

Regarding the criminal complaint for defamation and attempted fraud, the following facts were presented:

I. Contact with the Russian Embassy

In the criminal complaint/criminal application dated August 9, 2021, Prof. Dr. Dobberstein reported the following false allegation, which was presented with a submission dated April 22, 2021, with the indication that this matter was a reason for her non-reappointment as the Managing Director of WMS:

"The plaintiff here, without coordinating this with the Mayor of the City of Soest, contacted the Russian Embassy, which was understandable cause for the Bezirksregierung Arnsberg to remind the Mayor of the City of Soest in a letter dated October 23, 2018, to adhere to the official channels. Once again, this demonstrates that the plaintiff tries to enforce her point of view on her own. She does not seek coordination."

In response to this, we replied in the proceedings with a redacted submission dated June 15, 2021, as follows:

"This assertion is as incorrect as it is malicious and demonstrates the complete malevolence and shamelessness with which the plaintiff's non-reappointment was pursued:

As already explained in Section I.2, the plaintiff considered it punitive that she had to take care of the design of the gravesite and the funeral service.

Already on March 3, 2018, which is 7 months before the complaint from the Bezirksregierung, she wrote to the Mayor regarding this matter:

"It is, of course, my responsibility to ensure that the Soviet dead are transported from the construction site to the cemetery. However, I do not consider it the task of WMS to organize a 'state funeral' for the war dead with the Russian Embassy. If the dead had been found in Lieschen Müller's garden, one would not leave it to Lieschen Müller either. The main thing is that dignitaries from the city are present at the funeral, many of whom I do not know, and I have no contact with most of them, so we will have a lot of work to do to get acquainted. The Russian Embassy also sees only you as the Mayor as the contact person and corresponds only with you.

Since I started at WMS 18 months ago, I have had almost no free time. I work every evening and every weekend, and the few vacation days I have had so far have only been a change of workplace. I have never complained about this and will not. That is the price to pay for turning a project scheduled for 7-10 years into a project that will probably only run for a little over 2 years. I am willing to pay this price. My partner also accepts it because she comes from the international transaction business and is familiar with such working hours.

However, it means that I cannot activate any additional time capacities to take on additional tasks. And my employees are already working beyond the limits allowed by the TVöD [collective wage agreement for the public sector]. If I now organize a funeral, other important tasks will be neglected."

To this email, the Mayor responded even more annoyed on Sunday, March 4, 2018, at 7:57 am as follows:

"Since you have so far taken over the correspondence and contact with the Embassy and the War Graves Office, it is appropriate for you to clarify the framework conditions for a memorial ceremony. I expect a coordinated proposal from you by Monday at 12:00. You can then coordinate the process and organization with me. You will receive the necessary information and, if necessary, the required support from me for the invitation and execution."

The plaintiff responded to this as follows, also on the same Sunday:

"Since it has been agreed that the headstone for the memorial ceremony should only be erected first, I do not consider the deadline until tomorrow at 12:00 to be necessary. Nevertheless, I will try to call the War Graves Office and the Embassy tomorrow morning, even though I actually need to take care of the invitation to the Supervisory Board, which has to be sent out tomorrow, and the final negotiation of the purchase contracts is also much more important."

After the Bezirksregierung complained to the Mayor on October 23, 2018, about the failure to follow the proper channels, the plaintiff assumed that she could finally delegate this task. However, even after this letter, the Mayor insisted that she continue to handle this task.

An email from the Mayor to the plaintiff dated February 28, 2019, and the plaintiff's response to it, also dated February 28, 2019, show that at this point in time - five months after the complaint from the Bezirksregierung - the plaintiff was still entrusted with organizing the burial for the Soviet war dead. In his email, the Mayor explicitly asks the plaintiff for an update. He asks verbatim: "Has the burial of the Russian (sic!) prisoners of war been arranged?"

Evidence: Attachment K26: Letter from the plaintiff to the Mayor dated February 28, 2019

The plaintiff retained this task until her departure.

When the defendant now asserts in its response to the complaint that the plaintiff was the cause of the friction with the Bezirksregierung and the state government because she unilaterally contacted the Embassy of the Russian Federation and, moreover, did not follow the proper channels, this is a false statement of fact that is capable of damaging the plaintiff's public reputation. But above all, the basis of this assertion by the defendant is the equally audacious and infamous lie by the Mayor about the actual responsibilities in this matter. It was he who:

- systematically and purposefully exceeded his authority over the management of a municipal subsidiary to instruct the plaintiff to organize the funeral;
- abandoned the principle of legality in administration;
- disregarded legal responsibilities and the proper channels; and
- ignored the objection to this approach by the Bezirksregierung,

all to demonstrate his power to the plaintiff for unjustifiable reasons, humiliate her, and punish her.

The Mayor of the City of Soest, who is also a member of the defendant's supervisory board, deliberately spreads false statements of fact in the defendant's response to the complaint to defame the plaintiff. Not only did the Mayor lie to the detriment of the plaintiff in the preparation of the defendant's response, but he also disseminated these infamous lies about the circumstances described above in the context of the plaintiff's non-reappointment in Soest's politics to turn them against the highly successful plaintiff because, despite his feverish zeal to find something, he had nothing he could substantiate against the plaintiff.

To infer from this that the plaintiff destroyed the basis of trust for cooperation with the Mayor is downright absurd.

So, we establish:

The Mayor of the City of Soest lied in office to bring about the plaintiff's non-reappointment, and he allows the defendant to lie in a court proceeding to prejudice the court against the defendant.

This demonstrates the extent of shamelessness and a detachment from reality, and it also demonstrates the Mayor's fury over the fact that he could not find objectively verifiable material against the plaintiff that he could use to advocate for her non-reappointment. In this fury, he was evidently willing to fabricate - or, more bluntly, to lie about - such circumstances."

We supplemented this submission with a filing dated July 8, 2021, as follows:

"Moreover, it is incorrect that the plaintiff contacted the Russian Embassy without prior consultation with the Mayor:

In the summer of 2017, the plaintiff read a book by a historian from which she could conclude that there was a high probability of finding war dead during the soil remediation work at the Adam Barracks. Nine months before the actual discovery of these bodies, she began to think about what she could do to keep the construction site shut down for as short a time as possible.

Since she still had contact with the International Tracing Service in Bad Arolsen from private family research, she initially turned to them. Their response was as follows:

From: User Service Department [mailto:research-clients@its-arolsen.org] Sent: Tuesday, June 13, 2017, 08:31 To: Prof. Dr. Monika Dobberstein monika.dobberstein@gmx.de Subject: Re: Family Kuttner

Dear Professor Dobberstein,

If you were to find bodies as part of your project, unfortunately, ITS is not the right point of contact. In this case, I can recommend contacting the German Office for the Identification of War Criminals in Berlin or the Volksbund Deutsche Kriegsgräberfürsorge e.V. They might be able to assist you. I do not have any other ideas.

Best regards, Bianka Geißler

She then followed the ITS's recommendation and contacted the German Office for the Identification of War Criminals (Deutsche Dienststelle WAST), which in turn, as standard practice, involved the Volksbund Deutsche Kriegsgräberfürsorge e.V. On August 18, 2017, she received the following email from Wolfgang Held of the Volksbund Deutsche Kriegsgräberfürsorge:

From: wolfgang.held@volksbund.de Sent: Friday, August 18, 2017, 15:37 To: Dobberstein Prof. Dr., Monika m.dobberstein@soest.de Cc: stefan.schmidt@volksbund.de; verena.effgen@volksbund.de Subject: Soest - Suspected Soviet Graves in the former Adam Barracks

Dear Professor Dobberstein,

I have become aware of the above-mentioned situation through the regional office. The German Office for the Identification of War Criminals had already responded to you.

For the further course of action:

1. I will inquire with the Russian Embassy in Berlin if there is any additional information about Soviet graves.
2. I will clarify with the responsible district government in Arnsberg to what extent there can be a public interest established for possible search excavations. This also concerns the assumption of costs.

33. Ansonsten muss der Abriss abgewartet werden. Sollten Gebeine gefunden werden, ist dieses sofort den örtlichen Behörden (u. a. Polizei) zu melden, die Fundstelle zu sichern und der Abriss sofort zu stoppen. Wir würden dann unseren erfahrenen Umbetter, Herrn Volker Schneider, aus Meschede bitten, sich um alles Weitere zu kümmern.

Mit freundlichen Grüßen
Wolfgang Held Volksbund

Deutsche Kriegsgräberfürsorge e. V.
Volksbund Deutsche Kriegsgräberfürsorge e. V.
Beauftragter des Volksbundes
für Kriegsgräberfürsorge in NRW

Then, on September 29, 2017, the Mayor received a letter from the Russian Embassy requesting him to fill out a questionnaire.

From: bfkg@russische-botschaft.de Sent: Friday, September 29, 2017 11:48 AM To: Post, Post Subject: The Adam Barracks / Inventory of Soviet War Cemeteries in Soest

Dear Ladies and Gentlemen,

This letter contains a message from Mr. Evgenii Aleshin, Head of the Office for War Graves and Commemorative Work at the Embassy of the Russian Federation in Germany, to Dr. Eckhard Ruthemeyer, Mayor of the City of Soest, requesting confirmation of the receipt of this letter (preferably via email: bfkg@russische-botschaft.de) and the provision of contact details for the responsible case officer(s).

Kind regards,

On behalf of Alexandra Owtschinnikowa

Referentin des Büros für Kriegsgräberfürsorge und Gedenkarbeit Botschaft der Russischen Föderation in Deutschland

T.: (030) 224-87-580 F.: (030) 229-93-97

E-mail: bfkg@russische-botschaft.de www.russische-botschaft.de

[Attachments included]

- I. The initial contact between the Russian Embassy and the City of Soest was made by the embassy itself and not through the Klägerin's contact with the embassy.
- II. Subsequently, the Mayor contacted the Klägerin:
- III. On October 2, 2017, at 07:21, Eckhard Ruthemeyer e.ruthemeyer@soest.de wrote: Dear Ms. Dobberstein, Please provide information about the process and draft of the response letter. Best regards, and I hope you are enjoying your break. Eckhard Ruthemeyer
- IV. The Klägerin complied with the Mayor's request for information and the drafting of a response letter. Therefore, the Klägerin did not contact the Embassy of the Russian Federation without consultation, as stated in the Klageerwiderung.
- V. As a consequence, the Mayor, in the Klageerwiderung, presents a lie that is particularly grave because he deliberately and purposefully disseminated this lie to facilitate the non-reappointment of the Klägerin. This was done despite his years of fervent efforts to find something incriminating against the Klägerin, which he could have used against her.

VI. Relocation of Museums to the Attic of Block 3

In the criminal complaint or criminal request dated August 9, 2021, Prof. Dr. Dobberstein has reported the following defamation under points 2 and 3. These revolve around a conversation between the City of Soest Treasurer and Culture Commissioner and Prof. Dr. Dobberstein with representatives of the Verein Geschichtswerkstatt frz. Kapelle e.V. The contents of this conversation were subsequently sensationalized in the press by the chairwoman of the association, Barbara Köster, in conjunction with the chairman of the Verein Soester Kulturparlament e.V., Werner Liedmann.

- "She does not seek agreement. This was also a reason for the dispute with the Geschichtswerkstatt frz. Kapelle e.V. Here, the plaintiff attempted to push her desired path outward without prior internal communication." Page 16 of the counterclaim.
- "According to the press report dated April 1, 2017, provided in copy as Annex 5, the plaintiff escalated the conflict through public accusations against participants such as the chairwoman of the association." Page 8 of the counterclaim.
- "Rather, the defendant had to ascertain that there had been an unacceptable tone in dealing with investors and local institutions such as the Geschichtswerkstatt frz. Kapelle e.V." Page 14 of the counterclaim.
- "Apparently, the plaintiff did not find the right communication here and, in accordance with the counterclaim, escalated the dispute through the press report dated April 1, 2017." Page 5 of the brief dated July 2, 2021.

We would like to provide a chronological account of the entire process and present additional evidence:

In the spring of 2016, the City Council passed a purchase resolution for the area of the former Adam Barracks. This purchase resolution also stated that the involvement of the then interim users of the former barracks should be examined, but there should be no subsidies for this.

A cost-neutral integration of the Geschichtswerkstatt was not possible. Especially, it was not possible based on the purchase resolution to renovate the entire Block 3 for the two museums, Geschichtswerkstatt and Belgian Museum, which were previously located there. At that time, this would have cost an estimated 4.5 million euros, half of the total budget for the overall development of the Adam Barracks. Therefore, Prof. Dr. Dobberstein could have taken an easier route and quickly and legally terminated the interim lease agreement of the Geschichtswerkstatt Frz. Kapelle e.V., which had a short termination notice of 14 days.

However, as there was considerable bipartisan support for the museums in the City Council, Prof. Dr. Dobberstein sought solutions that could give the museums a future without undermining the purchase resolution. She came up with the idea of accommodating them in the unused attic and selling Block 3 to the newly founded Wohnbau Soest GmbH, which would then accommodate the affordable housing demanded by the politicians in the full floors of the building. This was an initial idea that still needed architectural feasibility checks, the acquisition of funding, and approval of funds by the City Council.

Barbara Köster, the former chairwoman of the Geschichtswerkstatt Frz. Kapelle e.V., neither could nor wanted to understand Prof. Dr. Dobberstein's goal of giving the museums a future. She ignored Prof. Dr. Dobberstein for most of the project and communicated only with the Mayor and the Treasurer/Cultural Officer, even on matters where Prof. Dr. Dobberstein, as the managing director of the landlord and seller of Block 3, was the sole and primary authority.

