

Note: This English translation is unofficial. Only the original German text carries legal authority.

Collusion between Grüenthal, Contergan Foundation and Federal Ministry of Family Affairs

Invitation to the court hearing Andreas Meyer ./. Attorney Karl Schucht on 15.2.2017

http://www.gruenenthal-opfer.de/Court_Meyer_vs_Schucht_15_02_2017

Date: 15.2.2017

Time: 12:00 hrs

Place: Bonn Regional Court, Wilhelmstraße 21, 53111 Bonn

Room: Courtroom S. 0.15 (Saalbau)

Accessibility information:

<http://www.lg-bonn.nrw.de/behoerde/behinderte/index.php>

Entry controls are carried out at the entrance to the court building.

This could result in queues.

Please take this into account for your travel planning.

The following presentation of the object of the above-mentioned lawsuit is intended to serve as an explanation for the layman and for better understanding of the importance of the contents of the lawsuit, as well as the location of the events within the context of the history and the social and political significance of the Contergan (the German name for thalidomide) scandal, the after-effects of which still seem to resonate today.

Therefore, for better understanding, only the key events and consequences are presented here.

Who are the conflict parties?

Plaintiff:

The plaintiff is the Contergan victim Andreas Meyer. He is Chairman of the Bund

Contergangeschädigter und Grünenthalopfer e. V. Since 27 November 2009, Andreas Meyer has also been a member of the Council of the Contergan Foundation for People with Disabilities (formerly “Disabled Children's Relief Foundation”, hereinafter called: “Contergan Foundation”) to which he was last re-elected in 2014.:

Defendant:

The defendant is Mr Karl Schucht. Mr Karl Schucht is an attorney and partner in the law firm Toews Hertel Marchand in Bonn. This law firm also shares an address with the Arbeitgeberverband (employers' association) Bonn and Rhein-Sieg-Kreis e.V.. Attorney Karl Schucht together with his partner Attorney Thomas Toews is currently also the Managing Director of this employers' association.

From 1 January 2004 until the end of 2009, Attorney Karl Schucht was Chairman of the Medical Commission of the [Contergan Foundation](#). The Medical Commission is composed of physicians together with a fully-qualified lawyer as Chairman. As an expert medical body, it has the task of providing preparatory materials for decisions by the Management Board of the Contergan Foundation on the assessment of damages cases and applications for review in accordance with the Contergan Foundation Act. Attorney Karl Schucht took over the chairmanship of the Commission from Attorney Herbert Wartensleben who held this position from 6 December 1972 until 31 December 2003. In addition, from the end of 2009 in the 11th period of office until the reappointment of the Management Board for the 12th period of office by the Council of the Contergan Foundation at the 98th meeting of the Council of the Foundation on 9.12.2014, Attorney Karl Schucht was also a member of the Management Board of the Contergan Foundation. The chairmanship of the Medical Commission has been taken over until the present day by his law firm partner Attorney Thomas Toews.

Who are the attorneys of the conflict parties?

The **plaintiff, Andreas Meyer**, will be represented by Attorney **Prof. Dr. Jan Hegemann** and Attorney **Dr. Eva-Marie König** from the law firm Raue Rechtsanwälte LLP, Potsdamer Platz 1, 10785 Berlin. In 2007, through Attorney Prof. Dr. Jan Hegemann, this law firm, which before 2010 operated under the name Hogan & Hartson Raue LLP, successfully represented the WDR broadcasting station and today's production company Zeitsprung Pictures GmbH against the Grünenthal company and Attorney Karl-Hermann Schulte-Hillen for the right to broadcast the two-part ARD feature film “Eine einzige Tablette” (One single tablet). In 2009, Attorney Prof. Dr. Jan Hegemann successfully represented Andreas Meyer and the BCG in the so-called “Boycott Case” against the companies Dalli-Werke, Mäurer & Wirtz and 4711 which also belonged to Grünenthal's owner Wirtz. Thanks to the efforts of Attorney Prof. Dr. Jan Hegemann and his law firm operating under the above name, in 2009 Andreas Meyer and the BCG were able to maintain their call, made in 2007, to boycott the products of these companies: Dalli washing powder, the Tabac perfume and aftershave collections, Nonchalance, Tosca and 4711.

