

**REGISTERED LETTER with
ACKNOWLEDGEMENT OF RECEIPT**

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12/0869/1642/ral
Responsible: Dr. Gabriel Lansky

1 of 4
EXT: 13

Vienna, 25.9.2014
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**Request for immediate removal of unlawful publications on
<http://crashrecovery.org/forrestal/>**

Dear Sir or Madam!

We hereby inform you that we represent the legal interests of **Dr. Grigory Luchansky** and would like to state the following:

I.

The URL with the headline "*Issues concerning the Desire of a New World Order*" and currently available on <http://crashrecovery.org/forrestal/>, contains various completely untrue and discrediting statements and false allegations against our client.

On the URL it says, relating to Nordex, a former enterprise of our client, there were "*relationships with Russian organized crime*".

II.

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Bankverbindungen

UniCredit Bank Austria AG
BLZ 12000, BKAUATWW
Kanzleikonto: 0068-4141-005
IBAN: AT74 1200 0006 8414 1005
Fremdgeldkonto: 0068-4141-013
IBAN: AT52 1200 0006 8414 1013

BAWAG
BLZ 14000, BAWAATWW
Nr. 02010-716-716
IBAN: AT29 1400 0020 10 716 716
PSK
BLZ 60000, OPSKATWW
Nr. 7-357-354
IBAN: AT73 6000 0000 0735 7354

These patently false and highly defamatory as well as discrediting assertions are the result of slanderous campaigns, which business and political opponents of Dr. Luchansky have organized over the years and which have their roots in an unjustified, politically motivated conviction of our client in the year 1982 (!) in the then-existing Soviet Union.

All defamatory and discrediting assertions with regard to Dr. Luchansky, which were spread in the 1990s, have been successfully refuted by him through court verdicts in many states, including Great Britain and Austria. In that regard, we refer in particular to the judgments in the case of “Loutchansky v. Times Newspapers Ltd” of the British “**High Court of Justice in the Queen’s Bench Division**” from the years 2001 and 2002, which clearly demonstrate, that the accusations of criminal activities, which have been directed against our client, are completely untrue. (see Point IV)

That is also the reason why in the 2000s practically no new accusations of that nature can be found in the media. The untrue, defamatory and discrediting assertions – such as those in your medium – are as such fully based on these old, by now fully refuted assertions, are therefore untruthful, unfounded and **to be removed by you immediately!**

III.

Your assertions can, from a legal point of view, be qualified as serious damage to reputation and simultaneous defamation of character. This is because, according to case law, all conduct that damages another’s honor is to be regarded as a defamation of character, particularly with regard to the accusation of criminal conduct, such as in your case.

You are namely spreading in an eye-catching fashion and to an unlimited, global readership, the false assertion, that our client is a criminal with a mafia background.

A so-called danger to credit, which also exists in the present case, applies to the extent that the spread assertions are likely to damage the credit, the business or the professional advancement of a person. This criterion, too, is without a doubt present with regard to the false assertions spread by you, not least because of the fact that, as was already mentioned, Dr. Luchansky is a renowned businessman, who operates internationally and with large amounts of money.

IV.

Our client can demonstrate the falsehood of your assertions through reference to many international court verdicts:

As an example, the **Queen's Bench of the British High Court**, in its judgment of **27 April 2001** (Case Reference [2001] EMLR 898) with regard to Dr. Luchansky explicitly ruled that:

- our client was at no point in time part of a criminal organization
- the assertion that our client had ties to the mafia has been refuted

Summing up the following allegations against our client respectively against his company have proven to be false:

- Dr. Luchansky is involved in criminal activities
- the company Nordex is involved in criminal activities
- Dr. Luchansky was involved in criminal offences such as fraud or breach of trust in 1983
- Dr. Luchansky is a Russian mafiaboss
- Dr. Luchansky is involved in money laundering
- the company Nordex is involved in smuggling of nuclear weapons

Your assertions therefore in no way compatible with the principle of journalist care and with comprehensive, balanced and truthful investigation.

The requirement of due care with regard to the truthfulness of disseminated assertions is namely strongly dependent on the degree to which the disseminator was able to recognize the specific potential of his conduct, to damage the economic position of the person affected. When one considers the very serious assertions that you have made, it cannot be doubted that this was strongly present in this case!

In addition, the **Queen's Bench of the British High Court** with another judgment of **26 November 2001** (Case [2002] EWHC) has expressly ruled, that our client, Dr. Luchansky, has suffered significant damages as a result of the defamatory assertions.

We therefore explicitly point out, that you as media owner are to indemnify our client for all damages that he suffers from erroneous and false reporting.

Because our client, as an entrepreneur, operates internationally, your reporting has a very negative influence on his global business, with correspondingly high claims for damages arising for your company as a result.

On the URL it says, relating to Nordex, a former enterprise of our client, there were "*relationships with Russian organized crime*". This statement contravenes the assumptions of the judgements, particularly the refuted statement,

- the company Nordex was involved in criminal activities.

V.

Notwithstanding the foregoing, the publication concerning our client represents an unlawful act of data processing within the meaning of data protection law.

The European Court of Justice has in its key decision C-131/12 of 13 May 2014 declared that an act of data processing is unlawful irrespective of the question if the information is true or incorrect, if the information is outdated due to the period of elapsed time. The publication of personal data of our client represents an act of data processing within the meaning of the judgement.

Furthermore the relevant information in this case is outdated within the meaning of the judgement. This means, that in terms of data protection law it is not of relevance, if the relevant information is true, untrue or discrediting.

The incriminated passage is dated 2001, the supposed happenings would have occurred „several years ago“.

VI.

Because the content that you have disseminated can be accessed worldwide through the internet, your unlawful conduct in each single state, from which your content is accessible and where as such damages have occurred, provides our client with a venue for separate legal proceedings against you, **should you not immediately remove the content at issue.**

These different venues and jurisdictions therefore provide us with many possibilities to initiate criminal, civil as well as media-related proceedings against you!

VII.

We therefore, on behalf of our client, expressly refer to the following legal rules:

- 1) Our claims are based on media law as well as on civil law. Please be informed that the acts of “slander“, “discrediting” and “defamation” are also covered by criminal law!
- 2) Besides the criminal law-related consequences, you may moreover be confronted with claims for damages pursuant to the Media Act, which may lead to substantial compensation payments for your company.
- 3) The Media Act also provides for the legally enforceable instrument of right of reply, with which media owners can be ordered by the court to retract untrue statements and pay a fine to those affected.
- 4) Your publications can additionally be considered acts of defamation and discrediting under civil law, for which you as domain owner shall be held responsible before the civil courts!
- 5) Notwithstanding the aforementioned, the statements have proven to represent unlawful acts of data procession within the meaning of data protection law.

VIII.

On behalf of our client, we therefore request that you

- immediately remove the publication at issue and
- refrain from publishing identical or similar assertions in the future,

lest we are forced to initiate legal proceedings against you.

We moreover expressly state that our right to seek compensation as well as our right of reply with regard to the statement at issue remains unaffected.

Kind regards,

Gabriel Lansky, Attorney at law