Prof. Dr. Dobberstein discussed her idea of relocating the museums extensively with the top management of the City of Soest, the Council's Senior Committee, the WMS supervisory board, and various council factions. She reported on these discussions in her post on the Soester Anzeiger's online platform on March 31, 2017:

"At the meeting, Mr. Wapelhorst, representing the Mayor, and Dr. Wex, the city archivist, also participated alongside me. [...] The plans for Block 3 have been communicated to the WMS supervisory board and the Senior Committee. In addition, I have visited many factions in recent weeks and presented the current plans for the Adam Barracks."

Only after these discussions was this initial idea presented to the museum representatives. Prof. Dr. Dobberstein did not do this alone; it was the Mayor himself who invited them to these discussions.

Therefore, the assertion that Prof. Dr. Dobberstein did not coordinate with others is false. Instead, she consulted with numerous stakeholders and authorities early and comprehensively regarding the relocation of the museums from Block 3. It is also a false claim that the relocation of the Geschichtswerkstatt to the attic of Block 3 was the "desired path" for her. Rather, it was a path that was coordinated with many stakeholders and committees in the City of Soest, making it a joint effort between the city and WMS.

Subsequently, separate initial meetings were scheduled with the representatives of both museums. The meeting with the representatives of the Belgian Museum went smoothly, but the initially scheduled meeting with the Geschichtswerkstatt was "forgotten" by Barbara Köster. The meeting was rescheduled. When the Mayor fell ill at short notice, Peter Wapelhorst, First Deputy Mayor, Treasurer, and Cultural Officer of the City of Soest, attended the meeting on his behalf. He also took

over the lead in the discussions. Barbara Köster did not even acknowledge Prof. Dr. Dobberstein's presence as a participant in the meeting and as the managing director of the landlord and seller of Block 3. This is evident from an email that Barbara Köster sent to Peter Wapelhorst a week later and of which Prof. Dr. Dobberstein only became aware when Peter Wapelhorst brought it to the attention of the Mayor and cc'd Prof. Dr. Dobberstein:

From: Barbara Köster [mailto:abpkoester@t-online.de] Sent: Tuesday, March 28, 2017 07:11 To: Wapelhorst, Peter Subject: Zukunft der Gedenkstätte im Block 3

Dear Mr. Wapelhorst, One week has passed since your "dire news," during which we have, of course, thought intensively about the implications of your decision. We should meet again soon to discuss the matter.

At this point, it is important for us to inform you that we have already shared our perspective on the upcoming situation with the political parties in Soest via a letter. Furthermore, we would like to inform our funding partners in advance. We have worked very well with the LWL, NRW Foundation, State Center for Political Education, and others for more than a decade and enjoyed their trust. That's why we believe that information about this existential change for us should be conveyed now. I hope you understand this.

Best regards, Barbara Köster Geschichtswerkstatt Französische Kapelle e.V.

From: Wapelhorst, Peter p.wapelhorst@soest.de Sent: Tuesday, March 28, 2017 07:59 To: Ruthemeyer, Eckhard e.ruthemeyer@soest.de Cc: Wex, Norbert Dr. n.wex@soest.de; Dobberstein Prof. Dr., Monika m.dobberstein@soest.de Subject: WG: Zukunft der Gedenkstätte im Block 3

Good morning Dr. Ruthemeyer, I had already shared my rather reserved assessment of the meeting with the representatives of the Geschichtswerkstatt last week. Today, I received confirmation of my assessment (unfortunately).

I will offer to meet with Ms. Köster soon, ask her to provide us with the letter to the factions, and try once again to dissuade her from informing the funding providers at this point. For your information. Best regards, Peter Wapelhorst

City of Soest First Deputy Mayor and Treasurer

A similar impression is also conveyed by the minutes of the general meeting of the Soest Cultural Parliament on March 29, 2017, in which it is stated as follows: "Ms. Köster reported that she was informed by Mr. Wapelhorst and Mrs. Dobbstein (sic!) about a week ago that the Geschichtswerkstatt had to vacate its previous premises on the 3rd floor of Block 3."

Here, too, it becomes evident that in the conversation with Ms. Köster, Prof. Dr. Dobberstein was not given due attention, as neither her name, academic titles, nor her role as the managing director of the landlord and seller of Block 3 were correctly acknowledged and reported.

Therefore, the assertion that Prof. Dr. Dobberstein obviously did not find the right communication in this conversation is incorrect:

The conversation was led by Peter Wapelhorst. If the correct address for Ms. Köster was not found, this was a shortcoming on the part of the First Deputy Mayor and Culture Commissioner Peter Wapelhorst. However, Prof. Dr. Dobberstein believes that the problem here was not the sender but the

recipient: The problem was primarily rooted in the personality of Barbara Köster, who obstinately refused to engage in a solution that was both factually and in terms of interests, and whose sole aim was to enforce her own entrenched ideas without regard for the interests of the City of Soest and WMS as the owner.

As a means of enforcement, the former chairwoman chose a public "forward defense" and, contrary to the urgent request of the First Deputy Mayor, went to the press on March 30, 2017, proactively airing her "grievances" with the clear goal of exerting pressure on politics and administration.

Therefore, the claim that Prof. Dr. Dobberstein tried to impose her desired path externally is an incorrect statement:

This formulation insinuates that Prof. Dr. Dobberstein deliberately and strategically went to the press to enforce her own desired path. In reality, it was Barbara Köster and Werner Liedmann who deliberately and strategically approached the press to exert public pressure on WMS, the administration, and politics with the goal of enforcing their own interests—the path they desired.

In this context, Anzeiger journalist Astrid Gunnemann called Prof. Dr. Dobberstein, and during this telephone conversation, Prof. Dr. Dobberstein explained in detail and in terms understandable to laypeople the background of the information that the journalist had already received from Köster and Liedmann. Despite the comprehensive explanations, the article authored by Astrid Gunnemann, titled "Museums to Be Moved Under the Roof" on March 31, 2017, contained numerous factual errors. Furthermore, the journalist attributed coarse language to Prof. Dr. Dobberstein. In summary, the article by Astrid Gunnemann was clearly biased against Prof. Dr. Dobberstein and WMS. Consequently, Prof. Dr. Dobberstein posted a response under the online version of this article to correct the factual errors and counteract the damage to her own reputation. The post begins as follows: "The Soester Anzeiger has greatly simplified, shortened, and portrayed my interview statements in a language that I do not use. Additionally, the article contains real errors."

Therefore, Prof. Dr. Dobberstein did not go public for strategic reasons to "enforce the path she alone wanted," but rather to correct significant factual errors made by the Soester Anzeiger and to defend herself against the coarse language falsely attributed to her by the journalist Gunnemann. Her primary goal was to minimize damage to her own reputation.

However, it is true that this post was not coordinated with the executive management. Nonetheless, there was no need for such coordination. Firstly, she was not communicating a change in strategy in this post. The communicated "path" had been discussed and agreed upon with the executive management, the Council's Elder Committee, the supervisory board, and many factions. Secondly, the article did not attack or misquote members of the executive management but focused solely on her. Therefore, she had every right to correct the numerous factual errors and defend herself against the negative impression deliberately and strategically created by the Soester Anzeiger through the use of coarse language falsely attributed to her.

While the supervisory board did not criticize the tone or content of this post in the defense statement, nor did they claim that this post escalated the conflict with the Geschichtswerkstatt, the then-editor-in-chief of the Soester Anzeiger, Holger Strumann, turned this post into a sensational article without consulting our client or obtaining her approval. He once again included numerous false quotes and also attributed coarse language to her, violating her copyright on the post from March 31, 2017.

This article was published on April 1, 2017, in the print edition under the title "Allemaal ausreichend" (More than Enough) and in the online edition under the title "Wohnungen werden benötigt, um Soester Kasernenblock zu erhalten" (Apartments Needed to Preserve Soest Barracks Block). Through the presentation of the article, the Soester Anzeiger gave the unmistakable but false impression that our client had given an interview to the reporter Strumann.

In response, Prof. Dr. Dobberstein immediately posted a follow-up under this article. She introduced this post with the following explanation:

"Regrettably, the Soester Anzeiger keeps attributing statements to me that do not correspond to my manner of speaking, nor do I think in this way. For example, this time I did not say, 'that the space is more than enough,' nor did I say, 'that I would be content with a breakeven result.' Likewise, in my previous post, I did not say, 'that money needs to flow into the coffers.'"

The post concludes by restating the original post from which the article was derived. It was publicly evident, and thus also apparent to the supervisory board of WMS, that Prof. Dr. Dobberstein did not say or write what the Soester Anzeiger attributed to her, and that the supposed interview in the article – without authorization, mind you – was derived from our client's original post from March 31, 2017. It was also publicly evident, and thus also apparent to the supervisory board of WMS, that the inappropriate tone did not originate from Prof. Dr. Dobberstein but was deliberately attributed to her by Holger Strumann to damage her reputation.

However, according to the supervisory board's own submissions in the defense statement, the non-renewal of Prof. Dr. Dobberstein's contract was justified by the argument that the aforementioned article from the Soester Anzeiger dated April 1, 2017, displayed an inappropriate tone on the part of our client and escalated the "Geschichtswerkstatt Frz. Kapelle" issue. Furthermore, this – incidentally poorly concocted – narrative was reproduced in the defense statement.

On page 99 of the rejoinder dated June 15, 2021, Prof. Dr. Dobberstein once again pointed out that the newspaper article from April 1, 2017, constituted a violation of her copyright, and she reiterated that she did not grant an interview to the journalist Strumann. As evidence, she provided a letter to Holger Strumann in which she expressed her criticism of the April 1, 2017, article as follows:

"Above all: If you transform a nuanced text of mine into a simplified one, you need my approval to do so. Otherwise, it's a copyright violation! And don't tell me I don't understand your job! In your industry, it is absolutely common to obtain approval for using texts!

In terms of content, this article is truly audacious!

It begins with the headline. The quotation marks in combination with my photo leave no doubt that I said or wrote these things. Yet, you put words in my mouth!

Particularly problematic is the fact that you transformed my sentence 'Eine Zusammenarbeit mit der Bürgerstiftung könnte im Übrigen auch eine Option für den Verein 'frz. Kapelle' darstellen, wenn dort einmal die heutigen Protagonisten aus Altersgründen ausscheiden' into 'Die Bürgerstiftung könnte womöglich auch die Arbeit von Köster und ihren Mitstreitern übernehmen, wenn die heutigen Protagonisten aus Altersgründen ausscheiden.' I mentioned collaboration, not takeover.

In particular, this sentence contributed to stirring up sentiment against me to the extent that three letters to the editor were written subsequently. In this regard, you share some responsibility for the letters to the editor, although I must admit that Mrs. Köster probably contributed to this

interpretation because the interpretation that I am waiting for Mrs. Köster to die is absurd in your version as well. At least Mr. Etter and Ms. Radermacher, who fell for this misinterpretation, are part of Mrs. Köster's immediate circle.

The article is riddled with other inaccuracies in language. For example, I did not say that I am content with a breakeven result, but that I am fighting for it.

Furthermore, you completely omit in the article that the Geschichtswerkstatt currently occupies disastrous premises, and that by moving to the attic, they would receive long-term secured, fully developed facilities with heating, water, and fire protection. However, this was my main point" (see page 259 of the rejoinder dated June 15, 2021, in response to the defense statement).

Despite this, the supervisory board repeated in the submission dated July 2, 2021, that Prof. Dr. Dobberstein escalated the conflict with the Geschichtswerkstatt through the article dated April 1, 2017 (page 5 of the submission dated July 2, 2021).

VII. The performance record is inaccurate

We filed a criminal complaint, among other things, because of the assertion made for the first time in the submission dated April 22, 2021:

"To the extent that the plaintiff wishes to have its major successes included in the balancing of interests according to its 'performance record,' we have already explained that this performance record is not accurate." Page 23 of the submission dated April 22, 2021.

We have already explained and argued that this statement constitutes a deliberate and defamatory assertion of false facts, which was also made to bias the court against our client. Consequently, this statement fulfills both the elements of defamation and process fraud.

However, we consider it necessary to extensively demonstrate that the justifications on which the supervisory board based the aforementioned assertion are, to a large extent, false factual claims. Furthermore, the false assertion in question, "the plaintiff's performance record is not accurate," does not even contain evaluative elements.

On page 23 of the defense statement dated April 22, 2021, the supervisory board argues: "...we have already explained that this performance record is not accurate." Reference is made to the defendant's explanations on page 14 of the defense statement, where the defendant extensively addresses the plaintiff's performance record. In this context, we have included page 14 of the defense statement in the present submission and highlighted in red the false factual claims made in this section of the defense statement:

Die Klägerin verfügt unzweifelhaft über gute Kompetenzen in der Immobilienwirtschaft, jedoch überzieht sie in ihrer Leistungsbilanz ihre diesbezüglichen Erfolge, worauf nachfolgend einzugehen ist. Im Übrigen zeugt die Leistungsbilanz der Klägerin davon, dass sie im Bereich der klassischen Wirtschaftsförderung keine entsprechenden Leistungen aufweisen kann. Hierbei geht es um die Kontakte zu Betrieben und Vereinen vor Ort. Hierzu findet sich in der Leistungsbilanz der Klägerin nichts. Die klassische Wirtschaftsförderung, die wichtig ist, wird durch die Klägerin nicht abgebildet. Vielmehr musste die Beklagte feststellen, dass es gerade im Umgang mit Investoren und Institutionen vor Ort wie etwa dem Geschichtswerkstatt frz. Kapelle e.V. zu einem nicht hinnehmbaren Umgang(ston) der Klägerin gekommen war. Was die Immobilien-Leistungsbilanz der Klägerin angeht, hat sie bei der Entwicklung des Belgischen Viertels sicherlich Erfolge erzielt. Zu berücksichtigen ist indes auch die gute Marktlage, die es ermöglicht, entsprechende Erträge zu erzielen. Zu berücksichtigen ist an dieser Stelle auch, dass die Stadt Soest geringere qm-Preise gezahlt hatte, als auf dem Markt durchsetzbar war, um in der Vermarktung bessere Erlöse zu erzielen. Dies ist kein Verdienst, der der Klägerin zuzuweisen ist. Was die Adam-Kaserne angeht, ist in diesem Zusammenhang noch anzumerken, dass sich ein erster Konflikt im Aufsichtsrat bereits dadurch ergeben hatte, dass die Klägerin die von der Stadt Soest gefertigte Wirtschaftlichkeitsberechnung schlechtredete. Sie behauptete erhebliche Fehler. Es wurden negative Ergebnisse prognostiziert. Die Klägerin hatte dies im Vorfeld nicht mit dem Bürgermeister erörtert, sodass es im Aufsichtsrat zur Diskussion darüber kam, warum die Klägerin diese vermeintlichen Fehler nicht bereits im Vorfeld angesprochen hatte. In der Gesamtschau relativieren sich damit die von der Klägerin in Euro bemessenen wirtschaftlichen Erfolge.