The **defendant, Attorney Karl Schucht**, will be represented by **Attorney Gernot Lehr** and **Attorney Tobias Würkert**, LL.M. from the Bonn office of the law firm Redeker Sellner Dahs, Willy-Brandt-Allee 11, 53113 Bonn. It is notable in this connection that Mr Schucht has selected precisely the law firm Redeker Sellner Dahs to represent him, because the founder of the law firm, Attorney Prof. Dr. Hans Dahs Senior, who died in 1972, represented Dr. Hermann Wirtz Senior in the Contergan trial. His son with the same name, Attorney Prof. Dr. Hans Dahs Junior, joined the firm in 1964.

What is this court hearing all about?

Chronological history of the key events

The statement by Andreas Meyer

In the **public hearing of the Family Affairs Committee of the German Federal Parliament on 1.2.2013** on the study "CONTERGAN - Enquiries to be carried out repeatedly with regard to problems, specific needs and support deficits of Contergan victims" produced by the University of Heidelberg on 21.12.2012, **Andreas Meyer** made a **statement** in his capacity as member of the Council of the Contergan Foundation and as Chairman of the BCG.

In this statement Andreas Meyer said among other things that for 30 years the Grünenthal company had been looking into the medical files of Contergan victims at the Contergan Foundation.

Here, Andreas Meyer made reference to the fact that from 6.12.1972 to 31.12.2003 the **former head of the Legal Department of the Grünenthal company in the Contergan trial, Attorney Herbert Wartensleben**, was at the same time **Chairman of one of the two Medical Commissions of the Contergan Foundation**.

Andreas Meyer also said that for 30 years the Grünenthal company had been paying for the experts of the Medical Commissions of the Contergan Foundation.

Here, Andreas Meyer made reference to the fact that since 1973 the Grünenthal company had paid the costs of the medical experts of the Contergan Foundation (Medical Commission) and these payments were recorded in the budget plans of the Contergan Foundation as items in transit.

The statement by Andreas Meyer can be viewed as a video clip at the following link:

http://www.gruenenthal-opfer.de/Statement_Andreas_Meyer_Feb_1s_2013

The letter from Attorney Karl Schucht to all members of the Family Affairs Committee of the 17th German Federal Parliament

In response to the statement by Andreas Meyer, **Attorney Karl Schucht**, a member of the Management Board of the Contergan Foundation for the 11th period of office, sent a **letter dated 22.2.2013 to all members of the Family Affairs Committee of the 17th German Federal Parliament** asserting that Andreas Meyer had made untrue allegations in his statement.

A link to download the letter from Attorney Karl Schucht dated 22.2.2013 can be found here:

http://www.gruenenthal-opfer.de/Letter_Attorney_Karl_Schucht_Feb_22nd_2013

The letter from Attorney Karl Schucht dated 22.2.2013 has the following **wording**:

"Committee for Family Affairs, Senior Citizens, Women and Youth
German Federal Parliament
Platz der Republik 1

11011 Berlin

Cologne, February 22nd 2013

Ladies and Gentlemen,

The Board and the Contergan Foundation are very happy to experience how the politicians have taken up the cause of the people damaged by Contergan in such a great and united way . We would like to express our sincere thanks for that.

As a member of the Board of the Contergan Foundation for People with Disabilities and an attendee at the public hearing of the Family Affairs Committee on February 1st 2013, I feel obliged to oppose Mr Andreas Meyer's statement as it contains deliberately false allegations which are purely aimed at denigrating the Contergan Foundation and presenting it in a bad light.

Mr Meyer alleged that Grünenthal has been looking into the personal files of the beneficiaries at the Contergan Foundation for 30 years. This allegation is untrue. Grünenthal has never had access to the medical files of the Contergan Foundation. The medical files were and are always kept in the office of the Contergan Foundation.

