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September 23, 2026

VIA ELECTRONIC MAIL TO AND CERTIFIED MAIL

Mr. Jason Bauknecht
teamtiffany@tomtiffany.com
Campaign Manager for Tiffany for Wisconsin
PO Box 620217
Middleton, WI 53562

Re: Cease and Desist Improper, False, and Defamatory Advertisement

Dear Mr. Bauknecht:

This firm represents Crowley for Wisconsin. I have investigated the advertisement put out by Tiffany for Wisconsin (the "Tiffany Campaign") entitled, "Preposterous."¹ This ad not only violates Wisconsin Supreme Court Rules and potentially Wisconsin campaign finance law, but also contains numerous statements that are actionable as defamation and violations of Wisconsin election law.

Accordingly, by this letter, the Tiffany Campaign is hereby demanded to **immediately pull down this advertisement and cease and forever desist airing this advertisement.** Should Tiffany Campaign ignore this warning, it does so at its own legal peril.

First, the ad is almost certainly in violation of Wisconsin's Cameras in the Courts rules, in at least two ways. See Wis. Stat. ch. SCR 61. The ad contains video of a court proceeding and depicts Milwaukee County Circuit Court Judge Daniel Borokowski speaking during the proceeding. The Cameras in the Courts rules prohibit recording court proceedings without prior permission of the court being filmed, and they do not distinguish between proceedings that are in person or on streaming platforms, such as those offered by the courts.² E.g., *id.* §§ SCR 61.02(2), 61.03. Revealingly, the video of Judge Borowski is not sourced at all, and there is no indication on the applicable court docket that permission was received to record the proceedings. This leads to the inevitable inference that the Tiffany Campaign or a proxy impermissibly recorded the proceedings to use in a baseless political attack ad.

¹ The advertisement can be found here: <https://www.youtube.com/watch?v=YUXIchsczFg>.

² See <https://www.wicourts.gov/courts/livestream.htm>

Moreover, Wis. Stat. § SCR 61.12 explicitly reserves the right to “photograph, televise, and record court proceedings” to only persons or organizations that are part of the news media, and prohibits any “film, videotape, photography and audio reproductions” from being used for “unrelated advertising purposes.” The “Preposterous” ad is clearly using “film,” “videotape,” and “audio reproductions” of a court proceeding for a political advertisement, in violation of these rules. Wisconsin campaign finance law provides that no person may “intentionally receive or accept anything of value...constituting a disbursement made...contrary to law.” Wis. Stat. § 11.1208(1). Disbursements include “an expenditure by a committee from the committee’s depository account.” Wis. Stat. § 11.0101(10)(a)(1.).

Making such a disbursement that is contrary to Wisconsin Supreme Court Rules, which carry the force of law, *Rao v. WMA Sec.*, 2008 WI 73, ¶ 35, 310 Wis. 2d 623, raises serious questions about whether the Tiffany Campaign made a direct, unlawful disbursement for this ad or that this ad is an improper benefit received by Mr. Tiffany in violation of Wisconsin campaign finance law. It also improperly politicizes Wisconsin’s taxpayer-funded courts and attempts to put a judicial imprimatur on the Tiffany Campaign.

Second, the ad contains statements that are misleading and false. The ad flashes a graphic which states that “David Crowley Approved iPads to Inmates.” This statement is false. As the Milwaukee County Sheriff Jail Director has publicly stated, inmates are only provided access to “generic tablets,”³ not “iPads.” These tablets do not allow for video or phone calls; are not connected to the internet and can only access a closed, provider-managed network; and are commonly used in correctional settings across Wisconsin and the country.⁴ Then, after falsely claiming that inmates are provided “iPads,” the next immediate statement asserts that “one domestic abuser is accused of contacting a victim 1,500 times.” Given the context of the preceding graphic, the ad implies that the inmate contacted the victim 1,500 times using an iPad or tablet. Once again, this is false. Court records show that the inmate attempted 1,535 phone calls using the *jailhouse* phone and video-calling system, not through the tablet program.⁵ Finally, the ad cites an unverified claim that an inmate purportedly accessed child

³ Derrick Rose, “Get the Facts: What can Milwaukee County Inmates Really do with Jail-Issued Tablets?” WISN (Sept. 16, 2026), <https://www.wisn.com/article/get-the-facts-what-can-milwaukee-county-inmates-really-do-with-jail-issued-tablets/73750783>.

⁴ Graham Kilmer, “Sheriff Denita Ball Tries to Set Record Straight on Jail Tablets,” URBAN MILWAUKEE, (Sept. 10, 2026) <https://urbanmilwaukee.com/2026/09/10/mke-county-sheriff-denita-ball-tries-to-set-record-straight-on-jail-tablets/>.

⁵ Rose, “Get the Facts.”

pornography through the tablet program in jail. In fact, the Milwaukee County Sheriff has said that would be “impossible.”⁶

On this basis, the Tiffany Campaign is likely liable for defamation. The elements of a claim for defamation include: 1) a false statement; 2) communicated by speech, conduct or in writing to one other than the one defamed; and 3) the communication is unprivileged and tends to harm one’s reputation, lowering him in the estimation of the community or deterring third persons from associating or dealing with him. *Laughland v. Beckett*, 2015 WI App 70, ¶ 22, 365 Wis. 2d 148. These elements apply to implication and insinuation, not just direct statements, including juxtaposition of audio and video statements of the ad together. *Mach v. Allison*, 2003 WI App 11, ¶ 31, 259 Wis. 2d 686. Even under high standard for public figures, which requires that the Tiffany Campaign made the statements with “actual malice” i.e. that the statements were made with “knowledge that it was false or with reckless disregard of whether it was false or not,” the Tiffany Campaign has likely met this bar. *In re Storms v. Action Wisconsin Inc.*, 2008 WI 56, ¶ 38, 309 Wis. 2d 704 (quoting *New York Times v. Sullivan*, 376 U.S. 254, 280 (1964)).

Similarly, the advertisement is likely a violation of Wis. Stat. § 12.05, which provides that “[n]o person may knowingly make or publish, or cause to be made or published, a false representation pertaining to a candidate or referendum which is intended or tends to affect voting at an election.” Wis. Stat. § 12.05 (“False Representations Affecting Elections”). The Wisconsin Elections Commission may investigate any such violation and pursue civil remedies against the Tiffany Campaign, including seeking fines and injunctive relief. Wis. Stat. § 5.05(1)(c);(d). What’s more, upon a finding of probable cause that a violation occurred, the Commission may refer any violation of Wis. Stat. § 12.05 for criminal prosecution to the District Attorney in the county where the matter arises. Wis. Stat. § 5.05(2m)(11).

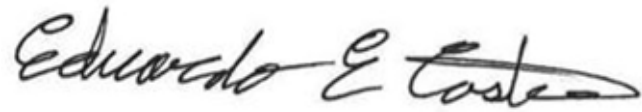
Ultimately, this advertisement unlawfully politicizes and weaponizes the Wisconsin criminal justice system and likely contains several defamatory and false statements. Accordingly, by this letter, the Tiffany Campaign is hereby demanded to **pull down this advertisement and cease and forever desist airing this advertisement.**

Please kindly respond to this correspondence, in writing, to Attorney Eduardo E. Castro at the email address and/or physical address in the letterhead confirming that the Tiffany Campaign has ceased airing this advertisement.

⁶ Kilmer, “Ball Tries to Set Record Straight.”

Sincerely,

PINES BACH LLP

A handwritten signature in black ink, reading "Eduardo E. Castro". The signature is fluid and cursive, with a long horizontal stroke at the end.

Eduardo E. Castro

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