Beweis: wie vor

Here are the false factual claims made in the given text, along with explanations:

1. The text claims that the plaintiff (your client) criticized the city's prepared cost-effectiveness calculation for the Adam Barracks and alleged significant errors without prior discussion with the mayor, leading to a discussion in the supervisory board about why these supposed errors were not raised in advance.

It is stated that this is a false assertion because your client did not merely allege errors but highlighted actual significant errors in the cost-effectiveness analysis, which was not prepared by the city but by WMS and NRW-Urban under Ferdinand Griewel. The errors are described as follows:

- Omission of side streets, resulting in a negative impact on both cost and revenue sides of the project, leading to an error of approximately €2,600,000.
- Underestimation of demolition costs by more than 81%, with an error of €783,000.
- Refusal by the Municipal Utility Company Soest (KBS) to reimburse the item "Cost Reimbursement Land Sales per KAG" in the predecessor's calculation, leading to an error of €567,000.

The KBS's refusal was explained by the claim that the area was already previously developed (for the barracks) and, therefore, a second development was unnecessary. This was considered absurd, and it is suggested that there may have been an intentional effort to push the Adam Barracks project's results into the negative, blame it on your client, and force her out of office. Additionally, the sale of properties to the city's residential construction company below their production costs is mentioned as part of the same agenda.

Furthermore, the text highlights that the purchase agreement did not regulate the BImA's participation in the actual existing contamination cleanup as calculated in the cost-effectiveness analysis of the acquisition decision. This is attributed to a lack of an initial environmental assessment or demolition expert report, leading to an error of €457,000.

The statement "Es wurden negative Ergebnisse prognostiziert" (Negative results were forecasted) is also a false factual claim. It is falsely implied that these negative forecasts were merely asserted by your client, suggesting that they were manipulated to discredit her predecessor and the mayor.

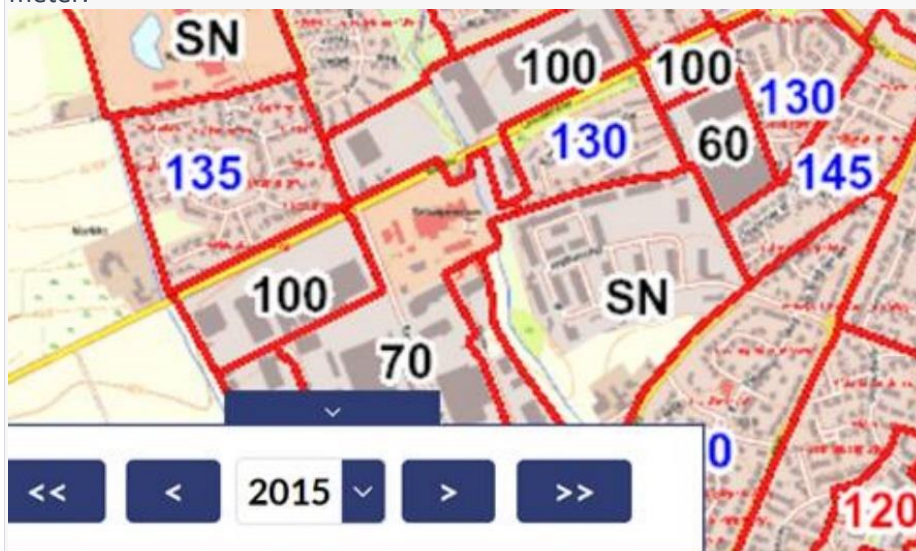
In reality, these forecasts were based on updated and reliable data obtained during the progress of the Adam Barracks project. New information, such as expert opinions, actual contracts, invoices, and cost estimates from planning firms, was regularly integrated into the projections. These estimates were subjected to a standard industry practice safety margin of 10%. In fact, the last projection was approximately 70% higher than the cost estimate from the acquisition decision's cost-effectiveness analysis, indicating that the 10% safety margin was a conservative estimate. Despite this, the mayor repeatedly criticized this safety margin, even though it was consistent with the cost-effectiveness analysis in the acquisition decision.

It's important to note that these calculations were carried out by NRW-Urban, based on actual figures from WMS, and continuously updated based on current cost estimates. Contrary to the insinuation in the mentioned statement, your client's negative forecasts were made in a professional and well-founded manner, using standard practices in the real estate industry.

It was only in February 2020 that your client was able to turn the projections into a positive outcome, primarily due to significant transactions such as the sale of Block 3. This ultimately led to a positive financial outcome for the project. The WMS's financial auditor, Ruth Beerbaum, verified this final projection.

In summary, the assertion that the negative forecasts made in January and March 2018 were merely speculative is incorrect; they were based on realistic assessments of the project's financial outlook.

- The statement "Zu berücksichtigen ist an dieser Stelle auch, dass die Stadt Soest geringere qm-Preise gezahlt hatte, als auf dem Markt durchsetzbar war, um in der Vermarktung bessere Erlöse zu erzielen. Dies ist kein Verdienst, der der Klägerin zuzuweisen ist" is also a false factual claim.
- It is falsely implied that your client's successes in the Adam Barracks project were solely due to the good work of her predecessor. Additionally, it is asserted that the cost-effectiveness analysis, which served as the basis for negotiations between the predecessor of your client and the mayor with the BImA (Federal Agency for Real Estate), assumed very low selling prices for the completed plots, resulting in a correspondingly low purchase price.
- However, the claim that the barracks were acquired at a low cost is incorrect and appears to be a self-serving narrative by the mayor. Firstly, the aforementioned errors in the project were so significant that they would have more than compensated for any low assumptions in selling prices. Furthermore, the assertion that the selling prices used in the cost-effectiveness analysis, on which negotiations with the BImA were based, were low and below market prices is inaccurate.
- At the time of negotiations with the BImA (end of 2015), the ground value reference points (Bodenrichtwerte) in the vicinity of the Adam Barracks ranged between €130 and €145 per square meter.



The statement "Was die Immobilien-Leistungsbilanz der Klägerin angeht, hat sie bei der Entwicklung des Belgischen Viertels sicherlich Erfolge erzielt. Zu berücksichtigen ist indes auch die gute Marktlage, die es ermöglicht, entsprechende Erfolge zu erzielen" does acknowledge the favorable market conditions at the time. However, it creates the unmistakable impression that your client's outstanding achievements came about automatically due to the favorable market conditions or that projects were successful on their own accord. It is inaccurate to use the favorable market conditions as a basis to downplay or claim that your client's performance record is inaccurate.

It has been repeatedly demonstrated that projects can only be implemented during good times in the real estate market.

Your client has worked in the real estate industry for decades, primarily in project development. Experience from multiple real estate cycles has taught her that there is usually only a brief window of opportunity, often just two or three years, to implement projects before they abruptly go into a dormant phase for an average of almost a decade.

She has experienced firsthand how a real estate boom can collapse overnight, and this not only threatened the companies she worked for but also her own livelihood:

- In 2000, she was involved in the sale of the former Volkstheater property opposite Friedrichstraße station in Berlin and was also instrumental in the purchase of the Reeperbahn 1 property in Hamburg in 2001. Both projects came to a halt when the real estate market collapsed at the end of 2001. Both projects were only completed in the next cycle, in the mid-2010s.
- In 2001, her then-employer, a mid-sized project developer, together with Hamburger Landesbank, purchased the Landesentwicklungsgesellschaft Schleswig-Holstein with 18,000 apartments. The plan was to finance the company through a capital increase in the MDax, which was a tremendous effort for a relatively small company. Investment bankers had thoroughly examined the company, disrupting operations for months, and then required expensive compensation. However, the capital increase failed when, on the penultimate day of the bookbuilding phase, the DAX plummeted below 4,000 points due to the events of September 11th, making stocks no longer collateralizable, causing all insurance companies and pension funds to withdraw their offers. Several hundred million DM had to be financed differently.
- She started as a proxy in the investment team of Jones Lang LaSalle on July 1, 2007. At that time, there was a party atmosphere in the German real estate market. International investors began investing extensively in the German market for the first time in the years starting in 2005. Transaction volumes and real estate prices in the segments purchased by these investors had increased by a factor of 2-3. Even the investment team at JLL in Germany doubled in size during this period.

Just three days after her employment began, the research department announced that interest rates were now higher than yields. The party was over. Neither Jones Lang LaSalle nor any others conducted a single transaction thereafter. Four weeks later, the subprime crisis began, 14 months later, Lehman Brothers went bankrupt, and the publicly traded JLL in the United States no longer had an investment team.

Prof. Dr. Dobberstein learned from her experience that, especially during good times, every day counts, and as a result, she looks for solutions extremely quickly and pragmatically, with a strong focus on implementation. That's why she worked excessively in Soest. She operated under the assumption that a crash in the real estate market could occur at any time:

When she took office as Managing Director of WMS on September 1, 2016, the market situation still appeared to be a "normal" real estate boom. She had experienced such booms three times in her urban planning career, which had been ongoing since 1987, from 1990 to 1992 (special economic boom in the East), from 1998 to 2001 (New Economy), and from 2005 to 2007 (banking liberalization). Each of these boom phases lasted only three years, and real estate price growth rates ranged from one to three percent. The last boom began in 2013. If it had followed the pattern of previous booms, there was a constant risk of a market collapse from the moment she took office.

She communicated this concern on several occasions, for example, during the first Supervisory Board meeting on September 28, 2016.

Vorläufige Prognose

auf Basis hoher Risiken: hier Marktrisiken

22.03.2018 10:00 Uhr

Kreditrichtlinie wird zur „Wohnungsbau-Notbremse“



Für den Koordinator der Aktion „Impulse für den Wohnungsbau“

Eigentumswohnung kaufen wollen, mit ihrer Filiale sprechen, wenn ihnen ein Kredit verweigert wurde. Auch junge Familien, die bauen wollen, sind von den verschärften Bedingungen zur Kreditgewährung betroffen. Denn sie haben oft kein großes Eigenkapital und ein jobstarrer eher Einkommen auf der unruhen Lohnskala. Hier wirkt sich zusätzlich negativ aus, dass ein Jobverlust häufig nur zeitlich befristete Arbeitsverträge zugehen werden. Auch beim Umbau von Wohnungen und Häusern seien Darlehensanträge an der Tagesordnung, sobald die altersgerechte und energiesparende Gebäudesanierung notwendig durch die neue „Kredit-Bremse“ einen „individualisierten“ Darlehen, sagt der Koordinator der Aktion „Impulse für den Wohnungsbau“, Dr. Ingrid Rast. Die Folgen seien schon jetzt erkennbar: „Sogar in Baden-Württemberg ist ein Großteil der Kredite für Wohnimmobilien weggebrochen. Im Land der Hausbauverleiher liegt der Rückgang bei den Immobilien-Darlehen im ersten Quartal gegenüber dem Vergleichszeitraum des Vorjahres bei 20 Prozent. In den neuen Bundesländern ist es ein Minus von 14 Prozent. Und diese Schrammfolger der Kredite für den Wohnungsbau könnte sich ohne unsere Korrekturen weiter fortsetzen“, prognostiziert Rast.

Die Aktion „Impulse für den Wohnungsbau“ fordert deshalb den Bund auf, „die Vorschriften zur Kreditverweigerung so schnell wie möglich zu korrigieren“.



HSBC warnt vor Ende des Immo-booms

Der Boom auf dem deutschen Immobilienmarkt könnte bald vorbei sein. Das zumindest glauben die Experten der britischen Bank HSBC. Immobilienzeitung, 8.9.2016

Die seit März in Kraft befindliche Wohnimmobilienkreditrichtlinie, die für ältere KäuferInnenarten eine zusätzliche Hürde bei der Finanzierung ist, könnte die Nachfrage drosseln und den Preisauftrieb bremsen. Die Autoren der Studie schließen sogar ein Sinken der Preise für Wohnungen und Häuser nicht aus. TVR sind besorgt darüber, dass die Banken die Kreditlinien

Rückgang in Baden-Württemberg um 20 Prozent

Kreditrichtlinie dämpft Run auf Immobiliendarlehen

22.09.2016 08:38



Neubauten wie hier in Heidelberg werden durch neue Kreditrichtlinien ausgebremst. © Passivhaus Institut

26 Organisationen und Verbände kritisieren als Aktion „Impulse für den Wohnungsbau“ die mit „enormer Schärfe“ in deutsches Recht umgesetzte Wohnimmobilien-Kreditrichtlinie. Diese verpflichte Banken und Sparkassen zu einer äußerst restriktiven Vergabepolitik bei Darlehen.

So dürften Kreditinstitute seit März Wohnimmobilien oder Grundstücke nicht mehr wie früher als Sicherheit akzeptieren

Tachemühlweg 3 | 59194 Soest | wms@soest.de | www.wms-soest.de | Tel. 02921 9330010

On March 8th, she wrote to the mayor:


"I would like to emphasize once again that I currently consider a crash in the financial market to be the biggest risk for the project. Interest rates are rising, and yields continue to fall. At some point, these two curves will intersect, and then there will be no real estate market activity for a long time. This will also affect the Adam-Kaserne project, just as it did the Ardey area in 2007. That's why I want to conclude the project as quickly as possible. You want the houses to be built as soon as possible, and I want the land revenue in WMS's account as soon as possible. This is not contradictory - we both want to advance the project as quickly as possible."

