spokesman for 20th Century Fox, which is distributing the film.

"We've not seen the lawsuit, but everyone who appeared in the film signed releases," said Fox spokesman Gregg Brilliant. "We worked through the same Romanian film production company that was involved in 'Cold Mountain,' and actors and extras were hired from the village but also from other parts of Romania."

The villagers also contend in the suit that "Borat" ridicules them on ethnic grounds. The suit being filed in New York, a portion of which was obtained by The Times, seeks $5 million to be used to improve schools and other infrastructure in the impoverished village, an additional $25 million in humanitarian aid and an unspecified amount for fair compensation for the villagers, who were paid roughly $4 a day for participating in the film, which has made $90.5 million in domestic box office receipts.

Brilliant, however, said the actors and extras were paid more than $4, twice what the Romanian film office recommended, but he declined to be more specific. He said that in addition to location fees, actor compensation and other related film costs, "Borat" star Sacha Baron Cohen and the production gave the town $10,000 after the film wrapped there, money that was used to buy computers for the local school.

The villagers' lawsuits represent the latest legal action taken against "Borat: Cultural Learnings of America for Make Benefit Glorious Nation of Kazakhstan," distributor 20th Century Fox and Cohen.

Two South Carolina fraternity boys, shown in the film drunk and making racial slurs, have filed a defamation suit, and at least one other person featured in the movie, a Southern etiquette teacher, has threatened legal action.

The international legal team, led by Edward D. Fagan, best known for a case that forced Swiss banks to pay $1.25 billion against Holocaust victims in the 1990s, is representing the Romanian village that filmmakers used as the setting for Borat's Kazakh hometown. Speaking over the weekend, Fagan said he hoped to "teach Hollywood a very expensive lesson."

"Borat" creator Cohen and the key filmmakers will be receiving legal letters today demanding sweeping changes to the beginning of the movie as well as a public apology and damages to the Romanian participants. If they refuse to comply within one week, the suit seeks an injunction in both the U.S. and Germany that would bar any further showing of the controversial comedy, which was No. 3 at the box office this past weekend, if scenes making fun of the villagers are not cut or changed.

Lawsuit filings
Acting on behalf of individual participants in the film, the village of Glod and the Roma community, the legal team will simultaneously file lawsuits in New York and Florida state courts, as well as in Frankfurt, Germany.

Fagan said: "You see Pamela Anderson in the film being physically attacked. But she is not taking legal action, as she went out into the public on an autograph session and knew that an incident like that could possibly happen, as there are all sorts of people out there. And we see other participants, like the feminist group, express their dislike as they realize they are being misled. The people at the dinner party interrupted the whole thing once it got too much for them.

"But that choice was taken away from our clients."

The villagers of Glod, 98% of whom are Roma, say they're making a case for the whole Roma community, because they feel they have been ridiculed because of their background.

"Ridiculing them on ethnic grounds is simply not tolerable," said Fagan. "Mr. Cohen makes a great point about anti-Semitism in his film. But as Jews do not have horns, Roma are not rapists and prostitutes."

Brilliant countered that charge, saying, "For anyone who has seen the film, it has a message of tolerance told through satire."

As to whether the villagers were misled about the intent of the film, he said, "there was a film crew, a full production, trucks, multiple cameras, a director giving them instruction, props, an A.D. yelling 'cut' and 'action.' This was not a guerrilla-style production masquerading as a documentary crew."

Spirea Ciorobea, 68, portrayed as the "village mechanic and abortionist" in the film, is being represented by the lawyer's group.

"I was approached in the street and asked whether I could play a welder," he said. "Like many people here, I can't find work, so I appreciated the chance to earn some money for my family. Later, they painted my arms up to my elbows with red paint. I had no clue what for and only realize now they wanted to show that I am covered in the blood of the women whose babies I was aborting. I would never have agreed to that, even if they had paid more than the $4 I was given. I am a Christian and oppose frivolous approach to abortion, and I think what they made me do was disgusting."

Another "Borat" participant, Nicu Tudorache, was told that the fist-shaped rubber sex toy filmmakers attached to his amputated arm was a prosthetic.

Tudorache, 56, who is also represented by Fagan's group, said: "We participated in the film out of good faith. Life is very hard in Glod, and we appreciated the chance to tell our story. I can't believe that they lied to us like this. They treated us like fools because we couldn't understand their language and are making millions off us while we try to exist without running water. We are in a desperate situation, and the filmmakers made it worse. Even if there is only a very small chance of getting justice, I want to go to court, because a wrong has been done to me and our whole community."

Fagan added: "They smiled and welcomed the film crew because they had no clue what was going on. They don't understand a word of English and were entirely misled. They thought someone had finally taken interest in their difficult life. They thought the foreigners were there to help them."

Cristina iliescu, the Romanian director from Castel Film, the local production company that helped make "Borat," said most of the participants were told they were participating in a film and not a documentary. She said: "It was my duty to tell all those who portrayed characters what to do in certain scenes. Whenever I asked them to do something, I explicitly told them the film is not about them or their customs and that they are playing parts.

"On the other hand, I admit, that under the time pressure, maybe not all approximately 600 people who took part in the filming understood what it was about and how many of them let themselves get carried away by pure curiosity. What I can tell for sure is that those who accepted to play with us were relaxed and had fun."

Media crews that visited the village last week described the atmosphere there as "tense and volatile," with angry villagers hostile to any new TV crews and afraid of being set up again.

"We are not going against artistic license or freedom of speech," said Fagan. "But the film is only funny when it portrays us Americans as idiots, not when it makes fun of underprivileged people about their misery and ethnic background, with the sole purpose of making money. It reminds me of sweatshops, of exploitation of cheap labor in the Far East.

"You can't just go to foreign countries and exploit unsuspecting people to cash in on their misery and not even pay them a fair wage."

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