IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

CYNTHIA ARCHER,

Plaintiff,

v.

JOHN CHISHOLM, DAVID ROBLES, BRUCE LANDGRAF, ROBERT STELTER, DAVID BUDDE, and AARON WEISS,

Defendants.

Civil Case No. 2:15-cv-00922

AMENDED COMPLAINT

NOW COMES Plaintiff, Cynthia Archer, by her attorneys, Baker & Hostetler LLP and Hansen Reynolds Dickinson Crueger LLC, and for her Complaint against Defendants John Chisholm, David, Robles, Bruce Landgraf, Robert Stelter, David Budde, and Aaron Weiss alleges and shows the Court as follows:

1. Since at least May 2010, the Milwaukee County District Attorney's Office, under the direction of Defendant Chisholm, has conducted a continuous campaign of harassment and intimidation against individuals and organizations in retaliation for their association with Scott Walker and their support for his policies, including public-sector collective-bargaining reforms ("Act 10"). Defendants orchestrated home raids, issued invasive subpoenas, badgered victims in secret interrogations, and took numerous other actions calculated to silence the voices that favored Walker's agenda and to punish his allies for their support of and association with him.

2. The purpose of these actions was retaliation. Defendant Chisholm informed subordinates in his office that it was his duty to "stop" Governor Walker from reforming public-sector unions in Wisconsin, and individuals at all levels of the office understood that the ongoing

investigation into Walker's aides were undertaken for the purpose of ending Walker's political career and reversing his policies. That purpose was confirmed in the actions of Chisholm and his subordinates. All Defendants were aware of that purpose, shared it, and reached an express or implied agreement to further the purpose through an aggressive investigation.

3. Plaintiff Cynthia Archer was a longtime close aide to Scott Walker. She was instrumental in drafting 2011 Wisconsin Act 10 ("Act 10") and securing its enactment. Because of her association with Walker and support of his policies, Defendants targeted Archer for investigation, seized her professional and personal email communications, staged a raid on her Madison home, directly or indirectly leaked this event to reporters, and interrogated her at least seven times in Madison and Milwaukee. The scope of Defendants' warrant and searches was limitless. Defendants had no probable cause to believe she had committed a crime and never charged her or anyone else in any of the inquiries they claimed to be investigating as to Archer. These inquiries were pretextual, and Defendants used them as an excuse to rummage through the lives of their victims at will for years on end, until the Wisconsin Supreme Court repudiated this course of action and ended the investigation.

4. Defendants' actions, as they anticipated, devastated Archer. Archer lost her position as a top official in the Wisconsin State government, her future career prospects were destroyed, her pay was cut substantially, and she suffered severe mental and emotional distress as a direct result of Defendants' actions. This was the proximate result of Defendants' retaliatory purpose and would not have occurred otherwise.

THE PARTIES

5. Plaintiff Cynthia Archer is an individual residing in Rock County, Wisconsin.

6. Defendant John Chisholm is District Attorney of Milwaukee County and resides in Milwaukee County. He is named as a defendant in his personal capacity.

7. Defendant David Robles is an Assistant District Attorney of Milwaukee County and resides in Milwaukee County. He is named as a defendant in his personal capacity.

8. Defendant Bruce Landgraf is an Assistant District Attorney of Milwaukee County and resides in Milwaukee County. He is named as a defendant in his personal capacity.

9. Defendant Robert Stelter is an investigator in the Milwaukee County District Attorney's office and resides in Milwaukee County. He is named as a defendant in his personal capacity.

10. Defendant David Budde is the Chief Investigator in the Milwaukee County District Attorney's office and resides in Milwaukee County. He is named as a defendant in his personal capacity.

11. Defendant Aaron Weiss is an investigator in the Milwaukee County District Attorney's office and, on information and belief, resides in Milwaukee County. He is named as a defendant in his personal capacity.

JURISDICTION AND VENUE

12. Defendants Chisholm, Robles, and Landgraf removed this case from Milwaukee County Circuit Court to this Court on July 30, 2015. They allege that the Court has subject-matter jurisdiction under 28 U.S.C. § 1331 because it arises under 42 U.S.C. § 1983. Archer admits that jurisdiction is proper under 28 U.S.C. § 1331.

