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October 24, 2018

VIA EMAIL & HAND DELIVERY

news@tmj4.com

Joe Poss
WTMJ-TV NBC
720 E. Capitol Drive
Milwaukee, WI 53212

Re: Democrat Attorneys General Association WI People's Lawyer Project Ad
"Judgment"

Dear Station Manager:

Our office represents Attorney General Brad Schimel in connection with his 2018 re-election campaign. Please direct all future correspondence on this matter to our attention.

Beginning on or about October 23, 2018, your station began airing a false advertisement sponsored by Democrat Attorneys General Association WI People's Lawyer Project ("DAGA"). A link to the ad can be found here: (<https://www.dagaplwi.com/>).

Because this ad contains a number of demonstrably false allegations, we demand that your station immediately cease broadcasting this ad. Given that the election is less than two weeks away, any delay on your part will constitute an act of actual malice, and would be in reckless disregard for the truth or falsity of the advertisement. *See New York Times v. Sullivan*, 376 U.S. 254 (1964).

Set forth below is a summary of the ad, and detailed factual descriptions of all of the falsehoods.

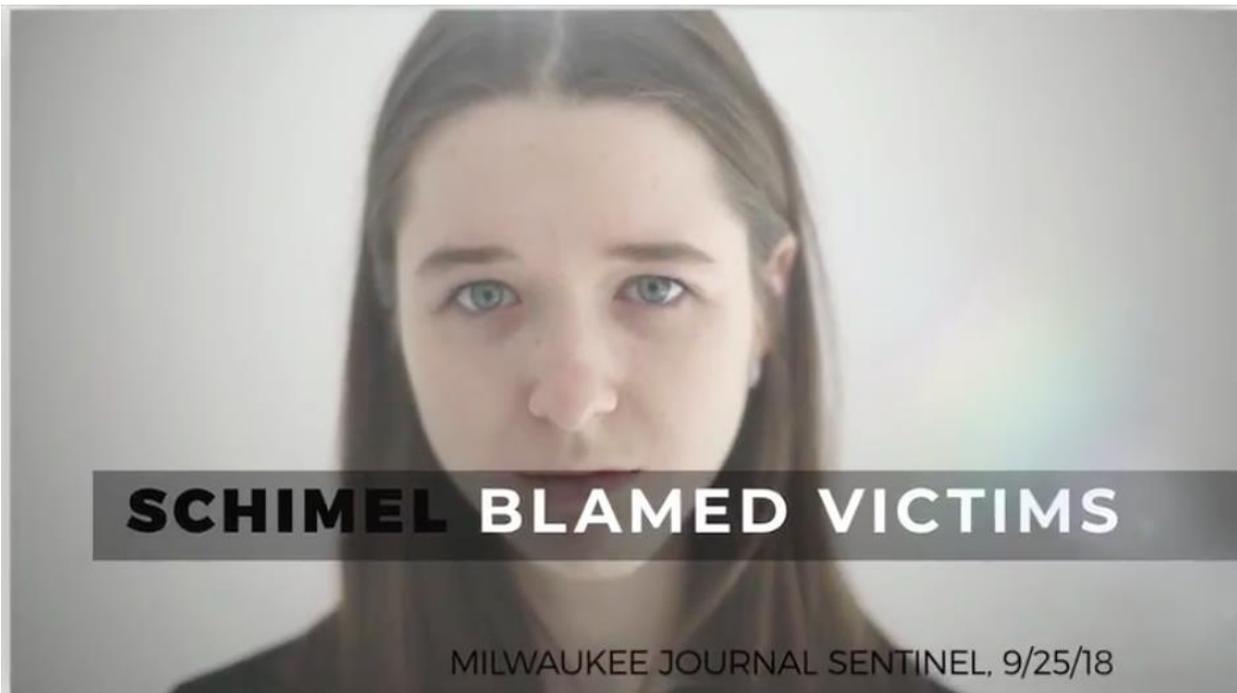
Transcript of the Ad

*Their safety is his responsibility.
But Attorney General Brad Schimel repeatedly cut plea deals for men who sexually assaulted children.
He blamed underage victims of sexual assault for their quote "bad judgment."
And after a lawyer for a man caught with child pornography gave thousands of dollars to Schimel's campaign,
That man got a plea deal...just days after Schimel took office.
For their safety, vote no on Schimel.*



False Claim #1: “But Attorney General Brad Schimel repeatedly cut plea deals for men who sexually assaulted children.”