And to the mediator, Rüssel, she wrote shortly before the Supervisory Board meeting on March 19, 2018:

"I'm physically completely exhausted. Since taking office, I've been working every evening, every weekend, without a vacation. That worked very well because I was very happy and grateful for the job. It was actually my dream job, for which I fought so hard and had already earned. I'm doing a great job, and the city is fortunate, given the size of this project, to have found someone like me who has real estate expertise and can think in terms of contracts and balance sheets. That's very unusual for an economic development position. I work so hard because I also want the project to be completed quickly because I'm waiting for the financial market crash every day. That's why he [referring to the mayor] was initially very impressed. Now, however, I have the impression that my legs are being swept out from under me at full speed. I'm not sleeping anymore, and I can't work like this."

During the Supervisory Board meeting on March 22, 2018, she informed the Supervisory Board as follows:

Finanzen



Wichtigste positive Veränderung seit Ankaufsbeschluss

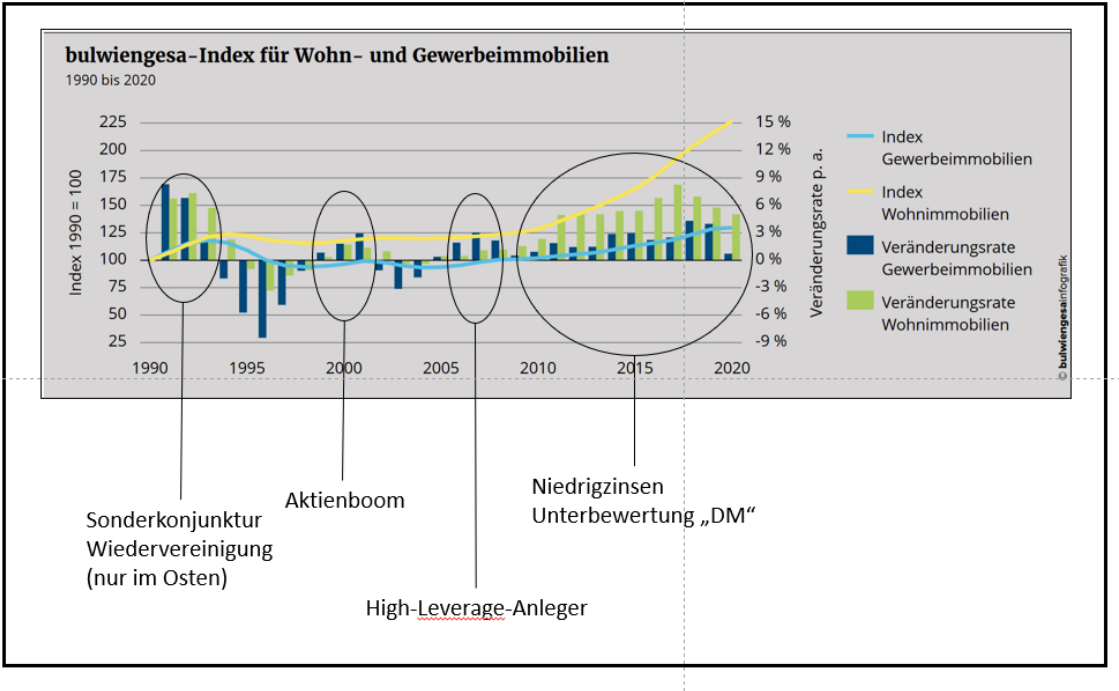
3.100.000 € mehr Erlöse
(9,6 Mio. € ursprünglich, 12,7 Mio. € aktuell geplant)

Dieses Potential ist fast ausschließlich dem internationalen Finanzmarkt zu verdanken. Es ist aber auch das größte Risiko des Projektes. Obwohl die Zinsen bereits steigen, sinken die Renditen rasant weiter. Wenn sich beide Kurven treffen, wird der Immobilienmarkt von einem auf den anderen Tag zusammenbrechen. Das wird auch die Adam-Kaserne treffen, wie es 2007 auch das Ardey-Quartier getroffen hat.

Deshalb muss die oberste Priorität derzeit darin bestehen, die Kaufverträge abzuschließen!!!! und dann die Auszahlungsvoraussetzungen für den Kaufpreis zu schaffen (Baureife). Jeder Tag Verzug stellt eine Gefahr dar, insbesondere vor dem Hintergrund, dass Donald Trump gerade fliebevollt= die Börsen ruiniert.

Our client worked excessively because she knew that especially the Adam Barracks project would have faced massive problems if the real estate and financial markets had collapsed. And she won the race against time: She achieved the readiness for construction and purchase price maturity for the Adam Barracks only 30 months after the transfer of ownership in March 2019 and for the Wasserfuhr industrial area in May 2020.

Today, in retrospect, we know that this was not a "normal" real estate cycle but one artificially created by central bank low-interest policies. The boom lasted for 10 years, and real estate prices reached double-digit growth rates in recent years. This made it by far the longest and highest boom since the post-war economic miracle years.



In the second quarter of 2022, however, the market collapsed due to interrupted or disrupted supply chains and rapidly rising interest rates.

But despite the prolonged boom, there are still numerous projects in Soest that have not been implemented - even though they had the same market conditions as the projects carried out by our client, some of them even started before our client took office, and there was even two years more time to successfully complete them. Among the Soest projects that have not magically developed themselves despite the excellent market conditions are:

- Relocation of the Stadtwerke to Werkstraße
- Hilchenbach • Thomaehöfe • Merkurhöfe
- Coca Cola
- Süd-Caree: Corner of Arnsberger Straße / Lübecker Ring • Werkstraße (Acconci / Baumgarten)
- Blocks 4, 5, and 7 of the Adam Barracks
- Social housing in the Adam Barracks • Strabag

These projects are expected to face significant problems under the current prevailing market conditions. Some projects have already been explicitly canceled or suspended due to the price development of construction costs and interest rates. For instance, the Stadtwerke, which had acquired a property before our client took office to relocate their headquarters to Werkstraße - a top-tier prestige project - canceled it due to rising construction costs and interest rates. The "Merkurhöfe" project, which has been ongoing since 2014, has suspended its next construction phase due to the poor market situation.

While it is true that the good market conditions made our client's successes possible, this fact does not diminish her exceptional achievements and successes. Her excessive dedication and hard work allowed her to implement projects at such a high speed that she managed to capitalize on the opportunities presented by this favorable market condition in an outstanding manner. As a result, she also saved the city of Soest from losses in the millions that were already inherent due to the many mistakes made during the purchase of the Adam Barracks area. Many other project developers, including those in Soest, did not achieve or consider such consistently high implementation speed - to the great detriment of their projects.

It should now be clear to the WMS supervisory board that projects do not develop themselves during good market phases. Despite the market continuing to boom for two more years after our client's departure, the WMS projects could not be further developed or completed during these years.

In the spring of 2021, our client aimed to commence the renovation work on the Strabag site and achieve construction readiness/ purchase price maturity by the summer of 2022. To this end, she had already begun discussions with potential buyers who were interested in acquiring the entire area after construction readiness. However, as of today, renovation work has not even commenced, and there does not seem to be a buyer for the property.

For Blocks 4, 5, and 7 of the Adam Barracks, there has been no progress in getting the buyer to start construction, nor has a third party been found to purchase the properties from the original buyer. The final development of the Adam Barracks, scheduled for 2022, has not yet begun, and the buyer families are living amidst dust and debris, awaiting the creation of green and recreational areas.

In the Wasserfuhr industrial area, no further plots have been sold, construction obligations have not been enforced, and the land for the expansion of the intermunicipal industrial area has not been acquired.

The good market conditions indeed made the development of these projects possible, which is undisputed. However, they did not turn into self-sustaining or self-developing projects.

Once again, it should be emphasized that projects can only be developed during good market phases, which is empirically supported by research in the real estate industry. The Adam Barracks lay dormant for 30 years precisely because there was no market phase during that time when developing the project would have been profitable. The performance of a project developer lies in seizing short time windows and, within those narrow time frames, acting wisely, being willing to take risks, demonstrating courage, and negotiating effectively. This is precisely what our client accomplished in an exceptional manner:

Adam Barracks:

- Approximately €2 million in additional revenue was generated from just 5 plots. And these were not simply market prices; the conditions were actively altered:

- Block 1: €250,000 - By skillfully incorporating it into a package with Block 7 or Block 2: €300,000 - By securing the approval for the "extension" (which was actually larger than the main building) from the LWL
- Block 3: €670,000 - By not selling to Wohnbau Soest GmbH or the investor Candycorn
- Block 7: €250,000 - By not demolishing but selling the existing structure
- Einzueins: €530,000 - By personally reaching out to every developer and architect from Paderborn to Dortmund, thus finding a highly capable buyer

- Saved €2.4 million in costs:

- Saved €134,000 in property transfer tax - By negotiating with the tax office to rectify an unfortunate clause in the Adam Barracks purchase agreement
- Saved €116,000 in interest - By developing the areas so rapidly and, notably, collecting all purchase prices so quickly that the WMS could repay the loan so swiftly, resulting in only €24,000 in interest expenses from the originally calculated €140,000.
- Saved €657,000 in project management fees - By taking on project development/project management herself. Beyond the fee saved, this step is worth much more, as the working methods of an external project manager would have extended the development time by several years, jeopardizing the additional revenue of €6.1 million.
- Saved €1.5 million - By preventing the reversal of the Candycorn contracts and securing the payment of the purchase price guarantees when Candycorn failed to pay the purchase prices due in the summer of 2019.

Wasserfuhr

- €1.16 million in additional revenue from land sales

Large sections of the industrial and commercial area were sold by our client for €70/sqm (32% above market value, €53/sqm) - thanks to her audacity and unwavering negotiation skills.

- €261,000 saved in project development fees

Wasserfuhr was also developed and managed by WMS itself.

Strabag

- €420,000 in additional grant funds through the inclusion of the Bitunova area

After the Strabag hall fire, our client managed to terminate the long-term, non-terminable lease agreement with Bitunova, allowing the lease area to be included in the contaminated site remediation by the AAV.

- Savings of €90,000 in new connection costs for Bitunova

The dissolution of the Bitunova contract also eliminated the need for the company to be reconnected to the infrastructure, saving €90,000 in costs.

The office building on the site was successfully leased to the Künstlerhaus BEM Adam e.V., eliminating any renovation costs for the ground.

- The additional costs incurred for the demolition of the so-called "Jahrhunderthalle" due to the fire amounted to approximately €130,000. Initially, the insurance offered €200,000 but eventually paid €701,000, which is €570,000 more, thanks to my negotiation skills.

- The good market phase provided the backdrop against which our client excelled. However, it was the following factors that turned her promise of successful property development into an undeniable success story:

- The excessive dedication of our client. • Her exceptionally fast implementation speed. • Her ability to reliably identify and capitalize on market opportunities. • The decision not to outsource development work. • Her willingness to take substantial risks (e.g., parallel road planning during the zoning plan process, a deliberate "quick and dirty" approach). • Extensive knowledge of the real estate industry. • Our client's strong negotiation skills.
- The assertion that "Regarding the plaintiff's real estate performance, she certainly achieved success in the development of the Belgian Quarter. However, it should be noted that the favorable market conditions allowed for such success" is therefore inadmissible and not suitable for undermining our client's achievements. It certainly does not permit the false claim that the performance record is inaccurate.
- Furthermore, the statement "In addition, the plaintiff's performance record shows that she cannot provide corresponding services in the area of classical economic development. This concerns contacts with local businesses and associations. The plaintiff's

performance record contains nothing about this. Classical economic development, which is important, is not represented by the plaintiff" is a false statement.

- In a subsequent document, it was added: "However, from the plaintiff's own performance record, it is clear that she did not prioritize this area and, for her, the real estate industry clearly takes precedence."

- Firstly, it is a false claim that our client's performance record contains nothing related to classical economic development. The statement "Classical economic development, which is important, is not represented by the plaintiff" is inaccurate. In fact, she has achieved much in the field of classical economic development and has even expanded the scope of this business area. She has reported on her activities in this regard in her performance record:

"While the classical tasks of economic development may not have been in the public spotlight, we have still fulfilled these tasks:

- The most important task of any economic development agency is to assist with land acquisition.

- Creation of new land in the Wasserfuhr industrial and commercial area. • 6 plots already brokered to DHL, Promed, Madeia, Fuisting, Solo Lighting, Soester Bau. • Brokerage of land on Volmarsteiner Weg to Gerpel and XL-Garagen. • Brokerage of land north of the Also-Halle on Opmünder Weg to Münstermann and Höcker Generalunternehmung. • Numerous brokerage attempts for the land south of the Also-Halle, but difficult without access roads. • Regular brokerage of retail and office space, most recently to "Mit Liebe unverpackt" and the IG Metall Hamm-Lippstadt.

- Support for Start-ups • The WMS was recently recertified as a starter center. • Consultations in the past year: 332 initial consultations, 20 advisory meetings, 9 business start-ups. • Regular start-up seminars.
- Regular networking with entrepreneurs. • Inaugural visits to key companies at the end of 2016 (Kuchenmeister, Also, Legrand, Eaton, Hai, Enercon, Kvernerland, Magna, Lindenstruth, etc.). • General business breakfast in October 2017. • Business breakfast on the topic of "Digital Model Municipality" in cooperation with Mr. Radandt in July 2018. • Company visits in connection with the survey on commercial land requirements in March 2019 (e.g., Magna, Schrage). • Two business surveys conducted within the framework of the District Government's commercial and industrial land concept. • Survey of companies for the provision of fiber-optic lines for the district economic development funding application.
- Representation of the interests of economic development in the following committees, projects, institutions:

- Climate Impact Concept
- Climate Pact

- EEA European Energy Award
- Retail Laboratory
- Citylab (Chamber of Commerce): Conducting focus group discussions, IT security workshop (10/20), scenario discussions.
- City Laboratory (Digital Model Municipality)
- Digital Center for Medium-Sized Cities: as a shareholder.
- Member of various associations: Dehoga, vsw."