13. Defendants Chisholm, Robles, and Landgraf allege that venue is proper in this Court under 28 U.S.C. § 1441(a) because the Eastern District of Wisconsin, Milwaukee Division, embraces the place where such action is pending. Defendants Chisholm, Robles, and Landgraf

also allege that venue is proper because the claim arose in Milwaukee County and much of the complained-of conduct occurred in Milwaukee, Wisconsin. Archer admits that venue is proper in this Court.

FACTS

I. ARCHER'S LONGTIME POLITICAL RELATIONSHIP WITH WALKER AND HER ROLE IN CRAFTING AND ADVOCATING FOR ACT 10

14. Archer is a longtime public servant in Wisconsin state and local government. She began her career as a budget analyst in the Wisconsin budget office and worked her way through multiple administration positions in Madison and across the state before becoming Deputy Secretary of Administration, effectively third in command in Wisconsin government.

15. Most of her positions have been with Republican administrations. These include civil-service and appointed positions.

16. In 2006, Archer interviewed with then-Milwaukee County Executive Scott Walker to become budget director for the Department of Administrative Services in Milwaukee County. She was hired for the position and reported to the Director of Administrative Services.

17. In her capacity as budget director, Archer became a valuable policy advisor to then-County Executive Walker, and Walker came to rely on her to carry out his agenda for the County. Archer became a supporter of Walker's policy agenda, unlike many career County employees and officers. In 2008, Archer was promoted to the position Director of Administrative Services.

18. Archer was well suited for the Director of Administrative Services because of her Master's degree in Public Policy and Administration, her diligence in carrying out Walker's agenda, and her experience in similar positions in both state and local governments.

19. In her new role, Archer was effectively third in command in the County, behind County Executive Scott Walker and his Chief of Staff Tom Nardelli. The Department of Administration oversaw most agencies of the County government. Accordingly, Archer played a key role in developing and implementing Walker's policy agenda.

20. Archer also played a key role in advocating for Walker's policy agenda within County government, including within the other County departments and before the County Board of Supervisors. Walker relied on her almost exclusively to carry forward his message and agenda.

21. In her role as Director of Administrative Services, Archer oversaw labor negotiations with the union representing Milwaukee County employees. Given the various difficulties she experienced in dealing with the union, she came to believe that public-sector unions in Wisconsin had become too powerful and that their power should be curtailed so as to better serve the public interest.

22. During her tenure in the Milwaukee County Executive's Office, Archer became acquainted with Defendant John Chisholm. Chisholm was aware of Archer's association with Walker and her support for Walker's policies. On information and belief, the other Defendants also became aware of Archer's association with Walker and her support for Walker's policies.

23. When Scott Walker was elected governor in 2010, he resigned as County Executive. Archer joined Walker's transition team in creating a new state administration in Madison. In that role, Archer interviewed potential appointees for various government positions, and she played a lead role in crafting policy for the Walker administration.

24. Archer was appointed Deputy Secretary of Administration in the Walker administration. She answered to the Secretary of Administration and was second in command in

the state Department of Administration. As in Milwaukee County, the Department of Administration oversees most departments of state government and is generally viewed as the most significant agency in Wisconsin government. Archer was therefore one of the top government officers in Wisconsin state government.

25. Walker appointed Archer to this role because of her prior experience in supporting and implementing his fiscal policy and political agendas; because they had a strong relationship from their time together in Milwaukee County; and because Walker knew that Archer would be an effective administrator.

26. Archer's annual salary in this role was over $124,000.

27. When Walker proposed substantial public-sector collective-bargaining reforms, Archer played a lead role in crafting and implementing them. This role, however, was not inherent to her position as Deputy Secretary of Administration. Rather, recognizing the importance of the reforms and believing strongly that they represented substantial progress for Wisconsin, Archer took the initiative to participate in the policy-making, advising, drafting, and implementation processes.

