

August 11, 2016 6:00am PT by Eriq Gardner

## The Marvel Chairman, a Hate-Mail Feud and Claims of Stolen DNA



The Sloan's Curve complex in Palm Beach, Fla., offers \$1 million to \$6 million units with ocean views, athletic facilities and an Olympic-sized pool in addition to the tennis courts at the center of the dispute. *Damon Higgins/The Palm Beach Post/Newscom*

**Ike Perlmutter is at the center of a bizarre legal battle involving a smear campaign, his Canadian antagonist, allegations of defamation and, in a very 2016 twist, possible genetic larceny. And it all began over a tennis court tussle in Palm Beach.**

When Isaac "Ike" Perlmutter, the chairman of Marvel Entertainment, showed up at a West Palm Beach, Fla., law firm on Feb. 27, 2013, he had no idea he was about to become victim to a caper worthy of one of his company's comic books. Israel-born Perlmutter, 73, guards his privacy like Iron Man does his arc reactor, avoiding photographers and refusing press interviews despite steering Marvel through bankruptcy and selling it to Disney in 2009 for \$4 billion. That winter day, Perlmutter arrived at the firm to answer deposition questions on whether he quietly had funded a lawsuit against his nemesis at a swanky Palm Beach residential community over its

tennis courts. What Perlmutter said, however, wasn't as important as what he and his wife, Laura, were touching. Because as a judge later would conclude, his presence was part of a plot to secretly harvest his DNA.

Only about a dozen states have laws governing unauthorized collection and testing of a person's genetic material. Florida is one of them, and now the mysterious and powerful Perlmutter is putting the law to use and claiming a conspiracy that stretches from those tennis courts to courtrooms in New York and Florida. This plot-twister might have begun as a petty feud among aging rich guys, but it now has grown to include Marvel itself, celebrity secrets and even a bit of science fiction.

That Perlmutter is embroiled in a bizarre dispute hardly is surprising given his history of legal dustups and a notoriously curmudgeonly personality. The gun-toting exec once was at the center of internal harassment claims at Marvel, and he micromanages with an obsessive eye on frugality, vetoing an upgrade of the company's worn furniture and denying journalists more than one soda at a press junket. When Perlmutter is not involved in Marvel matters, he frequently dines with Donald Trump at Mar-a-Lago, and his wife has given nearly \$500,000 to the Republican's presidential campaign. As one of the largest Disney shareholders, he's one of the few industry figures with a direct line of communication to CEO Bob Iger.



*Artist Paul Tuller renders an illustration of the 73-year-old mystery mogul based off descriptions provided by those who know him.*

Perlmutter splits his time between New York and Florida, where he owns a condominium at Sloan's Curve, a waterfront Palm Beach complex where units range from \$1 million to \$6 million and offer exclusive access to a private beach, expansive views and state-of-the-art athletic facilities. Perlmutter likes to play tennis, but controversy erupted on his precious courts thanks to another Sloan's Curve resident named Harold Peerenboom, a Toronto businessman who founded multinational executive search firm Mandrake Management. Peerenboom's dalliance with politics in Canada and colorful streak has made him a fixture in the Canadian press, which reports such events as Peerenboom recently purchasing media mogul Conrad Black's mansion for \$14 million. In court papers, Peerenboom calls himself "a widely admired and respected member of the community." But Perlmutter sees him as vindictive and diabolical. When neighbors protested his plan to build a backyard pool, Peerenboom took revenge by

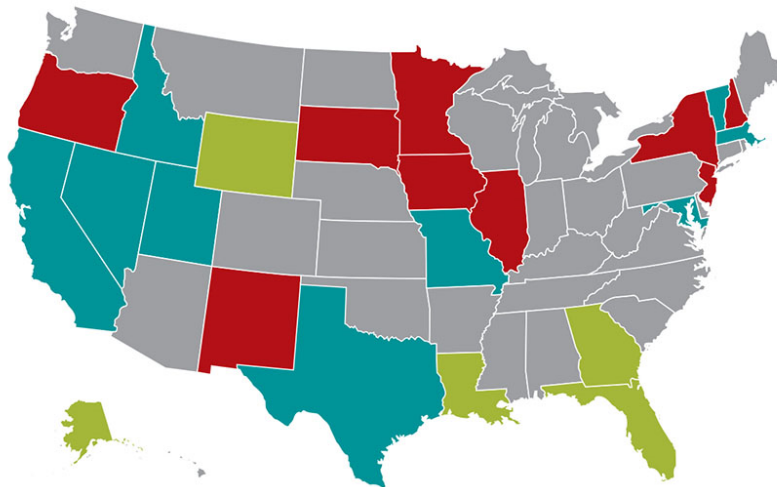
mounting high-intensity lights to shine directly into a nearby house's bedroom, according to local media.