Facts: Two of the cases listed above, Waukesha County Case 06CF650 - *State of Wisconsin v. Joseph P. Betka*, and Waukesha County Case 07CF634 - *State of Wisconsin v. James T. White*, were assigned to Waukesha County Deputy District Attorney Debra L. Blasius. The attached criminal complaints, which are marked Exhibits 1 and 2, show Attorney Blasius as the assigned attorney. This information is also publicly available on the Wisconsin Circuit Court Access Program.



False Claim #2: “He blamed underage victims of sexual assault for their quote ‘bad judgment.’”

Facts: Attorney General Schimel has a track record of taking a victim-centered approach to prosecutions and has **never** blamed a victim. In the case at issue, Waukesha County Case 03CF1151 - *Wisconsin v. Dustin M. Yoss*, Attorney General Schimel (who was at the time an Assistant District Attorney), describes how the victim had been feeling regarding the circumstances of the sexual assault. During the sentencing hearing, Schimel said, “**As a matter of fact, [REDACTED] has been struggling with blaming herself.** She considers -- and both victims consider their decisions they made that night to be very bad judgment to put themselves in the bedroom alone with Mr. Yoss. They look back now and they see they used very bad judgment. They’re struggling with that because they are -- they’ve been working with others to counsel their way through this, **and they know that going into the bedroom doesn’t give him permission to do anything to them.**” The sentencing hearing transcript is attached and marked as Exhibit 3.



False Claim #3: “And after a lawyer for a man caught with child pornography gave thousands of dollars to Schimel’s campaign, that man got a plea deal . . . just days after Schimel took office.”

Facts: Attorney General Schimel declined to amend the charge in Waukesha County Case 13CF650 - *State of Wisconsin v. Andrew M. Lambrecht*. The case was set for trial until January 22, 2015, when Andrew M. Lambrecht changed his plea from “not guilty” and pled “guilty” to the original felony charge of possession of child pornography. This information is publicly available on the Wisconsin Circuit Court Access Program. Further, the mother of Andrew Lambrecht wrote the following to Attorney General Schimel’s campaign yesterday:

“I am writing you as the mother of someone in a commercial against Brad Schimel it states my sons name and case number stating his attorney gave thousands to Brad’s campaign to cut a plea deal for my son. This is TOTALLY FALSE!! There was no plea deal he was sentenced to the mandatory minimum in this state!”

A copy of this e-mail is attached and marked as Exhibit 4.

We trust that your station prides itself on being accurate with the news and information it disseminates. We also trust that you are aware of the potential civil damages and criminal penalties your station is subjecting itself to under both the defamation/libel statutes and the election laws of Wisconsin if it continues to broadcast this ad. *See Wis. Stat. §§ 12.05, 12.60(1)(b), 942.01 & 942.03.*

October 24, 2018

Page 5

Your continued rebroadcast of this false material could impact not only the outcome of the election, but more importantly, the victims of the above-mentioned cases, who have now suffered, yet again, by DAGA's false and malicious statements. In addition to your legal obligations, you must consider your moral obligation to those victims, as well as to the public at large.

The DAGA ad is clearly intended to affect the outcome of the Attorney General's race. If your station continues airing the DAGA ad, we will seek appropriate remedies.

If you have any questions, you may contact us via e-mail at ksg@cmhlaw.com or mmf@cmhlaw.com, or at 262-542-4278. Please confirm to us in writing by the close of business tomorrow that your station has withdrawn the DAGA ad from broadcast.

Sincerely,

/s/ Kathryn Sawyer Gutenkunst

Kathryn Sawyer Gutenkunst

State Bar No. 1000329

Matthew M. Fernholz

State Bar No. 1065765