Mr Meyer alleged that Grünenthal has been paying for the experts of the Medical Commission of the Contergan Foundation for 30 years. This allegation is untrue. The experts of the Medical Commission have always been paid out of funds of the Contergan Foundation.

Mr Meyer alleged that even today the Chairwoman of the Contergan Foundation still favours a contract with the Grünenthal Company in which they agree to pay the costs of the Medical Commission.

This allegation is untrue. It is, however, correct that the Board seeks donations as foreseen in the Contergan Foundation Act. This also includes donations by Grünenthal.

Mr Meyer alleged he was only able to inspect the Board minutes shortly before his heart attack last year.

This allegation is untrue. Mr Meyer already had the opportunity to inspect the Board minutes while the office of the Contergan Foundation was still at the KfW in Bonn. Furthermore he was able to inspect and check the Board minutes on July 17th, 19th and 24th, August 8th, 9th, 15th, 16th, 22nd, 23rd and 29th for the whole day and on August 30th for half a day in the office of the Contergan Foundation. Naturally he was allowed to take notes, as is proven by his quotation from the minutes of a meeting on December 8th 2010.

Mr Meyer alleged that the Contergan Foundation has received money from the Grünenthal Company which was then passed on to Dr Graf, and that this method had been chosen to avoid accusations of corruption. It would seem that the Contergan Foundation has let itself be used to launder money.

This allegation is untrue. It is correct that the Board did not accept the offer from the Grünenthal Company and the Contergan Foundation has at no time accepted money from the Grünenthal Company to pass on to Dr Graf.

Yours sincerely

(signature)
Karl Schucht."

The Minor Interpellation by the Parliamentary Group Die Linke (Left Party) in the German Federal Parliament

The statement by Andreas Meyer dated 1.2.2013 and the letter from Attorney Karl Schucht dated 22.2.2013 to the members of the Family Affairs Committee were the subject of a Minor Interpellation by the Parliamentary Group Die Linke (Left Party) in the German Federal Parliament on 4.4.2013.

This Minor Interpellation by the Parliamentary Group Die Linke on 4.4.2013 and the corresponding reply by the then Federal Government on 22.4.2013 can be downloaded at the following link:

http://www.gruenenthal-opfer.de/Two_Minor_Interpellations_Left_Party_4_4_2013

In its reply on 22.4.2013, the then Federal Government largely confirmed the assertions made by Attorney Karl Schucht.

For example, Question 1 of the Minor Interpellation by the Parliamentary Group Die Linke on 4.4.2013 was thus worded:

“Question No. 1:

How far does the letter from Mr. Schucht dated 22.02.2013 only represent the opinion of the Foundation’s Management Board or also that of the supervising Federal Ministry?”

The then Federal Government answered this question in its reply on 22.4.2013 as follows:

“Insofar as the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) has knowledge of the facts on which the letter is based, the contents of the letter largely correspond to the opinion of the Federal Government.”

What does Andreas Meyer wish to achieve with his lawsuit against Attorney Karl Schucht?

The objective of Andreas Meyer’s lawsuit is:

Injunction and rectification

In other words, Attorney Karl Schucht must cease and desist from making, and must rectify, the assertions specified in the petition.

Petition

The attorneys of Andreas Meyer petition for the following claims:

1.

The defendant (Attorney Karl Schucht) is ordered, on pain of a fine of up to 250,000 euros with the alternative of detention, or detention for breach of a court order for up to 6 months to be determined by the court for every case of infringement, to cease and desist from expressing and/or disseminating and/or allowing to be disseminated in these words or in words to the same effect the assertions:

a.

Mr Meyer alleged that Grünenthal has been looking into the personal files of the beneficiaries at the Contergan Foundation for 30 years. This allegation is untrue. Grünenthal has never had access to the medical files of the Contergan Foundation. The medical files were and are always kept in the office of the Contergan Foundation.

b.

Mr Meyer alleged that Grünenthal has been paying for the experts of the Medical Commission of the Contergan Foundation for 30 years. This allegation is untrue. The experts of the Medical Commission have always been paid out of funds of the Contergan Foundation.