The assertion that our client has not contributed to classical economic development is a false statement.

- Lastly, it is also a false claim that our client did not prioritize classical economic development and instead focused primarily on real estate. In fact, we have previously argued as follows in our submission dated January 2, 2022:

- This is also a false statement. The truth is that the shift from a focus on classical economic development to land development was made by the supervisory board and city council themselves. The properties for the two major projects, "Adam-Kaserne" and "Strabag," were acquired before Prof. Dr. Dobberstein took office.

- Additionally, the supervisory board fails to mention that it did not want to provide additional personnel to support the business area of classical economic development, and the only employee in this field also handled land development. The supervisory board rejected an application from the SPD related to the financial planning for 2020 to create an additional position in classical economic development. Therefore, Prof. Dr. Dobberstein had no capacity to accomplish more in classical economic development, especially as she was already heavily involved in land development.

- Furthermore, the supervisory board neglects to mention that even under the condition that the business activities of WMS increased five to sixfold in terms of revenue and balance sheet size (revenue increased from €2-3 million to €15.6 million, with approximately 80% of the business being land development) during our client's tenure, the business area of classical economic development also grew. For example, WMS took over start-up advice from the district economic development agency since they ceased their advisory services for start-ups.

- Moreover, all business areas grew during Prof. Dr. Dobberstein's tenure:

- The second-largest business area of WMS was the management of the Stadthalle (revenue €1.4–1.8 million), where Prof. Dr. Dobberstein not only handled day-to-day operations but also successfully implemented change and turnaround management in her short time in office, almost entirely revamping the Stadthalle.

- The third major business area was inner-city large events (budget approximately €1 million). In this field, Prof. Dr. Dobberstein conceptualized and established two new events (Winterstrahlen and ProBierBar), expanded the Christmas market around the Domplatz (by approximately 25%, closing the loop for gastronomy and retail), and took over the two weekly markets.

- Furthermore, WMS is responsible for the administration and rental of the railway station building. Two major retail and office lease agreements were concluded during Prof. Dr. Dobberstein's tenure. Additionally, the "City Marketing/Tourist Information" area is larger than the field of classical economic development.
- The growth of WMS's business activities by more than five to six times was not at the expense of other business areas, including classical economic development. On the contrary, all business areas, including classical economic development, experienced growth, and the increase in business activity at WMS was solely due to Prof. Dr. Dobberstein's extreme dedication and effort, working seven days a week from morning to night and with almost no vacation.
- Demanding that Prof. Dr. Dobberstein should have provided equivalent performance in classical economic development as in land development is at the very least inappropriate, if not unethical. This would have required her to increase WMS's activities tenfold without additional personnel, while she was already working seven days a week from morning to night and with almost no vacation. Furthermore, the supervisory board never demanded that land development be postponed to expand networking activities with Soest companies. In fact, the supervisory board was very interested in the timely completion of land development projects. It is worth recalling the mayor's anger when the completion of the Adam-Kaserne had to be delayed by just two months for valid reasons.
- Claiming that our client could have been re-elected if she had achieved more in "classical economic development" is also not plausible. In fact, neither the mayor nor the supervisory board was particularly interested in classical economic development.

- Our client had regular appointments with the mayor every 4-6 weeks, but these meetings always took place in a tripartite setting with the head of the city planning department, and later with the building commissioner. The format of these meetings was such that our client regularly joined an ongoing discussion with the head of the city planning department/building commissioner; even after the tripartite discussions ended, there were no additional time slots for our client to discuss topics other than city planning with the mayor. When the position of building commissioner was created, the mayor wanted to leave discussions with our client entirely to the building commissioner. She had to fight long and hard to ensure that the mayor would at least participate in these discussions again.
- The mayor's response in the defense (page 7) reads as follows:
- "Due to the interconnection of urban development and economic development issues, the mayor conducted regular departmental meetings with the plaintiff from the beginning. After the department of urban development changed hands in mid-2018, these appointments were conducted by the new Technical Deputy Mayor, Mr. Abel. The mayor also explicitly offered the plaintiff short-term telephone appointments and regular personal consultations with him. There was certainly no obligation for him, as the legal representative of the shareholder, to do so."
- Therefore, the mayor only discussed urban development topics with our client. The other topics of WMS – classical economic development, the Stadthalle, large inner-city events, city marketing, and the train station – were not of interest to him. Appointments related to these areas of WMS were arranged only when there was an urgent issue (e.g., Stadthalle report, the "hoarding" storage of food in the Stadthalle kitchen, resulting in a health risk for

customers).

- On July 3, 2022, our client sent an email to the WMS supervisory board listing the performance record of WMS since her departure on July 3, 2020. In this email, it is stated:
- "Nevertheless, the business area of classical economic development also grew. This was only possible because I succeeded in arranging for Ricarda Frede from WMS to move to Schlachthof.

Ricarda Frede held a bachelor's degree in a marketing program. Therefore, she was hardly suitable for WMS beyond SoestArt, especially not in classical economic development, where additional capacity was urgently needed. Her transfer created space for classical economic development.

With Lisa Storm, I was then able to fill this position with a relevant background. Lisa Storm holds a master's degree in city and regional development management and came from the Economic Development Agency of the Ruhr area.

Now, Lisa Storm has apparently been replaced by Claudia Schmidt."



The position was correctly advertised as a classical economic development position (entrepreneurial advice, funding advice, maintaining contacts with companies, intercommunal cooperation, location consulting, and settlement promotion, providing guidance through the city administration, etc.). In particular, knowledge of planning and building regulations was required to support land development.

However, the position was filled with someone who had no relevant experience. Claudia Schmidt has worked in marketing and event management for breweries throughout her career (first for Warsteiner, then for Veltins). She has no experience in classical economic development and likely does not

have a relevant academic background. This is a step backward and a significant, long-term weakening of classical economic development – something that is supposedly important to you.

Another missed opportunity occurred with the appointment to the newly created position for promoting the city center. This position was also not filled with someone who had relevant experience. Isabella Zacharias is a certified event management specialist, trained at the Stadthalle – and we all know that apprentices there, before my time, were mainly involved in ticket sales. She then worked at the company "Auf den Punkt," renting technical equipment for events. She also has no experience in classical economic development, especially in reducing vacancy in the city center (facilitating funding, advising startups, advising prospective tenants on building regulations, connecting with relevant real estate agents, etc.).

Except for Dirk Göttlicher, there are now only marketing and event management professionals in the entire WMS. Dirk Göttlicher is often rejected by entrepreneurs, repeatedly with similar reasons, stating that he doesn't even remotely understand what the respective entrepreneur is aiming for.

You should be honest and rename the "Wirtschaft und Marketing Soest GmbH" to "Marketing and Event Management Soest GmbH."

In case the supervisory board wants to claim that the strengthening was accomplished by the new managing director herself, attention is drawn to a newspaper interview with her successor in Werne.

Alle Gewerbeflächen in Werne vermarktet: Der Wirtschaftsförderung reicht das aber nicht

In Werne sind alle Gewerbeflächen vermarktet. Dass derzeit Unternehmen keine Perspektiven aufgezeigt werden könnten, habe laut dem Leiter der Wirtschaftsförderung, Matthias Stiller, zwei Gründe.

Werne / 29.06.2022 / Lesedauer: 2 Minuten



Matthias Stiller ist Leiter der Wirtschaftsförderung in Werne. © Stadt Werne

In the interview, he states: "This, according to Stiller, is due to two reasons: first, after the citizen referendum on the Regional Cooperation Site, there is no clear direction regarding the societal and political decision to designate further areas for commercial use. Second, in the case of new commercial areas being designated, the planning process and infrastructure development would take years. These two factors create uncertainties in the development planning for local businesses. 'What we

need is a new economic development policy in this city to provide clarity for businesses,' Stiller says. Members of the Committee for Urban Development, Planning, and Economy also share this view. As per the committee's decision, Stiller will now prepare a proposal for the next steps."

Carolyn Brautlecht served as the head of the Office for Economic Development in Werne for about 12 years. However, it appears that during her tenure, she failed to initiate the timely development of new commercial areas.

In contrast, our client acted proactively and implementation-oriented for the benefit of the city of Soest. When she arrived in Soest, there were no more commercial areas available. However, she not only initiated the development of new commercial areas but actively took this development into her own hands. The development of new areas for industry and commerce is the pinnacle of what the supervisory board of WMS often referred to as "Classical Economic Development." She purchased farmland and developed it into an industrial and commercial area. Just 42 months after taking office, the industrial and commercial area "Wasserfuhr I" was completed, and the plots were largely sold.

- In contrast, in Werne, it appears that Frau Brautlecht's successor is currently working on developing a plan to designate new commercial areas. As a result, the city of Werne will have to go without new commercial areas for many more years.
- The assertion that "Classical economic development, which is crucial, is not represented by the plaintiff" and that this was one of the reasons for her non-reappointment is, therefore, an inaccurate statement in multiple respects: • Our client has extensively listed topics related to classical economic development in her performance record. • Classical economic development was not and is not of significant importance to either the mayor or the supervisory board. • The emphasis on land development during our client's tenure was strategically established by the supervisory board through the acquisition of major urban development projects before her appointment. • Our client has indeed represented the field of classical economic development, and it even saw growth compared to her predecessor. • The rapid development of the "Wasserfuhr I" commercial and industrial area, one of the three major land development projects during our client's tenure, was a central project within classical economic development. • Alleged deficiencies in the area of classical economic development were not the actual reason for her non-reappointment but rather a fabricated pretext.

• The following statement is incorrect: "The plaintiff did not discuss this with the mayor in advance, so it became a topic of discussion in the supervisory board as to why the plaintiff did not address these alleged mistakes beforehand."

• This pertains to three supervisory board meetings in summary:

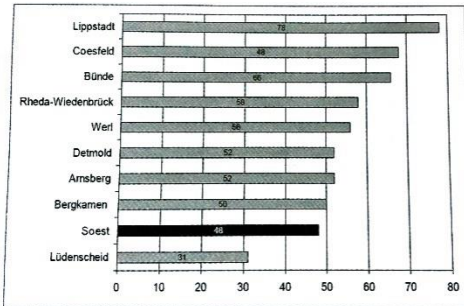
1. During the supervisory board meeting on November 11, 2016, our client reported to the supervisory board about the error of the "forgotten" side streets. This occurred within the context of presenting the results of a market and location analysis conducted by F+B. The primary focus of this discussion was the fact that, among other issues, this error had resulted in a reduction in the number of residential units, causing the planned ratio of single-family homes to multi-family homes and subsidized to non-subsidized housing to become disproportionate.

TOP 1a: Adam Kaserne

Wirtschaft & Marketing
Soest GmbH

Ergebnisse Markt- und Standortanalyse

Abb. 3.1-15 Anteil Wohnungen in Ein- und Zweifamilienhäusern am Gesamtwohnungsbestand in Wohngebäuden im Städtevergleich 2015 in %



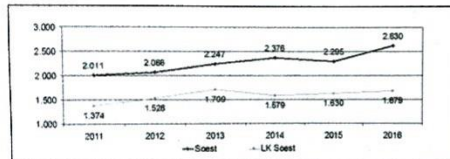
Quelle: IT NRW 2016

TOP 1a: Adam Kaserne

Wirtschaft & Marketing
Soest GmbH

Ergebnisse Markt- und Standortanalyse

Abb. 3.1-25 Preisentwicklung freistehende Einfamilienhäuser (Neubau) in Soest und dem LK Soest 2011-2016 Euro/m² Wohnfläche



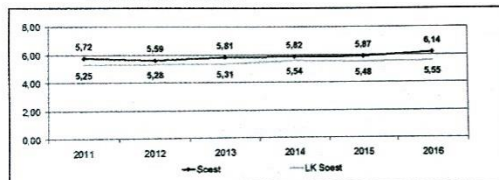
Quelle: F+B EFH-Vergleichspreismonitor 2016

TOP 1a: Adam Kaserne

Wirtschaft & Marketing
Soest GmbH

Ergebnisse Markt- und Standortanalyse

Abb. 3.1-27 Marktmietenentwicklung (Referenz-/Normalwohnung) in Soest und dem LK Soest 2011-2016 (arith. Mittel, Jahresdurchschnitt) in €/m² nettokalt



Quelle: F+B Marktmietenmonitor Wohnen 2016

TOP 1a: Adam Kaserne

Wirtschaft & Marketing
Soest GmbH

a. Ergebnisse Markt- und Standortanalyse

ii. Empfehlung städtebauliches Konzept

Gebäudetyp	Variante 1: 55 % Einfamilienhäuser	Variante 2: 60 % Einfamilienhäuser
Einfamilienhaus freistehend	78	80
Einfamilienhaus verdichtet	11	12
MFH freifinanziert	12	0
MFH gefördert	60	60
Gesamt	162	152

* Auf der Basis Nettobauand = 60 %

TOP 1a: Adam Kaserne

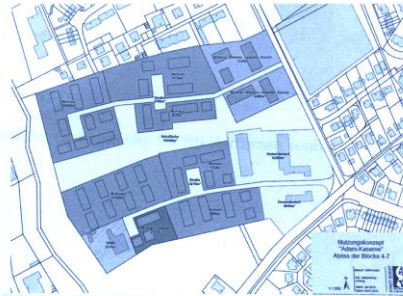
Wirtschaft & Marketing
Soest GmbH

Ergebnisse Markt- und Standortanalyse: Bewertung der WMS

i. Annahmen aus der NRW Urban Kalkulation müssen revidiert werden:

- Gebaut werden nicht 350/400 Einheiten, sondern nur 150-160
- NRW Urban rechnet mit 60.000 m² Nettobauand (73 %), abgeleitet aus unten stehender Karte (81.000 m² - Grünflächen und Haupteerschließungskarten.). Es fehlt die Nebenerschließung.