Peerenboom apparently became concerned around 2010 that the Sloan's Curve tennis facilities had been operated by a woman named Karen Donnelly for more than a decade without competitive bidding on a contract. So Peerenboom lobbied his fellow residents, who pay \$2,500 a month in dues, to address the situation, which led Donnelly and her company to file a defamation lawsuit against him for allegedly smearing her at board meetings. Peerenboom later would accuse Perlmutter of seeking to protect the tennis courts (and his friend Donnelly) by orchestrating and funding Donnelly's lawsuit. Similar to Peter Thiel, the Silicon Valley billionaire who funded Hulk Hogan's successful sex-tape suit against Gawker over a personal grudge, the Marvel chief indeed was contributing to Donnelly's legal costs, though his reps deny the suit actually was spearheaded by him.

In 2011, Perlmutter's civil war really turned ugly. That year, residents at Sloan's Curve received anonymous mailings critical of Peerenboom's politics in Toronto during the late 1990s. Peerenboom believes the letters were an attempt by Perlmutter to undermine him, but he states in court papers that neither the hate mail nor the fact that he was being shunned by some at Sloan's Curve was enough to dissuade him from "active civic participation" in the community.

## Secret DNA Collection: Which States Allow It

Hollywood stars, politicians and other public figures are susceptible to identity theft from the collection of their genetic materials on fingerprints, saliva and other fluids. Thanks to varying laws by state, it's often not clear what rights a person has to his or her own DNA



Where DNA is deemed personal property and informed consent would be required to collect and test.	Where DNA is regulated under broad privacy statutes and informed consent may be required to test and disclose.	Where no privacy laws exist governing the extraction of DNA or other genetic material.	Where DNA is regulated under narrow privacy statutes and informed consent may be required to disclose.
---	--	--	--

The following year, Sloan's Curve's hundreds of residents received more anonymous mailings. In one letter, sent with a West Palm Beach postmark, Peerenboom was accused of sexual assault on a minor and bribery of the victim's mother to cover up the crime. (He denies all the claims.) The missives not only were sent to residents of the community but also to Peerenboom's family, friends, co-workers at Mandrake and others. Peerenboom again suspected Perlmutter as the culprit and contacted the Palm Beach Police Department, which launched a criminal investigation.

That's when Perlmutter's DNA was snatched. According to a ruling from a Florida judge informed by four days of testimony in April, Peerenboom admitted to his involvement in a 2013 scheme to collect Perlmutter's DNA under false pretenses. Peerenboom used Donnelly's defamation suit over those tennis courts to force the appearance of Perlmutter and his wife at a deposition. The Canadian mogul says in court filings it was his attorney William Douberley's idea to collect Perlmutter's DNA and have it compared to genetic material retrieved from the anonymous hate mailings. (Douberley declined comment.)

On Jan. 16, 2013, Douberley emailed his client, "We could have an investigator pick up a used glass or water bottle." Peerenboom wrote back, "I think that's a great idea." A couple of weeks before Perlmutter showed up to be questioned, Douberley sent another email to his client: "I don't think I want your hired guns at the upcoming depositions. I need to be delicate in approaching this topic, since, on its face, it is far afield from the tennis girl's case."

Peerenboom and a private investigator hired Speckin Laboratories, a DNA testing facility, whose employee showed up with "special paper" at Perlmutter's deposition. "It was some type of paper that picks up DNA better than regular paper," explains Roy Black, Perlmutter's well-known attorney. "They instructed Perlmutter to touch phony exhibits, and then they sent it off to a laboratory to be tested."

