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13 New York, NY 10110

14 Attorneys for Plaintiffs ANDREAS HOHMANN and HOMANN FEINKOST GMBH

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 (San Francisco Division)

18 ANDREAS HOHMANN and HOMANN  
19 FEINKOST GMBH,

20 Plaintiffs,

21 v.

22 AUTOMATTIC INC. and DOES 1-50,

23 Defendants.

Case No.

**COMPLAINT FOR DEFAMATION  
AND DEFAMATION PER SE**

**JURY TRIAL DEMANDED**

24 Plaintiffs Andreas Hohmann and Homann Feinkost GmbH (“Plaintiffs”), by and through  
25 their attorneys H. Roske & Associates LLP, as and for their Complaint, allege as follows:

**PARTIES**

26 1. Plaintiff Andreas Hohmann (“Mr. Hohmann”) is a German citizen,  
27 residing at Dissen a. TW in Germany.  
28



1 was prosecuted as a child molester.

2 8. The above statements and allegations are presented as statements of fact,  
3 not as an opinion or an expression of the viewpoint of the blogger.

4 9. The above statements and allegations are completely false. It is false that  
5 Mr. Hohmann is a child molester, and it is false that any criminal investigation is pending against  
6 him.

7 10. By letter dated September 26, 2013, the German attorneys of Mr.  
8 Hohmann and Homann Feinkost informed Defendant that the content of the Blog was false and  
9 defamatory and requested removal of the Blog. The letter also informed Defendant that the Blog  
10 threatened Homann Feinkost's good reputation as a business in Germany.

11 11. By email dated October 23, 2013, Defendant acknowledged receipt of the  
12 letter dated September 26, 2013, but refused to remove the defamatory content and asked the  
13 German attorneys of Mr. Hohmann and Homann Feinkost for a "formal U.S. court order  
14 including a court's decision regarding this particular content" and stated "...if any content is  
15 found to be defamatory or illegal by a U.S. court of law, it will be removed immediately from the  
16 WordPress.com service."

17 12. On December 4, 2013, the law firm of the undersigned sent Defendant a  
18 further letter requesting removal of the Blog, but to no avail.

19 13. Upon information and belief, the Blog still has not been removed as of the  
20 date of this Complaint, even though Defendants were informed that the content of the Blog was  
21 false.

22 14. Defendant's publication of the Blog has caused great harm to Mr.  
23 Hohmann's personal reputation.

24 15. Defendant's publication of the Blog also harms Homann Feinkost's  
25 reputation as a business and causes damages, as it is designed to undermine the credibility of  
26 Homann Feinkost and Homann Feinkost's business practices since it insinuates that Homann  
27 Feinkost would knowingly advertise on its products with the face of a child molester.  
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COUNT 1 - DEFAMATION

1  
2 16. Mr. Hohmann and Homann Feinkost reiterate and reallege the allegations  
3 set forth in paragraphs 1 through 15 above.

4 17. Defendant's continued showing of the Blog on its website wordpress.com  
5 constitutes publication of a statement of fact.

6 18. As described above, the statements contained in the Blog are false.

7 19. There is no privilege or defense justifying the publication of the Blog.

8 20. The Blog's statements have the natural tendency to injure Mr. Hohmann's  
9 and Homann Feinkost's reputation and Homann Feinkost's business, including its market  
10 position and its relationship with its customers.

11 21. Since Defendants were duly informed that the contents of the Blog are  
12 false and despite that knowledge continue to publish the Blog, Defendant is at the very least  
13 negligent with respect to the truth or falsity of the defamatory statements.

14 22. The Blog's statements have caused damage Mr. Hohmann's reputation  
15 and to Homann Feinkost's reputation and business.

COUNT 2 – DEFAMATION PER SE (MR. HOHMANN)

17 23. Mr. Hohmann and Homann Feinkost reiterate and reallege the allegations  
18 set forth in paragraphs 1 through 21 above.

19 24. Mr. Hohmann is a private figure. Defendant made and published  
20 statement(s) to third parties – persons other than Plaintiffs;

21 25. These third parties to whom Defendant made the statement(s) reasonably  
22 understood that the statement(s) were about Plaintiffs;

23 26. These third parties reasonably understood the statement(s) to mean  
24 Plaintiffs had committed crimes; and

25 27. Defendant failed to use reasonable care to determine the truth or falsity of  
26 the statement(s) about Plaintiffs.

27 28. On its face, the false and unprivileged statement that Mr. Hohmann has  
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1 committed a crime and is being investigated for that alleged crime, is defamatory per se.

2 WHEREFORE, Plaintiffs Mr. Hohmann and Homann Feinkost pray for relief from the  
3 Court as follows:

- 4 a. For General and Special Damages according to proof in an amount  
5 exceeding \$75,000;
- 6 b. To enter declaratory judgment stating that the allegations in the Blog are  
7 false and defamatory;
- 8 c. Once a finding of defamatory and unprotected speech is made in favor of  
9 plaintiffs, the Court is requested to order Defendant to remove the Blog  
10 immediately;
- 11 d. Once a finding of defamatory and unprotected speech is made in favor of  
12 plaintiffs, the Court is requested to issue a permanent injunction, enjoining  
13 Defendant from publishing false and defamatory statements about Mr.  
14 Hohmann;
- 15 e. Once a finding of defamatory and unprotected speech is made in favor of  
16 plaintiffs, the Court is requested to issue a permanent injunction, enjoining  
17 Defendant from publishing false and defamatory statements about  
18 Homann Feinkost;
- 19 f. For the costs and fees of this action;
- 20 g. And for such other and further relief as to the court seems just and proper.

21 Respectfully submitted,

22 Dated: February 27, 2014

LAW OFFICES OF WALLACE C. DOOLITTLE

23 /s/  
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26 Wallace C. Doolittle, Esq., Attorneys for Plaintiffs  
27 ANDREAS HOHMANN and HOMANN  
28 FEINKOST GMBH

**DEMAND FOR TRIAL BY JURY**

Plaintiffs hereby demand that this matter be tried before a jury.

Dated: February 27, 2014

LAW OFFICES OF WALLACE C. DOOLITTLE

/s/

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Wallace C. Doolittle, Esq., Attorneys for Plaintiffs  
ANDREAS HOHMANN and HOHMANN  
FEINKOST GMBH

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