2.

The defendant (Attorney Karl Schucht) is ordered to rectify in writing to the members of the Committee for Family Affairs, Senior Citizens, Women and Youth of the German Federal Parliament in the 17th Legislative Period the statements specified under 1.a and 1.b as follows:

“In a letter dated 22 February 2013 I told the members of the Committee for Family Affairs, Senior Citizens, Women and Youth of the 17th German Federal Parliament that Mr Andreas Meyer had made untrue allegations.

I wrote:

‘Mr Meyer alleged that Grünenthal has been looking into the personal files of the beneficiaries at the Contergan Foundation for 30 years. This allegation is untrue. Grünenthal has never had access to the medical files of the Contergan Foundation. The medical files were and are always kept in the office of the Contergan Foundation.

Mr Meyer alleged that Grünenthal has been paying for the experts of the Medical Commission of the Contergan Foundation for 30 years. This allegation is untrue. The experts of the Medical Commission have always been paid out of funds of the Contergan Foundation.’

I hereby rectify these statements.

Mr Meyer's statements were not untrue.

Grünenthal GmbH had access to the medical files of the Contergan Foundation.

These files were held initially by Grünenthal's former in-house lawyer, Attorney Herbert Wartensleben, and subsequently in the archives of the company Grünenthal GmbH.

Furthermore, since 1973 Grünenthal GmbH has made lump sum payments to the Contergan Foundation to fund the experts of the Medical Commission of the Contergan Foundation."

What witnesses have been invited by the Bonn Regional Court until now?

Until now Attorney Herbert Wartensleben has been invited by Bonn Regional Court as a witness.

The press release about the lawsuit application on 5.9.2016 can be found here:

What would be the consequences for Attorney Karl Schucht, were he to lose the case?

I. Andreas Meyer's claim for injunction

Were Attorney Karl Schucht to lose the case, he would never again be able to express or disseminate the following assertions from his letter dated 22.2.2013.

He would also never be able to express or disseminate the following assertions in words to the same effect.

Attorney Karl Schucht would also not be able to allow these assertions to be expressed or disseminated by any other person.

He would also never be able to allow these assertions to be expressed or disseminated by any other person in words to the same effect.

It concerns the following assertions:

"a.

Mr Meyer alleged that Grünenthal has been looking into the personal files of the beneficiaries at the Contergan Foundation for 30 years. This allegation is untrue. Grünenthal has never had access to the medical files of the Contergan Foundation. The medical files were and are always kept in the office of the Contergan Foundation.

b.

Mr Meyer alleged that Grünenthal has been paying for the experts of the Medical Commission of the Contergan Foundation for 30 years. This allegation is untrue. The

experts of the Medical Commission have always been paid out of funds of the Contergan Foundation.”

II. Andreas Meyer’s claim for rectification

Further, Attorney Karl Schucht must make rectifications to every member of the Committee for Family Affairs, Senior Citizens, Women and Youth of the German Federal Parliament in the 17th Legislative Period in a letter with the following wording:

“In a letter dated 22 February 2013, I told the members of the Committee for Family Affairs, Senior Citizens, Women and Youth of the 17th German Federal Parliament that Mr Andreas Meyer had made untrue allegations.

I wrote:

‘Mr Meyer alleged that Grünenthal has been looking into the personal files of the beneficiaries at the Contergan Foundation for 30 years. This allegation is untrue. Grünenthal has never had access to the medical files of the Contergan Foundation. The medical files were and are always kept in the office of the Contergan Foundation.

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Mr Meyer’s statements were not untrue.

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These files were held initially by Grünenthal’s former in-house lawyer, Attorney Herbert Wartensleben, and subsequently in the archives of the company Grünenthal GmbH.

Furthermore, since 1973 Grünenthal GmbH has made lump sum payments to the Contergan Foundation to fund the experts of the Medical Commission of the Contergan Foundation.”