Peerenboom later would say the Palm Beach police authorized the DNA gambit, but a lead investigator of the hate-mail campaign testified he told Peerenboom any potential DNA testing of letters couldn't be conducted through his department because of protocol and expense. Regardless, neither courts nor Perlmutter were told in advance about what looks to be the real purpose of the Marvel chief's visit to the West Palm Beach law firm that day.

Roy Black since has tried to get the local police to investigate the DNA theft, but he says they weren't interested because the whole affair was too complicated. Marc Kasowitz, an attorney for Peerenboom, insists there was no "DNA theft," that the police were told what was happening and that they were fine with it, even suggesting they would use the results. The attorney asserts neither a warrant nor a subpoena was necessary to collect discarded DNA. As for the "special paper" used at Perlmutter's deposition, Kasowitz says this came from the Speckin lab technician allegedly without Peerenboom's knowledge. (Speckin didn't respond to a request for comment.)

Perlmutter's camp also claims to *THR* that Peerenboom has a private DNA data bank of many neighbors (he testified about going through their trash) and also has dined with Trump at Mar-a-Lago, with access to the drinking glass and silverware used by the Republican presidential

candidate. Kasowitz responds that his client doesn't know Trump and considers the implication he harvested Trump's DNA to be ridiculous and untrue.

Although there's no evidence Trump's genetic material was stolen, the subject of how a politician's pilfered DNA might be used has come up in the past. After the 2008 election, an article in *The New England Journal of Medicine* predicted a high chance of "genetic McCarthyism" should someone get their hands on a candidate's DNA "from loose hairs, coffee cups, discarded utensils or even a handshake." After a researcher at Duke University read about a half-eaten waffle from President Obama that found its way to eBay, she authored a study concluding laws on DNA collection and testing were too sparse. Change has come slowly despite warnings in the *Boston University Law Review* about how employers, a person in a romantic relationship or fans of celebrities might attempt to steal DNA and build genetic profiles of victims. "Everyone worries about digital privacy and hacking," says Elizabeth Joh, a professor at the UC Davis School of Law. "Surprisingly, there's little law on DNA collection, and in many ways, this is concerning because one can't change their genetic password if a theft happens."

Genetic larceny has been the subject of other cases. In 2002, private investigators hired by former MGM mogul Kirk Kerkorian were alleged to have swiped DNA from film producer Steve Bing's discarded dental floss to prove he — not Kerkorian — was the father of a young child. Some stars have expressed concern about genetic pilfering, perhaps prompted by a now-shuttered website, *CelebrityGenetics.com*, which was offering a bounty for a star's first DNA sample. Madonna reportedly has ordered her dressing rooms be sterilized to thwart any DNA theft.

Now, more than three years since Perlmutter had his DNA lifted, the Peerenboom dispute has taken new crazy twists. Peerenboom is suing the Marvel billionaire for defamation over those anonymous hate mailings — which include the portrayal of Peerenboom as an anti-Semite who endorsed Hitler's "Final Solution" (he denies the claims), plus inciting letters purportedly sent from Peerenboom to more than a thousand inmates in prisons across Florida and Ontario, Canada. (States one such letter: "While your [sic] in jail, I am writing to your mom, telling her exactly what kind of scumbag you are.") A judge has ruled there's a plausible "link" from the hate mail to Hebrew-speaking Perlmutter based on circumstantial evidence like the inclusion of Hebrew slang (like "hatichat harah," meaning "piece of shit") in the letters, the timing of Peerenboom's wife being excluded from local social events and one resident at the Sloan's Curve community purportedly acting as an intermediary on Perlmutter's behalf with an offer to "make everything go away."

As part of efforts to collect more evidence, Peerenboom has petitioned a New York judge to order Marvel to hand over Perlmutter's documents and communications. The Disney unit is objecting to the "burdensome" request.

Kasowitz, the Peerenboom lawyer, says some of the search results thus far have been of the "smoking gun" variety. "There were over 1,000 emails related to Peerenboom on Marvel's servers," says Kasowitz. "[Perlmutter] was using Marvel staff to dig up dirt on Peerenboom, whom they called the 'troublemaker.' In 2011, in those emails, they forwarded three articles on

Peerenboom, and those articles in notably identical formatting ended up in the anonymous mailings."

