

Quarterly Report President Q3 2022

Report for the period 1st July - 30th September

This is my fifth report as President of Open Source Matters. There is not so much to report. Not because I was lazy but because I have worked on just a few time consuming tasks. The board is working well and with the new treasurer I am sure we will be better in this area.

Most of my time went into legal cases.

We are still waiting on American Airlines to provide us with information to close this case. There is not so much we can do besides waiting, we have asked a couple of times and to do the same over and over again does not make much sense.

The attorneys representing OSM in the case filed by Rowan Hoskyns-Abrahall have provided the following update, which I pass along to you:

United States District Court for the Southern District of New York Action by Rowan Hoskyns-Abrahall against Open Source Matters

On May 18, 2022, Rowan Hoskyns-Abrahall ("Plaintiff") filed a complaint (22-cv-04086) in the United States District Court for the Southern District of New York (the "Court") against Open Source Matters ("OSM"). The complaint is an action for Defamation, Publication of Private Facts, and Intentional Infliction of Emotional Distress ("IIED") and alleges that OSM published at least seven grossly defamatory statements of and concerning Plaintiff and one Publication of Private Facts, all of which Plaintiff claims have caused both IIED and tremendous reputational and economic harm. These allegedly defamatory publications concern Plaintiff being accused of misuse of OSM's corporate funds during the time she served with OSM. Plaintiff seeks permanent injunction; compensatory and punitive damages; and an award of other and further relief as the Court may deem just and proper. On September 20, 2022, OSM filed a Partial Motion to Dismiss the causes of action alleging Publication of Private Facts and IIED, an Answer to the cause of action for Defamation, including a demand for a jury trial, and a Counterclaim alleging Breach of Fiduciary Duty, Conversion, and Fraud. In its counterclaim OSM seeks an accounting, an award of compensatory damages, including costs and attorney's fees, and an award of other and further relief as the Court may deem just and proper. Plaintiff requested additional time to file an amended complaint, which OSM did not oppose, and Plaintiff's amended complaint is due on November 10, 2022. Plaintiff and OSM must jointly prepare a case management plan by November 15, 2022, and the Court has ordered an initial status conference with the parties for November 22, 2022. OSM submitted an insurance claim regarding Plaintiff's action, and the insurance company advised in a formal coverage letter dated November 1, 2022, that it will defend OSM subject to the policy terms and conditions.

One other task I have worked on is the organisation and documentation of procedures, mostly with Nadja (our new treasurer). We have worked with our bookkeeper to prepare the books for closing the last financial year. Now our accountant is working on our Tax fillings, this should be finished soon. Unfortunately we had to do this without the help of the former treasurer.

In the next months I will concentrate on documentation and bringing bits and pieces together so that the next President will find a clean desk and can work on more fun tasks.

I am closing with an apology. I haven't done the budget post I promised in my last report, I will do my best to do this soon. The short version is that we as a board approved all requests for money that departments have asked for. There is enough money in the budget to make Joomla! better than ever.

Looking forward to a brighter future of the project, with your help we can do it.

Aachen, 3rd November 2022

Robert Deutz

President