The threatened sanctions

In the event that Attorney Karl Schucht were to violate orders I and II, he would have to pay a fine of up to 250.000 € or alternatively face up to 6 months detention for breach of a court order.

The pathway through the courts

In the event that Attorney Karl Schucht loses the lawsuit, he can appeal to a higher level court.

What would be the consequences for the Federal Government and the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ), should Andreas Meyer win the lawsuit?

The Federal Government, and the Ministry of Family Affairs (BMFSFJ) which has been responsible for supervision of the Contergan Foundation from 1972 onwards, would have to explain to the public why the former head of the Legal Department of the Grünenthal company, Attorney Herbert Wartensleben, was given such a prominent post within the Contergan Foundation and why he was allowed to retain it for 30 years.

The Federal Government, and the Ministry of Family Affairs (BMFSFJ) responsible for supervision of the Contergan Foundation, would have to explain to the public why in their reply on 22.4.2013 to Question 1 of the Minor Interpellation by the Parliamentary Group Die Linke on 4.4.2013 they concurred with the opinions expressed in the letter from Attorney Karl Schucht dated 22.3.2013.

What would be the consequences for Andreas Meyer, were he to lose the suit?

Were Andreas Meyer to lose the lawsuit, Attorney Karl Schucht would be able to continue to disseminate the assertions contained in his letter to the members of the Family Affairs Committee of the 17th German Federal Parliament dated 22.2.2013.

Attorney Karl Schucht would not have to correct the assertions contained in his letter to the members of the Family Affairs Committee of the 17th German Federal Parliament dated 22.2.2013.

Beyond this, the Federal Government and the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) would still have to answer inconvenient questions from the public.

Andreas Meyer would have to pay the costs of the lawsuit.

The pathway through the courts

In the event that Andreas Meyer loses the lawsuit, he can also appeal to a higher level court.

What would be the significance of a successful lawsuit for all Contergan victims?

The forthcoming lawsuit directly relates to the historical question of whether there has been collusion between respective Federal Governments through the Federal Family Affairs Ministry (BMFSFJ), the Contergan Foundation and Grünenthal against the interests of the Contergan victims.

It is recommended in advance to watch again the WDR programme from 28.9.2016 called "Der geheime Deal - Die dunkle Geschichte des Contergan-Skandals" (The secret deal – the hidden history of the Contergan scandal) by Mr James Pastouna.

The programme can be found at the following link:

<http://www.ardmediathek.de/tv/die-story/Der-geheime-Deal-Die-dunkle-Geschichte/WDR-Fernsehen/Video?bcastId=7486242&documentId=38007788>

An English-language adaptation of the film can be downloaded as a text file here:

 [The Secret Deal English Adaption.pdf \(299kB\)](#)

The outcome of the lawsuit could significantly strengthen the hand of those representing the interests of the Contergan victims against the Federal Government, the Contergan Foundation and the Grünenthal company.

It would mean that Contergan victims could no longer be simply defamed by official bodies as the representatives of conspiracy theories.

I ask you all to attend in great numbers!

This lawsuit affects us all!

Please forward this invitation to everyone you know as well as to all forums and circulation lists!

I look forward to seeing you all again in Bonn.

How can I be contacted by telephone in Bonn?

+49 (0) 172 / 2905974

I will be staying in the following hotel in Bonn from the late afternoon of 14.2.2017 until 16.2.2017:

Hilton Bonn

Berliner Freiheit 2, 53111 Bonn, Germany

Telephone: +49 (0) 228 7269 0

Fax: +49 (0) 228 7269 6015

Email:  info.bonn@hilton.com

Website: <http://www.hiltonhotels.de>

If any of you should feel that you have been neglected on account of the preparations for this lawsuit, I beg your forgiveness.

In solidarity,

Andreas Meyer

17.1.2017

Contact:

Federation of Thalidomide Sufferers and Grünenthal Victims

c/o Mr Andreas Meyer (Chairman)

Dohmengasse 7 , 50829 Köln

Email: ✉ beg-brd-dachverband@gmx.de

Website: www.Grünenthal-opfer.de

Mobile: 0172 / 2905974

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