28. Archer took a lead role in overseeing the drafting of the legislation to ensure that the legislation reflected the Governor's intent and would succeed. Her review and analysis included every detail of the legislation, including making sure the appropriate classes of public-sector employees were covered in the legislation and ensuring the legislation did not conflict with existing statutory language or the Governor's intent. She was in regular contact with Walker during this process. Because of Archer and Walker's shared experience in managing relations with public-sector unions, Archer was also able to provide advice to the Governor and his policy staff and draw their attention to issues they might not have otherwise recognized.

29. Both before and after Act 10 was passed, Archer became a point person for responding to Act 10-related inquiries from legislators, government officers, and public-sector employers statewide. This role arose because Archer was intimately familiar with the details of the bill. Archer handled inquiries and complaints from Walker's cabinet and other state officials, as well as from the public university and various school districts and county-level offices and officials. Through this role, Archer became associated with Act 10 in the minds of public officials and employees statewide, including in Milwaukee.

30. It was common knowledge in Milwaukee, Madison, and across the state—through news publications and through word of mouth—that Archer played a crucial role in drafting Act 10, supporting its passage, and implementing its provisions once enacted. On information and belief, all defendants were aware that Archer played a crucial role in drafting Act 10, supporting its passage, and implementing its provisions once enacted. All defendants also were aware of her political and policy-related association with Walker both in Milwaukee County and in Madison once Walker became governor. On information and belief, they were aware of this relationship well before Act 10 was proposed.

II. DEFENDANTS' OPPOSITION TO WALKER AND, LATER, ACT 10 AND RETALIATORY PURPOSE

31. Between January 2011 and June 2012, Wisconsin underwent the most tumultuous period of political events in its recent history.

32. On November 2, 2010, candidates of the Republican Party won control of the executive and legislative branches of Wisconsin's government. Scott Walker was elected governor. He was inducted into office on January 3, 2011.

33. Projecting severe budget shortfalls, the Walker gubernatorial administration proposed a "Budget Repair Bill" (also known as Act 10) in February 2011, which included

various public-sector union reforms. Believing these reforms to be an existential threat to some Wisconsin unions, thousands of protestors flooded Madison, and other protests were staged across the state. State senators opposing the Bill fled the state in an effort to thwart its passage by denying a quorum. The events received nationwide press coverage.

34. Walker and his legislative allies succeeded in passing Act 10 on March 10, 2011, and the protests continued. Other efforts to reverse Act 10 were commenced, including numerous lawsuits. Death threats were made against Act 10 supporters, including Walker.

35. Recall efforts were undertaken against state legislators, including supporters and opponents of Act 10, resulting in special elections for a record nine legislators in 2011 and 2012. A recall effort was also launched against Governor Walker in November 2011, resulting in a special election on June 5, 2012. Milwaukee Mayor Tom Barrett was selected as Walker's Democratic opponent in the recall election. Walker was victorious in that election.

36. Defendant Chisholm is—and was during that time period—the District Attorney for Milwaukee County, a partisan elected office. Defendant Chisholm campaigned for that office as a member of the Democratic Party.

37. Defendants Landgraf and Robles are assistant district attorneys and play leadership roles in Chisholm's administration. On information and belief, they were promoted to those roles at least in part because they share Chisholm's political convictions.

38. Defendants Budde, Stelter, and Weiss are lead investigators in Chisholm's office and play similar leadership roles. Budde is the Chief Investigator for Milwaukee County and gives orders to other investigators, including Defendants Stelter and Weiss. On information and belief, they were promoted to those roles at least in part because they share Chisholm's political convictions.

39. Defendant Chisholm has received significant support for his campaigns from labor unions, including unions adversely affected by Act 10.

40. Defendant Chisholm is a political ally of Milwaukee Mayor and two-time gubernatorial candidate (and two-time Walker opponent) Tom Barrett. Chisholm expressly advocated for Mr. Barrett's reelection as mayor in 2008, but did not report his advocacy as a contribution to Barrett. On information and belief, Chisholm has lent Mr. Barrett other political support at various times in their respective political careers.

41. On information and belief, Chisholm supported Barrett over Walker for the 2010 gubernatorial election. Chisholm and Walker were political antagonists, and there were several points of contention between them during Walker's time as County Executive.