F&B hat deshalb mit 60 % (49.000 m²) gerechnet. Aber auch bei 73 % wären es nur 178-188 Einheiten.



TOP 1a: Adam Kaserne

Wirtschaft & Marketing
Soest GmbH

Ergebnisse Markt- und Standortanalyse: Bewertung der WMS

i. Befürchtung: Stigmatisierung des Gebietes

- Mix
- Klar erkennbar, welche Gebäude Sozialwohnungen beherbergen, nämlich alle Geschossbauten

ii. Folgen für Einfamilienhausgrundstücke

- Längere Vertriebszeit
- Niedrigere Grundstückspreise

iii. Folgen für die Wirtschaftlichkeit: Grundstücke für MFH können teurer veräußert werden.

TOP 1a: Adam Kaserne

Wirtschaft & Marketing Soest GmbH

Veränderte Rahmenbedingungen

i. Politische Entscheidungen wurden auf der Basis der Annahme 350-400 Einheiten getroffen. Bei nur ca. 150 Einheiten

1. Sollen davon trotzdem 60 Sozialwohnungen sein oder ist eine kleinere Anzahl denkbar?
2. Sollen die Sozialwohnungen trotzdem von einer öffentlichen Wohnungsgesellschaft errichtet werden oder doch von kleinen Wohnungsgenossenschaften?
3. Sollen tatsächlich nur 150 Einheiten gebaut werden oder mehr Eigentumswohnungen zulasten von Eigenheimen errichtet werden?

2. During the supervisory board meeting on January 17, 2018, our client presented an updated negative forecast of - [redacted] million euros. However, she did not reiterate the embarrassing mistake of the forgotten side streets, which had been particularly embarrassing for her predecessor, during this meeting.

Top 2 Aktuelle Wirtschaftlichkeitsprognose

Wirtschaft & Marketing Soest GmbH

Letzte Prognose vom April 2017:

0 €

Neue Prognose NRW Urban vom 12.1.2018

-1.225.000 €

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Top 2 Aktuelle Wirtschaftlichkeitsprognose

Wirtschaft & Marketing
Soest GmbH

Ursache für die Abweichung: hier **Abbruch und Entsorgungskosten**:

Alt:	1.785.000 €	inklusive Block 4, 5, 7
Neu:	1.915.000 €	ohne Block 4, 5, 7

Regelung Kaufvertrag: ursprünglicher Kaufpreis wurde unter Abzug der Abrisskosten ermittelt, aber vereinbart, dass falls nicht abgerissen wird, der Kaufpreis um die damals kalkulierten Abrisskosten erhöht wird.

Um die beiden oberen Zahlen vergleichbar zu machen, müssen zu den 1,915 Mio. € **917.000 €** für die Erhöhung des Kaufpreises (inklusive Nebenkosten) addiert werden.

D.h. neu:	2.832.000 €	Abrisskosten + Erhöhung des Kaufpreises um nicht angefallene Abrisskosten
-----------	-------------	---

Differenz: -1.046.000 €

- Weiterhin Schätzung: beruht auf Schätzung von Mengenangaben aus dem Altlastengutachten. Diese können am Ende größer oder kleiner sein.

Top 2 Aktuelle Wirtschaftlichkeitsprognose

Wirtschaft & Marketing
Soest GmbH

Ursache für die Abweichung: hier **weitere Kostengruppen**:

Planungskosten:	
Alt:	280.000 €
Neu:	<u>400.000 €</u>
Differenz:	-120.000 €

Straßenbau:	
Alt:	2.068.000 €
Neu:	<u>2.324.000 €</u>
Differenz:	-256.000 €

Entwässerung:	
Alt:	1.578.000 €
Neu:	<u>1.407.000 €</u>
Differenz:	171.000 €

Freiflächen:	
Alt:	644.000 €
Neu:	<u>700.000 €</u>
Differenz:	-56.000 €

Top 2 Aktuelle Wirtschaftlichkeitsprognose

Wirtschaft & Marketing
Soest GmbH

Abbruch der Projektentwicklung?

- Empfehlung der WMS: **Nein, auf keinen Fall!**

- 1,2 Mio. € sind viel Geld, aber bei einem Projektvolumen von derzeit 13,8 Mio. € beträgt die Abweichung derzeit „nur“ 8,7 %.
- Der Schaden ist schon eingetreten: Bei den Verhandlungen des Kaufpreises hätte unter heutigem Kenntnisstand ein höherer Betrag für die Abriss- und Entsorgungskosten wertmindern angesetzt werden müssen.

Wenn die WMS das Grundstück morgen verkauft würde, würde jeder potentielle Käufer

- Den Kaufpreis um die Abriss- und Entsorgungskosten mindern
- Den Kaufpreis um seinen eigenen Mindestgewinn-Erwartung mindern (15 % der Herstellungskosten = 2,1 Mio. €)

Top 2 Aktuelle Wirtschaftlichkeitsanalyse

Wirtschaft & Marketing
Soest GmbH



Nachtrag zum Wirtschaftsplan: jetzt oder später?

- Diese Frage habe ich heute mit Frau Wennemers, unserem Steuerberater Herrn Duffe und unserer Wirtschaftsprüferin Frau Beerbaum diskutiert.
- Gefahr:
 - Wegen der Fledermäuse darf nur bis Mitte März abgerissen werden. Beauftragt die WMS nicht spätestens Ende Januar den Abriss und die Entsorgung des Bockes 6 und der südlichen Erschließung, dann verschiebt sich die Entwicklung im Süden um 1 Jahr. Dann würden auch Kaufinteressenten für die Blöcke 1, 2, 4, 5 und 7 wahrscheinlich aussteigen.
 - Beschlüsse über Nachtrag im AR, HFA, Rat und der Gesellschafterversammlung sind bis Ende Januar unrealistisch.

Top 2 Aktuelle Wirtschaftlichkeitsanalyse

Wirtschaft & Marketing
Soest GmbH



Nachtrag zum Wirtschaftsplan: jetzt oder später?

- Vermögensplan 2018: steht der Verlust fest, muss der Grundstückswert wertberichtigt werden → dann würde ein Nachtrag notwendig
 - Fest steht:
 - Grundstückspreise für private: legt der AR heute fest
 - Grundstückspreise für Denkmäler: sind endverhandelt
 - Unsicher ist:
 - Tatsächliche Abriss- und Entsorgungskosten
 - Es gibt eine Risikoposition in Höhe von 600.000 € in der Kalkulation. Wegen fehlender Kostensicherheit kann die jetzt noch nicht aufgelöst werden, aber vielleicht reicht sie am Ende aus.

Top 2 Aktuelle Wirtschaftlichkeitsanalyse

Wirtschaft & Marketing
Soest GmbH



Nachtrag zum Wirtschaftsplan: jetzt oder später?

- Vermögensplan: steht der Verlust fest, muss der Grundstückswert wertberichtigt werden → dann würde ein Nachtrag notwendig
 - Es gibt Spielräume:
 - Grundstückskosten der städt. Wohnungsgesellschaft werden derzeit subventioniert: Neubauten 150 statt 220 €/m², Block III 64 statt 170 €/m² = 620.000 €
 - Erschließungsvertrag: WMS soll Stadt Straßen und Freiflächen schenken. Würden 10 % der Kosten von der Stadt getragen – wie bei deren eigenen Maßnahmen-, würde dies zusätzliche Erträge in Höhe von ca. 300.000 € bedeuten.
 - Gehweg entlang der Clevischen Straße: wird nicht durch die Entwicklung des Belgischen Viertels ausgelöst. Gerechtfertigt wäre, dass die Stadt den komplett bezahlt: ca. 100.000 €

Top 2 Aktuelle Wirtschaftlichkeitsanalyse Wirtschaft & Marketing Soest GmbH

Nachtrag zum Wirtschaftsplan: jetzt oder später?


- Auswirkungen auf den Wirtschaftsplan 2018:
 - Erfolgsplan 2018:
 - Höhere operative Ausgaben schlagen sich erst einmal nur in höheren Zinskosten nieder:
 - 130.000 € mehr Abrisskosten
 - 171.000 € weniger Entwässerungskosten
 - 310.000 € Mehrkosten für Straßenausbau und Freianlagen und die Nachzahlung des Kaufpreises in Höhe von 917.000 € nicht in 2018, sondern deutlich später
 - d.h. wahrscheinlich nicht einmal höhere Zinskosten, keine Nachtrag notwendig
 - Aber Wertberichtigung des Grundstückes würde auch im Erfolgsplan abgebildet, dann gleiche Vorgehensweise wie Vermögensplan

Top 2 Aktuelle Wirtschaftlichkeitsanalyse Wirtschaft & Marketing Soest GmbH

Nachtrag zum Wirtschaftsplan: jetzt oder später?

- Ich halte es wegen der noch bestehenden Unsicherheiten und den vorhandenen Spielräumen für gerechtfertigt, im Moment noch keinen Nachtrag zum Wirtschaftsplan zu beantragen, aber das ist noch nicht mit der Verwaltungsspitze abgestimmt.

3. During the supervisory board meeting on March 22, 2018, our client provided an updated forecast indicating a deficit of -1.5 million euros.

Finanzen 

Wichtigste negative Veränderung seit Ankaufsbeschluss

1.000.000 €	Mehrkosten für Abriss- und Entsorgungskosten
410.000 €	weil BIMA kaum etwas von Entsorgungskosten tragen muss
570.000 €	weil KBS keine Kanalanschlussgebühren zahlt
2.600.000 €	weil bei Kalkulation Nettobauland die Nebenstraßen vergessen wurden (6.500 m ² , 1,3 Mio. weniger Erlöse, 1,3 Mio. € mehr Straßenbaukosten)
Grundstücks-	
4.580.000 €	

Finanzen



Wichtigste positive Veränderung seit Ankaufsbeschluss

3.100.000 € mehr Erlöse
(9,6 Mio. € ursprünglich, 12,7 Mio. € aktuell geplant)

Dieses Potential ist fast ausschließlich dem internationalen Finanzmarkt zu verdanken. Es ist aber auch das größte Risiko des Projektes. Obwohl die Zinsen bereits steigen, sinken die Renditen rasant weiter. Wenn sich beide Kurven treffen, wird der Immobilienmarkt von einem auf den anderen Tag zusammenbrechen. Das wird auch die Adam-Kaserne treffen, wie es 2007 auch das Ardey-Quartier getroffen hat.

Deshalb muss die oberste Priorität derzeit darin bestehen, die Kaufverträge abzuschließen!!!! und dann die Auszahlungsvoraussetzungen für den Kaufpreis zu schaffen (Baureife). Jeder Tag Verzug stellt eine Gefahr dar, insbesondere vor dem Hintergrund, dass Donald Trump gerade eliebevollt die Börsen ruiniert.

Finanzen



Prognostiziertes Defizit aktuell: 1,5 Mio. € = 10 %

Nur Momentaufnahme und es gibt noch Puffer

- 630.000 € Risikoreserve
- 350.000 € falls 2022 15% unter heutigem Preisniveau vergeben werden kann (heute 30 % über normalen Niveau)
- 140.000 € falls die Bauträger-Grundstücke im Höchstpreisverfahren 10 % über Mindestkaufpreis erzielen
- ? Entsorgungskosten: Massen bisher nur Schätzung

➤ Es gibt also immer noch die Chance, zumindest eine rote Null zu erzielen.

4.

Today, our client cannot verify from her records whether she had reported the error of the forgotten side streets to the mayor before the meeting on November 11, 2016. However, this is also due to the fact that the mayor did not conduct any pre-meetings with our client before supervisory board meetings. He even had the WMS state (submission dated April 22, 2021, p.7) that he was not obligated as the legal representative of the shareholders to have personal discussions with our client. Therefore, he cannot complain if he was not informed about the "forgotten" side streets before the supervisory board meeting on November 11, 2016.

In this supervisory board meeting, our client mentioned the error of the "forgotten side streets," but made it a secondary issue, deliberately not emphasizing it and sparing her predecessor and the mayor as much as possible, without violating her obligation to inform the supervisory board.

However, the mayor was thoroughly briefed on both negative forecasts from January and March 2018 before the respective supervisory board meetings.

From: Dobberstein Prof. Dr., Monika Sent: Wednesday, January 17, 2018 11:04 AM To: Ruthemeyer, Eckhard e.ruthemeyer@soest.de; Jochem, Martin zuckerberg.beratung@googlemail.com Cc:

Wennemers, Regina r.wennemers@soest.de; Wapelhorst, Peter p.wapelhorst@soest.de Subject: Supervisory Board Meeting Priority: High

Dear Mr. Ruthemeyer, Dear Mr. Jochem,

I have attempted to clarify on short notice with Mrs. Wennemers, our tax advisor Mr. Duffe, and the auditor Mrs. Beerbaum whether a change to the business forecast for the Adam Barracks requires an amendment to the business plan and therefore resolutions in the supervisory board, finance committee, and council.

Here are the facts for now:

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

Mit freundlichen Grüßen Prof. Dr. Monika Dobberstein Geschäftsführerin

In the minutes of the January meeting and in our client's presentation materials for this supervisory board meeting, it is even noted that there were preliminary discussions with the mayor's staff (Regina Wennemers), the auditor, and the tax advisor. The error regarding the forgotten side streets had been known for 14 or 17 months at this point.

Therefore, it is a false assertion that our client did not inform the mayor in advance of supervisory board meetings about the impending negative forecast results.

The error of the "forgotten side streets" was only a side note in the November 2016 supervisory board meeting. The mayor must take responsibility for not being informed about it because he did not offer our client a prior discussion (as mentioned above).

