

## Penn vs. the Playboy

by Joal Ryan, E!Online  
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Liz Hurley turned down Steve Bing's money. Sean Penn wants it.

The outspoken actor has filed a \$10 million breach-of-contract lawsuit against the moneyed ladies' man and aspiring Hollywood player, accusing Bing of reneging on a movie deal because of Penn's, well, outspoken stance against war in Iraq.

Penn's suit, which also accuses Bing of wrongful termination, was filed Monday in Los Angeles Superior Court.

No stranger to litigation, Bing went to court himself on Tuesday, filing a \$15 million lawsuit against Penn, accusing the "irrational and irresponsible" Penn of trying to extort his eight-figure acting fee from the producer.

And you thought Bing's paternity drama with Hurley was nasty...

At the center of the Penn-Bing dispute is a film called *Why Men Shouldn't Marry*, an anti-matrimonial comedy to be written, directed and produced by Bing. At issue is whether Penn was set to star. Penn says he had an oral agreement with Bing; Bing says there was no "enforceable contract."

Helping this battle rise above the usual contract squabble is a foreign-policy debate currently dividing Americans and, indeed, much of the world, beyond Tinseltown.

Penn's lawsuit accuses Bing of "borrowing a page from the dark era of Hollywood blacklisting" and backing out of their deal after the actor talked about his views on Iraq and war on CNN's *Larry King Weekend* on January 11.

During the telecast, Penn spoke of his controversial trip last December to Baghdad, the full-page, anti-war ad he placed in the *Washington Post* and his belief that Bush Administration was "teaching a master class in the manifestation of rage into hatred."

He also repeated a John Huston quote about former President Ronald Reagan being a bad actor.

At first glance, these are the sort of stances that Fox News-style conventional wisdom would say is embraced by liberal Hollywoodistas, of whom big-time Democratic donor Bing would appear to be a check-writing member.

But, according to Penn's suit, Bing, sensitive to an unnamed presidential hopeful with whom he is "closely affiliated," caved to "political pressure to sever ties with [the actor] in light of [the] television interview" and left Penn a voice-mail message saying he couldn't make the movie with him.

"If a price is to be paid for Mr. Penn's behavior and his preoccupation with political issues, that price should be paid by Mr. Penn, not by his potential employer," Bing's lawyers wrote in mid-January, according to an excerpt cited in the Penn lawsuit.

Out of the picture, or no, Penn's complaint says the three-time Oscar nominee was entitled to his \$10 million acting fee for *Why Men Shouldn't Marry* under a so-called "pay-or-play" deal agreed to by Bing in August 2002.

That's Penn's version of events.

This is Bing's: "This dispute arises from an extraordinary extortion attempt by an irrational and irresponsible actor to try to force Steve Bing to pay \$10 million...[It] has nothing to do with freedom of speech or Constitutional issues."

The Bing suit says Penn and his reps, as part of a "failed scheme," tried to get the multihyphenate to indefinitely hold open the movie role for the actor. The complaint says Penn lobbied hard for an ironclad contract, even though he wasn't interested in making the movie. Penn's indifference, the suit says, came even as Bing spent "millions" to address the actor's screenplay concerns, including bringing [Woody Allen](#) on board as a costar and script consultant. (In his suit, Penn cites the recruitment of his [Sweet and Lowdown](#) director as a sign of his commitment to the project.)

Bing's complaint says he gave up on Penn after six unsuccessful months of trying to lock in the actor. Per Bing, Penn responded by saying he *was* locked in and owed \$10 million under a pay-or-play clause that nets a star his paycheck, regardless of whether the movie is ever made.

Penn's "unsavory strategy" soon turned into a "shakedown effort," according to Bing's lawsuit, with the actor threatening to publicly accuse Bing of firing him for his views on Iraq.

"Penn's representatives menacingly warned Bing that Penn could not be controlled, and that he was crazy and irrational," Bing's lawsuit says.

The suit further contends that Bing "had, in fact, encouraged Penn to speak his mind and to say whatever he wanted to on political issues."

In separate statements Wednesday, Penn and superagent Bryan Lourd called Bing's lawsuit a ploy designed to divert attention from the actor's complaint--and contract.

In a statement Wednesday, Penn called Bing's countersuit "a defensive ploy" designed to divert attention from the actor's lawsuit.

Both Penn and Bing are known for contentious behavior. The paparazzi-bashing Penn, 42, once served 32 days in jail for clocking a movie-set extra who snapped his photo.

The 37-year-old Bing, heir to a real-estate fortune, became tabloid fodder in 2001 when he publicly denied fathering ex-girlfriend Liz Hurley's baby. He then insisted on taking the matter to a British court, where a DNA test proved he was the daddy. A subsequent offer by Bing to provide Hurley with child support was rejected by the still-stung supermodel, who called the cash "not wanted or welcome."

On Wednesday, a Bing spokeswoman said cameras would roll on *Why Men Shouldn't Marry* in August, as planned, with Woody Allen still set to costar. There was no word on who will inherit the would-be Penn part. Bing's previous credits include the surprise hit, [Kangaroo Jack](#), which he cowrote.