42. Like many public-sector employment divisions, assistant district attorneys in Wisconsin are represented by a union, which was affected by Act 10. Under Act 10, assistant district attorneys, including Defendants Landgraf and Robles, were required to contribute more to their health care and pension plans than was required previously, resulting in a direct financial impact to them.

43. During the political upheaval surrounding Act 10—including in 2011 and 2012—the Milwaukee County District Attorney's Office became a hotbed of pro-union, anti-Act 10, and anti-Walker activity. Among other things, "Blue-Fist" signs were posted in various public areas of the Milwaukee County District Attorney's Office and in the parking lot. A "Blue Fist" sign was a widespread means of conveying support for the union campaign against Act 10 in Wisconsin around this time period.

44. These signs were plainly visible in areas that Chisholm visited daily, and, on information and belief, Chisholm expressly or impliedly encouraged these expressions of opposition to Mr. Walker and made no effort to have the signs removed.

45. Numerous employees of Chisholm's office supported the demonstrations against Walker's reforms, advocated for these demonstrations, and participated in these demonstrations during office hours. On information and belief, Chisholm was aware or should have been aware of this activity and yet took no corrective action.

46. On information and belief Defendants Chisholm, Landgraf, and Robles lent express or implied support to these campaign activities on County property.

47. Frequent discussions were held during office hours, on County time, by assistant district attorneys and others complaining about the purported negative impact of Walker's reforms on assistant district attorney pay and on public unions generally. On information and belief, Defendants Chisholm, Landgraf, and Robles shared these views, never took corrective action, and expressly or impliedly encouraged this activity during work hours.

48. At least 43 and possibly as many as 70 employees within Chisholm's office signed the petition advocating for the recall of Governor Walker. This included at least one Deputy District Attorney, 19 Assistant District Attorneys, and other members of the District Attorney's Public Integrity Unit.

49. Just one of many examples of the support provided by individuals in Chisholm's office was a Walker-recall yard sign identified in the front lawn of the residence of Defendant Budde. David Robles was a member of an anti-Walker Facebook group. Robles, Budde, and the other Defendants, on information and belief, supported the recall effort and advocated against Walker's policies, especially concerning collective bargaining.

50. As of April 2012, employees in Chisholm's office had donated to Democratic over Republican candidates by roughly a four-to-one ratio.

51. Defendant Chisholm's wife, Colleen, is a public school teacher and a union shop steward for the union representing the employees at her school. That union was also affected by Act 10. Chisholm's wife attended anti-Act 10 rallies.

52. In March 2011, around the time Act 10 passed, Defendant Chisholm informed a junior prosecutor in his office, Michael Lutz, of Chisholm's personal emotional and political interest in the ongoing budget reform debate.

53. Mr. Lutz informed Chisholm that he had interest in working on the campaign of Wisconsin Supreme Court Justice David Prosser, who is generally believed to be associated with conservative politics and legal positions. Mr. Lutz also informed Chisholm that Mr. Prosser was interested in meeting with Chisholm to discuss criminal justice reform issues and explore the possibility of support by Chisholm for Prosser's campaign.

54. Defendant Chisholm informed Mr. Lutz that neither Mr. Lutz nor anyone else in Chisholm's office would be permitted to participate in Mr. Prosser's campaign.

55. Defendant Chisholm informed Mr. Lutz that he could not support any right-leaning candidate for the Supreme Court. In particular, Chisholm expressed the concern that Act 10 would likely be subject to litigation and come before the Wisconsin Supreme Court. Defendant Chisholm expressed that he "could not stand" to have Mr. Prosser on the Wisconsin Supreme Court, given that he would likely vote to uphold Act 10.

56. Mr. Lutz understood these statements to be a threat of termination if he supported Mr. Prosser's campaign.

57. In the same meeting, Chisholm informed Mr. Lutz that Act 10 was devastating to unions and their members and that Chisholm believed it was his "duty" to "stop Governor Walker from treating people that way."

58. Defendant Chisholm informed Mr. Lutz that Chisholm's wife was often moved to tears after talking to her fellow teachers concerning the potential effects of Act 10. Chisholm informed Mr. Lutz that his wife cried at home after discussions of Act 10.