- Lastly, it is also a false assertion that a conflict with the supervisory board arose because my client did not inform the mayor in advance about the errors and negative forecast results.

None of the minutes of the three relevant supervisory board meetings – despite comprehensive documentation of all statements – mention even in the slightest that our client was criticized for not having informed the mayor in advance about the allegedly asserted errors. In the November 2016 meeting, Anneliese Richter (Bündnis 90/Die Grünen) and Thomas Howe (Junges Soest) actually praised our client explicitly for her transparency and emphasized that they had long wished for this level of transparency.

Three months later, after a STEA committee meeting, when our client had the impression that committee members were confused about many things, she provided structured updates on the latest developments to the faction leaders (Meiberg, Maibaum, Kappelhoff, Wiggerich, and Hagenkötter) via email, specifically regarding the updated net building land area. She received the following responses, among others:

From: roland.maibaum@t-online.de

Sent: Sunday, February 12, 2017 6:09 PM To: Dobberstein Prof. Dr., Monika m.dobberstein@soest.de

Cc: sandra wulf.soest@gmx.de Subject: Re: Economic Analysis of Adam Barracks Dear Dr. Dobberstein,

Thank you very much for the important improvement in the information, which is groundbreaking due to your clarity.

We will gladly take up your kind offer of a faction visit.

Best regards, Roland Maibaum

From: Kappelhoff kappelhoff@hagengoebel.de Sent: Monday, February 13, 2017 9:39 AM To: Dobberstein Prof. Dr., Monika m.dobberstein@soest.de Subject: Re: Economic Analysis of Adam Barracks

Dear Dr. Dobberstein, Firstly, I would like to thank you for taking the time on a Sunday afternoon to summarize the essential facts and your proposals for possible uses in the email. Especially new for me at this point was the presentation of the actual building areas.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I thank you once again and wish you continued success in your discussions.

Best regards, Dipl.-Ing. A. Kappelhoff

In the 2018 budget speech of the FDP, our client was mentioned as follows:

"Dr. Monika Dobberstein, as Managing Director of WMS, has done very good work with her team. In a pleasantly short time, the Belgian Quarter conversion project was developed, developed, and largely marketed. After initial concerns, the project has been turned into an economic success. Finally, businesses can settle in Soest again after many years of not having adequate land available."

Indeed, there was no conflict with the supervisory board. On the contrary, large parts of the (supervisory) board were explicitly grateful for her transparency and recognized her achievements.

However, there was a conflict with the mayor:

This conflict did not arise because my client did not communicate the error regarding the "forgotten" side streets to him before the supervisory board meeting in November 2016. The conflict escalated after the supervisory board meeting in January 2018, a time when the error regarding the "forgotten" side streets had already been known for 14 months. So, the fact that my client might not have reported this error to the mayor before the supervisory board meeting in November 2016 was not the trigger for this conflict.

The trigger for the conflict was rather that after the supervisory board meeting in January 2018, for the benefit of the City of Soest group and to protect the mayor's reputation, she proposed solutions on how to avoid the impending write-down while the mayor was unable to understand what my client was trying to explain. It was only from this point onwards that the mayor consistently attacked her publicly and behind the scenes.

The nature and extent of these attacks have already been described in the legal dispute before the Arnsberg District Court (reply to the counterclaim, p. 14 ff): "Moreover, when the client mentioned the impending write-down to the mayor in the last week of February, he reacted angrily and accused the client of wanting to shift her losses to "his budget." This view surprised the client because a write-down of the property price would have led to a loss for WMS that the city would have had to compensate. The loss would have automatically been included in the city's budget, in the "own" budget of the mayor.

In the same conversation, the head of the city planning department casually asked whether the completion of the Adam Barracks was still projected for October. The client replied that there was currently no new projection, but she hadn't heard anything to the contrary either. The mayor, still angry,

repeatedly insisted on whether the client could guarantee the October completion date. The client stuck to her initial statement several times, saying that she currently had no new projection, but she hadn't heard anything to the contrary either.

After the meeting with the mayor, the client instructed her employee Göttlicher to discuss whether the October projection could still be met with the planners. Three days later, the employee concluded that it was likely that the October projection could not be met. Against the backdrop of the marketing of the properties at the House and Garden Fair (HAGA), which was scheduled to start two days later, the client decided to inform the buyers that the completion date was not October 2018 but early 2019, to prevent them from planning incorrectly and triggering any claims for damages. Since the mayor was in a retreat, she informed him of this by email.

In the following days, an email exchange ensued in which the client continued to try to persuade the mayor to consider the solution for the write-down requirement through the development agreement. However, the mayor reacted emotionally, was not prepared for a constructive, factual discussion, and responded with ritual, humiliating demonstrations of power: • Although the client's emails were factual and even conciliatory in tone, the mayor claimed, "The chosen wording in the attempted justification is unacceptable. This will have to be discussed. This cannot continue." He did not argue on the merits.

- Because of the completion projection for the Adam Barracks postponed by two months, he withdrew his trust from the client: "destroys the necessary trust for a reliable cooperation." The client interpreted this rather technical formulation as an attempt by the mayor to initiate her dismissal and removal for good cause and looked for reasons.

On the substance, the accusation against the client was baseless and bordering on the absurd:

The client's predecessor had planned the development of the Adam Barracks for 10 years, an absolutely common and realistic timeframe. The dispute with the client took place 17 months after the transfer of ownership of the barracks, and the completion projection was extended from 25 to 27 months. Thus, despite the delay, the development time would be less than 1/4 of the time predicted by the predecessor. This was sensational and only possible because the client worked 7 days a week from waking up to going to bed since taking office.

The projected completion date was also just a loose internal projection, in other words, a working hypothesis, and by no means a target agreement. The date had never been communicated externally, so there could be no image loss due to the delay of 2 months."

- Immediately after the dispute over the correction of the completion projection, the mayor forced the client to organize a funeral for the Soviet war dead discovered on the Adam Barracks site in February 2018. The client did not consider this to be her responsibility because if the bodies had been discovered in Lieschen Müller's garden, the city would not have left it to Lieschen Müller to organize such a ceremony. The client perceived this, especially given the close temporal connection, as a punitive action for the mayor's dissatisfaction with the delay in the completion projection of the Adam Barracks and the objectively necessary write-down.
- In a Sunday morning email sent before 8:00 am, the mayor even demanded that the client submit a concept for the funeral ceremony coordinated with the Russian embassy by Monday at 12:00 pm. Apart from the fact that the mayor was not authorized to give the client instructions, this deadline pressure was not necessary in the least. In fact, the funeral did

not take place until after the client's departure because the Russian embassy initially wanted to ascertain the identity of the deceased.

- The client also received instructions from the lowest-ranking employee in the finance department on what and how she should report to the supervisory board in the future.

Proof: Attachment K19.02: Correspondence between the client and the mayor, specifically the email correspondence from March 3rd and 4th, 2018

The client considered the dispute very serious due to the obvious emotionality of the mayor and the chosen wording. Therefore, she sought mediation with a mediator, who, however, expressed her belief that a personality like the mayor was not suitable for mediation.

Proof: Attachment 19.03: Email from the client - Request for assistance to mediator Dr. Ulrike Rüssel

She also appealed for mediation with the Chairman of the Supervisory Board, Martin Jochem, which immediately proved to be a serious mistake because Martin Jochem is a personal confidant of the mayor. He sided with the mayor and further escalated the conflict.

The conflict continued in the supervisory board meeting at the end of March 2018. Prior to the meeting, the Chairman of the Supervisory Board, Jochem, had expressed his displeasure to the client that allegedly no progress could be seen at the Adam Barracks. However, this claim by the Chairman of the Supervisory Board, Jochem, was unfounded:

In the four weeks leading up to the supervisory board meeting, there were indeed rapid developments in the project. Completed were, for example, the zoning plan draft for the second public consultation, the approval planning for the streets, the design manual, and the marketing materials for the private plots. Two demolition companies were active on the construction site, and the demolition of more than 20 halls and a listed barracks block was in full swing.

In February, the client had also reached an agreement with the Federal Agency for Real Estate (BImA) that they would vacate and hand over the halls they were using four years ahead of the contractually agreed date. The client even achieved the immediate implementation of the agreement, so demolition could begin on the last day of February. This was necessary because after that, the protected nesting period for bats on the barracks site would begin, and the demolition would have been delayed by 9 months if the halls were handed over later. Additionally, the soil remediation was completed.

As expected based on historical reports, 19 Soviet war dead were found during this process (see above). The client had prepared for this find and the reburial of these war dead with the War Graves Commission, the police, the prosecutor's office, an undertaker, the cemetery administration, and the Russian embassy so well that the construction site had to be shut down for less than 24 hours.

Lastly, the marketing of the private plots had just started with a two-day trade fair appearance at the House and Garden Fair (HAGA), and the purchase contract for Blocks 4 and 5 had been concluded.

The client countered the accusation of the Chairman of the Supervisory Board by presenting the aforementioned development progress using an Outlook calendar in the supervisory board meeting. In response, the mayor became angry and argued that he also did not provide his schedule. Furthermore, he expressed his annoyance again about the completion projection being delayed by two months.

The Chairman of the Supervisory Board, Jochem, also criticized the client for allegedly not having already put out the tender for the detailed design of the streets. He also believed that these works had to be tendered throughout Europe, leading to further months of delay. However, this latter claim was uninformed and ultimately incorrect, as the projected fees for the engineers remained below the thresholds for a European tender, and there were no time capacities available for the tender due to the small staff of WMS, considering the other tasks described.

Proof: Minutes of the Supervisory Board meeting on March 22, 2018, in the possession of the defendant, which should be submitted as evidence.

However, while the mayor and the Chairman of the Supervisory Board complained on the one hand that the development of the barracks was allegedly too slow - even though it was actually progressing exceptionally quickly - the client heard, on the other hand, how the mayor and the Chairman of the Supervisory Board whispered to each other that the start of marketing the plots had taken place much too early - less than 9 months before the planned handover date. This, too, was an absurd, pretextual accusation. This became evident no later than in 2020 when the city started marketing its own building area in the north of the city 15 months before the planned completion date. It was not about the "development of the Adam Barracks" for the mayor and the Chairman of the Supervisory Board.

Proof: Attachment K38: Start of Marketing and Completion of the Northern Building Area

The plaintiff rather gained the impression that there was a deliberate search for reasons to target and remove her, all against the backdrop of an objectively sensational rapid development of a conversion area, which was, in fact, a significant success story.

Therefore, the plaintiff is convinced that the hostile attitude of the Mayor and the Chairman of the Supervisory Board in this supervisory board meeting was not based on the plaintiff's performance but on her person, which they wanted to "get rid of."

In addition to the previous presentation, it should be added that regarding the impending write-down, the Mayor, in the supervisory board meeting on March 22, 2018, finally proposed financing the impending write-down with a loan and promised generous subsidies from the city.

The minutes state the following:



Frau Prof. Dr. Dobberstein weist darauf hin, dass, sollte sich im Laufe des Sommers die negative Prognose realisieren, im Jahresabschluss eine Wertberichtigung des Grundstückes erfolgen müsse und in der Folge ein Nachtrag zum Finanzplan 2018 um den dann wahrscheinlichen Verlust

notwendig würde. Das Geld müsse dann 2018 von der Stadt an die WMS fließen, obwohl es erst 2022 benötigt werde.

Herr Dr. Ruthemeyer schlägt dazu die Aufnahme eines Kredites durch die WMS vor und verspricht eine Bezuschussung durch die Stadt.

The Mayor's proposal to finance the write-down with a loan was, of course, nonsensical:

1. Banks do not finance deficits. They require collateral and a plausible explanation of how the repayment will be made. The development of the Adam-Kaserne project envisaged a complete sale of the properties at the end of the project. A deficit of €1.5 million was forecasted for the sale. Therefore, there were neither securities nor revenues from which the loan could have been repaid. No bank would have increased the loan for the Adam-Kaserne by the amount of a projected deficit.
2. Write-downs are reflected in the income statement (profit and loss statement) in the expense section. They, therefore, generate a deficit. The city is obliged to compensate for deficits incurred by the WMS. However, during the meeting, the Mayor gave the impression that the city had the choice of providing a subsidy or not.

Even if the WMS could have obtained a loan, it would have been nonsense to take one out in 2018. The cash flow impact of the deficit would only have occurred upon the completion of road construction, at the earliest in 2022. Borrowing money from the bank in 2018 would not have made any sense.

Several weeks later, around mid to late April 2018 (the exact date is no longer reconstructable), the plaintiff received a call from Regina Wennemers, the Head of Finance at the City of Soest. She explained to the plaintiff that the finance department had now also come to the realization that the plaintiff's proposal regarding the development contract was a good one and that they now wanted to go down that path. The plaintiff explained that it was too late for that; the development contract had already gone through the responsible committees and been finalized.

Even if WMS could have obtained a loan, it would have been nonsensical to take one out in 2018. The cash flow impact of the deficit would only have occurred upon the completion of road construction, at the earliest in 2022. Therefore, borrowing money from the bank in

2018 would not have made any sense.

3. Several weeks later, approximately in mid to late April 2018 (the exact date is no longer reconstructable), the plaintiff received a call from Regina Wennemers, the Head of Finance at the City of Soest. She explained to the plaintiff that the finance department had now also come to the realization that the plaintiff's proposal regarding the development contract was a good one and that they now wanted to go down that path. The plaintiff explained that it was too late for that; the development contract had already gone through the responsible committees and been finalized.

[REDACTED]

In conclusion, it should be noted that our client responded to the impending property value adjustment with a constructive, knowledgeable, and creative proposal for the benefit of the city and the protection of the mayor's reputation.