Responds Black: "Mr. Peerenboom's credibility and conduct have already been condemned by the court and his false and unsupported claims against the Perlmutter's are absurd and defamatory. Let's be clear: the Perlmutter's did not author or issue the inflammatory and hateful letters about Harold Peerenboom"

In March, *New York Times* reporter Andrew Ross Sorkin detailed a small portion of the dispute and perhaps unintentionally tripped on a sensitive subject, writing, "Mr. Peerenboom's legal team said that a private lab had found a direct DNA match on the outside of one of the sent envelopes, implicating Mr. Perlmutter's wife, Laura."

Black calls the report a "phony story" and alleges in a Perlmutter countersuit filed July 12 that after Perlmutter's DNA was surreptitiously collected, Speckin didn't have the laboratory equipment required to conduct genetic testing and analysis. So the samples were forwarded to another firm, Nevada-based Genquest DNA Laboratory, which came back with exculpatory results. In other words, claim Perlmutter's lawyers, the stolen DNA didn't match what was found on the hate mail. According to Perlmutter's suit, Peerenboom and his reps then "distorted the Genquest test results by subjecting them to reinterpretation by Speckin" and then "disseminated the distorted Speckin test result to law enforcement officials, prosecutors and the press to falsely implicate the Perlmutter's in the alleged letter-writing campaign."

A trial previously scheduled for early 2017 likely will be delayed by Perlmutter's new counterclaims. "The irony is that the true DNA results exclude Perlmutter as the perpetrator of the mailings," claims Black. "I intend to use their own testing to prove they didn't send it."

Peerenboom's attorney Kasowitz responds that the DNA indeed implicates Perlmutter's wife and the allegation of fraud in the interpretation of the results is a "total, complete fabrication." In the meantime, Perlmutter has used the revelations of his DNA retrieval to force a deposition for Peerenboom's former attorney Douberley, who has been named as a co-defendant in the countersuit along with Speckin and an insurance company. In July, a Florida judge looked at the criminal statute to determine whether Peerenboom's attorney had to testify and found the evidence suggested he violated Florida's requirement for informed consent on genetic testing. Peerenboom's lawyer says there will be an appeal.

In addition, Perlmutter recently intervened in Peerenboom's fight for Marvel documents, telling a New York judge July 25 to accept redacted portions of documents delivered "to eliminate the substantial risk of irreparable and harmful public disclosure of private information belonging to Mr. Perlmutter and the third parties — including celebrities — whose contact information may be found in Mr. Perlmutter's private address book." It's unclear whether the judge will allow the censoring of documents that could reveal star salaries or private information.

In court briefs in the Palm Beach case, Perlmutter takes pride in his private life. But thanks to his love of tennis, a series of anonymous letters and alleged corruption, he's now facing the prospect of a very public trial.

\*\*\*

## **GRUDGE MATCH: A TIMELINE OF PERLMUTTER V. PEERENBOOM**

**April** **2011**  
Harold Peerenboom is sued for defamation over comments made about the operation of tennis courts at Florida-based Sloan's Curve. Ike Perlmutter secretly helps fund the lawsuit. Shortly thereafter, anonymous letters begin circulating targeting Peerenboom's personal and professional life.

**February** **2013**  
Perlmutter gives testimony in the tennis lawsuit at a deposition, where his DNA is surreptitiously collected by Peerenboom for the purpose of proving the Marvel chief is behind the hate mailings.

**March** **2014**  
Peerenboom files a lawsuit in Florida alleging Perlmutter has defamed him via those anonymous mailings that, among other things, accuse Peerenboom of sexual assault of a minor and bribery. Threatening letters also are sent to prison inmates in Peerenboom's name.

**November** **2014**  
A Florida judge rejects Perlmutter's contention that Peerenboom has failed to plausibly "link" Perlmutter to the hate-mail campaign.

**November** **2015**  
Peerenboom goes to a New York court to get Perlmutter's documents maintained on Marvel Entertainment's servers in a further bid to prove his defamation case.

**March** **2016**  
*The New York Times* reports the results of the DNA test indicate a direct match on the hate mail to Laura Perlmutter, Ike's wife.

**July** **2016**  
A judge rules that Peerenboom's ex-lawyer must testify thanks to the illicit collection of Perlmutter's DNA. Perlmutter files counterclaims against Peerenboom over the snatching of DNA and the allegedly false dissemination of the results.