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Wikimedia Foundation Inc.
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P.O. Box 78350
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United States of America

October 27, 2009
Our reg. no: 849/09

W. Werlé J. Wikimedia Foundation
Article "Walter Sedlmayr" in the English Version Wikipedia

Dear Sir or Madam:

We are acting on behalf of Mr. Wolfgang Werlé, Erding, Germany.

The German language version of Wikipedia has in the past mentioned our client as the murderer of Mr. Walter Sedlmayr, a well-known German actor. The English version of Wikipedia now still as of today identifies our client as Mr. Walter Sedlmayr's murderer.

Our client has served 15 years of his life sentence for murdering Mr. Sedlmayr in 1990. He has been released on parole [sic] in August of 2007. His rehabilitation and his future life outside the prison system is severely impacted by your unwillingness to anonymize any articles dealing with the murder of Mr. Walter Sedlmayr with regard to our client's involvement.

As your article deals with a local German public figure (such as the actor Walter Sedlmayr), we expect you are aware that you have to comply with applicable German law.

German law provides that our client is not a public figure after many years have passed [sic] since the crime. The German courts including several Courts of Appeals, have held that our client's name and likeness cannot be used any more in publication regarding Mr. Sedlmayr's death (cf. e.g. Nuremberg Court of Appeals Judgment dated December 12, 2006, File No. 3 U 2023/06, published in Magazindienst 2007, 313-31, OLGR Nuremberg 2007, 227, ZUM-RD 2007, 133-134 and Court of Appeals Frankfurt, Judgment dated February 6, 2007, File No. 11 U 51/06).

Our client is currently litigating against you in the trial court of Hamburg (file no. 324 O 740/07).

We therefore ask you to sign the attached cease and desist declaration, which is a binding commitment under German law. In case you do not sign the cease and desist declaration, we are authorized to pursue all available remedies against you.

You are also obligated to pay for our client's attorney's fees under applicable German law.

Please, notice that we will pursue all legal remedies unless your legally binding commitment not to identify our client as Mr. Sedlmayr's murderer is received here by or before October 30, 2009.

Sincerely yours,

Dr. Alexander H. Stopp
Rechtsanwalt

Enclosure: Commitment for cease and desist (sample only)

Commitment for cease and desist

Wikimedia Foundation Inc. (Debtor), a not for profit corporation established under the laws of the State of California, U.S.A., hereby promises and commits vis-à-vis Wolfgang Werlé (Creditor), a German resident, as follows:

- a) To cease and desist from naming Creditor as the murderer of Mr. Walter Sedlmayr, a deceased German actor, or in any other way alleging Creditor having been involved in crimes against Mr. Walter Sedlmayr, on pain of a contractual fine of no less than [Euros] 5,100 in each case of infringement;
- b) To compensate Creditor for all loss and emotional suffering incurred due to Debtor's violations as described hereunder lit. b).
- c) To reimburse Creditor for reasonable attorney's fees.

The rights and obligations hereunder shall exclusively be governed by German substantive law without giving regard to the rules on conflicts of laws. The Courts in Hamburg, Germany, shall have jurisdiction to enforce Creditor's rights hereunder.

San Francisco, California, U.S.A.

Date:

Wikimedia Foundation Inc.
Corporate Officer