Despite the mayor having a background in law, experience as a treasurer, and nearly 20 years of experience as a mayor at that time, it is apparent that he understood very little about accounting regulations and their economic and financial consequences. He misunderstood our client's proposal as an attack on "his" budget and, as a result, reacted emotionally rather than addressing the issue on its merits. He attempted to ritually humiliate our client, for instance, by forcing her to organize the funeral of the Soviet soldiers and having her receive instructions from the lowest-ranking employee in the finance department.

The property value adjustment was eventually averted because, over the course of 2018, our client managed to secure some sensational purchase agreements related to the barracks blocks on the Adam Barracks, which led to a projection of a break-even result."

At this point, let's reintroduce the email correspondence between our client and, among others, the mayor, which unfolded between the supervisory board meetings in January and March 2018 regarding the "Property Value Adjustment at Adam Barracks" issue. This correspondence highlights how consistently our client made factual solution proposals and how consistently the mayor rejected these proposals for non-substantive reasons.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

There was undoubtedly a conflict, but it was exclusively with the mayor, as previously stated above, and not with the supervisory board.

It is implausible that this conflict arose because the mayor wanted to be informed about the errors in the calculation from the purchase decision and the resulting negative forecasts before the supervisory board meetings. It is more plausible that he wanted to know about the errors in the economic analysis underlying the purchase decision and the negative forecasts uncovered by our client in advance, in order to "pressure" our client into concealing them from the supervisory board, contrary to her legal obligation to provide comprehensive risk disclosure.

The mayor had a motive for this:

Our client's predecessor and the mayor had jointly pursued the purchase of the Adam Barracks over many years. In October 2012, they had already failed spectacularly: as part of the "Regionale" structural project, they had acquired €13.8 million in funding from the state. However, the city council refused to approve the project. It was the CDU (Christian Democratic Union), which left its own mayor out in the cold. It must have been highly embarrassing to inform the state and the Südwestfalen Agency that the project would not be implemented and that the funding would be forfeited.

Evidence:

Soester Anzeiger:

End of the "Adam Barracks" Project in Soest

The future of the Adam Barracks in Soest is once again entirely uncertain. © Dahm SOEST ▪ The project to refurbish the abandoned Adam Barracks, which have been dormant for two decades, into a cultural meeting place and a new residential area for over 20 million euros, has failed. The city of Soest is pulling out and will no longer apply for funding from the "Regionale" project. The reason for this turnaround is a change of opinion within the CDU. Until recently and for over three years, they had been supporters of the project; however, on Tuesday evening in the main committee, they declared: "The city cannot afford the project," said Deputy Faction Leader Rolf Meiberg. One of the reasons for this new situation is, not least, the state's fault: initially, they had waved with an 80 percent grant (24 million euros) for investment costs of over 30 million euros. However, during the summer break, this grant was reduced to 13.5 million euros. Since in the past, the Citizen's Association, FDP, Left, and SO Party had already distanced themselves from the project, the CDU decision has now removed the majority's support.

Our client was informed from multiple sources that the proposal for the purchase had been rejected because people did not trust the calculations made by our client's predecessor. Anneliese Richter, for example, mentioned at the State Chancellery's Christmas reception on December 21, 2019, to the undersigned and our client that everyone knew our client's predecessor couldn't do math.

This lack of trust is also evident in another article from the Soester Anzeiger in September 2012:

FDP recalculates expenses for the Adam Barracks Created: 12.09.2012, 14:00 Uhr Comments SOEST - FDP faction leader Bernd Milke took the trouble to recalculate and scrutinize the complex figures for the multi-million euro renovation of the Adam Barracks. The result is some new impressive figures, ten questions for the mayor and treasurer, and the conclusion: "We cannot afford the project!" After the state had withdrawn its initial commitment to fund the project with 20 million euros, today there are still 13.8 million euros available from state funds. This amounts to a reduction of over 31 percent, as listed by Milke, who compares it to the additional burden the city now has to shoulder: almost 6.6 million compared to the previous 5 million, representing an increase of 30 percent. At least it has now been admitted that the annual loss is more than a quarter of a million euros, whereas it was previously claimed that the project would break even (thanks to rental income and proceeds).

But is the quarter of a million enough? Milke asks whether the losses include the costs of the trustee solution. When the Adam project was recalibrated, the state abandoned the idea of appointing a trustee to manage the project from A (like tendering) to Z (turnkey handover) for the city hall. However, this doesn't come for free. If they were to honor him with just five percent of the pure construction cost of 24.2 million euros, the cost would be 1.2 million euros. But where in the documents submitted to the city council for next week's deliberations does this item appear? The FDP asks this question.

She continues to address nine other points of contention. What about the monument protection for the barracks, which significantly increases the renovation costs? Does it have to be there at all? Or are there ways to eliminate it? Milke wants to know and demands: "The mayor should state it clearly." And what will happen to the other monument protection and urban development projects in the city? is another question.

In a brief note in the city's proposal, it simply states: "The above-average commitment of funds for the (Adam) project means that prospects for funding for other projects in the coming years will be limited." Because money is the crux of all considerations for the Adam Barracks, Milke requests that the key points for the 2013 budget be presented now - and not just after the decision for or against the Adam Barracks.

Our client's predecessor remained in office beyond his retirement age after the spectacular failure in 2012 and continued to work on the purchase of the Adam Barracks, this time with a different concept (no culture, but housing) and without funding. Finally, in February 2016, the mayor and our client's predecessor managed to persuade the council to pass a resolution to purchase. In this resolution, the CDU explicitly stipulated that the development must be cost-neutral. The purchase resolution was implemented on August 23, 2016, just a few days before our client took office, and the barracks were acquired.

Soest City Buys the Adam Barracks Created: 26.02.2016 Updated: 29.02.2016, 14:06 Uhr By: Astrid Gunnemann Comments Soest - On Wednesday evening, the council voted in a closed session to purchase the Adam Barracks. With two-thirds of the votes and against the votes of the FDP and the Young Soest, approval was given for the acquisition of the property for 2.3 million euros. The barracks, built in the 1930s, still belong to the federal government and are managed by the Federal Agency for Real Estate Tasks (BIMA). Apartments are to be built on the approximately ten-hectare site, with 20 to 30 percent of them being social housing. "The council has instructed economic development to work out the purchase agreement," says Thorsten Bottin, city spokesman. The council considered it important to insist on cost neutrality for the overall project - there must be no long-term follow-up costs. The FDP, like the Young Soest, expressed concerns about the purchase - for cost reasons. "We have concerns that the city will end up with costs that it cannot sustain in the long

run. This is a big chunk, and reliable calculations must be the basis," says Thomas Howe of the Young Soest. "We have negotiated extensively, and now the purchase agreement must be notarized. Once the purchase agreement is concluded, work can begin on drawing up the development plan for the area. This will probably take place throughout 2016," says economic development officer Ferdinand Griewel.

- Blocks one to three are listed as historical monuments and must be preserved. Blocks four to seven can be preserved and converted, but they don't have to be. "There are plenty of ideas for development," says Griewel. There will be investigations into whether to build new structures or demolish the old buildings, and a careful cost analysis will determine what is most cost-effective for the city. The city will now sit down with the numerous users of the barracks and discuss its future. This includes not only the Bem-Adam artist's house but also numerous associations and commercial users. "As part of the Regionale project, we had many ideas for the site. We look forward to engaging with the city again," says Chairman Kevin Isaac. Now is the right time to engage with everyone.
- And then our client took office, looked at the economic analysis, saw a significant error when looking at the first number (the ratio of net building land to the total area), and immediately realized that the side streets had been forgotten in the calculation—a mistake that would later be quantified at 2.6 million euros!
- This must have been embarrassing for the mayor once again. Therefore, he had an interest in claiming that our client's findings were incorrect and that the economic analysis in the purchase resolution was, in fact, correct.
- In conclusion, it should be noted that the assertion, "Regarding the Adam Barracks, it should be noted in this context that a first conflict in the supervisory board had already arisen because the plaintiff criticized the economic calculation made by the city. She claimed significant errors. Negative results were predicted. The plaintiff had not discussed this with the mayor in advance, so there was a discussion in the supervisory board about why the plaintiff had not raised these supposed errors in advance," is a false statement of fact. All of the sub-statements are also false statements:
 - The economic analysis was not created by the city but by NRW-Urban on behalf of our client's predecessor.
 - Our client didn't just criticize this economic analysis; she claimed errors because the economic analysis underlying the purchase resolution did indeed contain numerous significant errors.
 - The negative forecast results presented by our client to the supervisory board were not merely asserted; they were calculated seriously and were based on the numerous significant errors in the economic analysis that had led to misjudgments in the purchase negotiations with the BImA and, consequently, to a high purchase price.
 - There was no conflict with the supervisory board, but solely with the mayor.
 - The conflict was not triggered by our client failing to communicate the error regarding the "forgotten" side streets before the supervisory board meeting in November 2016. The conflict escalated in February 2018, when this error had already been known for 14 months.
- In conclusion, the statements on page 14 of the response to the complaint dated April 22, 2021, which ultimately lead to the assertion on page 23 of the same submission that our client's performance record is inaccurate, constitute a disturbing sequence of false factual claims.
- The statement that our client's performance record is inaccurate is, therefore, also a false factual assertion and not an evaluation of the services provided by our client:
 - The foundations upon which this assertion is made are themselves overwhelmingly

false factual claims, and • The - inadmissible - relativizations of our client's achievements do not mean that the achievements listed in her performance record were not provided by our client.

VIII. Furthermore, during the proceedings before the Arnsberg Regional Court, additional demonstrably false factual claims were made, which did not play a role in the context of the non-reappointment but are relevant in relation to the reported attempted fraud on the court. These primarily consist of deliberate lies regarding the content and course of supervisory board meetings.

At least those members of the WMS supervisory board who were already members in the previous council term (Ruthemeyer, Richter, Jochem, Schulze, Niermann, Haupt, Burges) and who participated in the disputed meetings knew positively that the corresponding presentation by the WMS in particular in the response to the complaint was false and did not accurately reflect the recorded content and course of the relevant meetings.

- Thus, the supervisory board denies that Prof. Dr. Dobberstein used the supervisory board meeting on April 4, 2019, to extensively address the inappropriate treatment towards her and claims that she merely requested to "generally discuss the cooperation between her and the supervisory board." This is a false factual assertion and, furthermore, an infamous lie.

Literally, in the minutes of the supervisory board meeting on April 4, 2019, which were not submitted to the court by the supervisory board but were provided to the court by the undersigned in a submission dated October 7, 2021, after they were anonymously delivered to her in September 2021, it states:

"[Prof. Dr. Dobberstein] poses the question: how does the supervisory board envision cooperation in the future? She has been rebuffed repeatedly in supervisory board meetings and now supervisory board members have participated in a petition against the managing director by asparagus suppliers on March 30th at the market in Soest, and the chairman of the supervisory board publicly withdrew his trust in her in the press. All of this, over what is merely a minor issue. Furthermore, internal matters continually leak to her detriment. She is doing an excellent job, but the supervisory board's treatment of her is in diametrical opposition to that. On the presentation slide that is simultaneously available, she announces that she will not leave voluntarily and intends to fight for her job. Because one thing must be clear to everyone, if you separate after 2 years in an unplanned manner, then she will never get another job for the rest of her professional life. The supervisory board would end her career and destroy her existence."

The minutes further state:

"Several members of the supervisory board share the opinion that the treatment of the managing director is not right. One supervisory board member referred to the behavior as bullying. There was unanimity that the interaction with each other must improve in the future."

- The supervisory board further claims in relation to Wasserfuhr I that Prof. Dr. Dobberstein failed to disclose that it led to a better result after the supervisory board rejected the proposals from the October meeting. This insinuates and makes the covert assertion that the supervisory board had valid criticisms of my client's concept for the Wasserfuhr

commercial and industrial area, and the meeting was postponed to a date one month later because my client was instructed to revise the concept.

This assertion is incorrect. The correct fact is that my client's development concept was not criticized in the slightest by the supervisory board, and she was not instructed to revise this concept.

In fact, my client had presented a proposal that involved an increase in purchase prices. However, the supervisory board members did not want to take responsibility for this price increase themselves to avoid drawing the aggressive ire of potential buyers.

The minutes state the following verbatim:

"The supervisory board instructs Prof. Dr. Dobberstein to engage in discussions with the interested parties with the goal of obtaining their agreement for an increase to €59.00 per square meter by the next supervisory board meeting. The results of the discussions are to be presented on November 30, 2018. Only after that will the supervisory board decide on a price increase."

At the end of the minutes, it is stated once again: "WMS is tasked with clarifying with the prospective property buyers to what extent they are willing to accept a price increase of €7.00 per square meter to €59.00 per square meter."

- The supervisory board further states regarding the supervisory board meeting on January 22, 2020:

"The previously mentioned witness Jochem did not refer to the scoring model as manipulative. This is not his choice of words," page 11 of the defense statement.

However, in the minutes of this meeting, it is stated verbatim:

"Mr. Jochem expresses his dissatisfaction and finds the explanations by the managing director to be manipulative. He is used to receiving the points presented neutrally in order to make a decision. Due to the manipulative presentation by the managing director alone, he blackens, blackens, blackens, blackens. Ms. Dobberstein responds that she has prepared her opinion - as requested in the last meeting - in a matrix. She has disclosed her evaluation criteria, weighting, and assessment and has also disclosed all correspondence to the supervisory board. More transparency is not possible."

Further down in the minutes, Anneliese Richter is quoted as saying that she only considers external influence as manipulative, referring to Martin Jochem's comment.

If the supervisory board member Jochem (CDU) referred to the "presentation" of the facts by our client in the supervisory board meeting on January 22, 2020, as "manipulative," he specifically means the scoring model developed by our client, as she had exclusively presented the facts in this scoring model for the supervisory board's decision.

As a witness for this statement, in addition to Martin Jochem, Andre Hänsch has offered himself to the court. He was the chairman of the supervisory board at that time and, in that capacity, even signed the minutes that prove the opposite of what is stated in the defense statement.s