59. Defendant Chisholm also informed Mr. Lutz that he had a personal dislike for Governor Walker that stemmed from interactions occurring when Walker served as Milwaukee's County Executive. Chisholm's opposition to Walker predated the proposal and passage of Act 10.

60. Based on these statements and corroborating statements by Chisholm's subordinates, Mr. Lutz concluded that Defendant Chisholm was allowing partisan animus to influence his official decisions as the Milwaukee County District Attorney.

61. On information and belief, Chisholm informed other subordinates—including all Defendants—that he opposed Act 10 and Walker's other policies. They understood that the means to promotion in his office was by using their power as prosecutors and investigators in a manner that would be politically advantageous for Chisholm and politically disadvantageous for Walker and Act 10.

62. Around this time, Mr. Lutz was also communicating with Jon Osowski, Defendant Chisholm's brother-in-law. Mr. Osowski was a Milwaukee police officer.

63. Mr. Osowski informed Mr. Lutz that an ongoing "John Doe" investigation was being conducted by Chisholm's office, and the focus of the investigation was Scott Walker and

his associates. Mr. Osowski represented that the investigation was being spearheaded by Defendant Chisholm.

64. Mr. Osowski indicated that Chisholm and his subordinates had orchestrated a plan to place Mr. Walker and his "henchmen" in prison. Mr. Osowski indicated that this well-considered and carefully crafted plan was being carried out under the guise of a "John Doe" investigation.

65. Mr. Osowski's statements to Lutz indicated that there was an agreement, well known to people in and associated with Chisholm's office, between Chisholm and those helping with the investigation to use the investigation for the purpose of retaliating against Walker and his associates.

66. Beginning around May 2010, the Defendants were communicating with each other about using their prosecutorial and investigative authority to punish Walker's allies and harm his chances of election as governor. They used private email accounts to communicate about the investigation and conducted multiple meetings to organize this activity. On information and belief, some of the Defendants established private email accounts specifically for the purpose of communicating about the investigation.

67. Once Walker was elected and Act 10 was proposed, the Defendants intensified their efforts. They continued communicating to develop a plan for defeating Walker and his reforms. Part of the plan was to target Walker's associates for harassment through an aggressive investigation.

68. Defendants agreement lasted through at least July 16, 2015. All Defendants were aware of the general object of harming Walker and his associates.

III. DEFENDANTS' ACTIONS EVINCING THEIR RETALIATORY INTENT

69. In order to "stop" Walker, Defendants worked in tandem to launch and conduct an aggressive investigation into him, his associates, and his supporters. All of the Defendants were aware that the purpose of the investigation was retaliation, and the Defendants reached an express or implied agreement establishing an orchestrated plan of harassment and intimidation against Walker's associates.

70. The ostensible basis Defendants used to launch this campaign of harassment was a tip provided by Walker's own Chief of Staff, Nardelli, who told Defendant Budde in April 2009 that a few thousand dollars had gone missing from a local charity. The funds had been donated by Walker's office to the charity in 2006. Nardelli informed Budde that an individual named Kevin Kavanaugh had stolen these funds from the charity. From April 2009 to May 2010, however, Chisholm's office did little to investigate the matter and took no action against Kavanaugh.

71. But in May 2010, when Walker emerged as the leading candidate for the governorship, Chisholm's office sprang to action. Defendant Landgraf, working in tandem with the other Defendants at Chisholm's orders, asked a judge to open a John Doe investigation concerning the missing funds. The purpose, claimed Landgraf, was to trace the "origin" of the funds from the Milwaukee County Executive's Office to the charity.

72. In fact, the missing money was a pretext. There was no need to trace the "origin" of the funds when the question was where the funds *went*. Instead, the purpose was to obtain warrants to raid Walker's office, which Defendants did within a week. There John Doe petition contained multiple other misrepresentations and half-truths. The purpose was political.

73. Landgraf stated in his petition that the purpose of the investigation included, but was "not limited to," allegations of Kavanaugh's theft. Landgraf did not state in the petition what other activity would be investigated, in contravention of the Wisconsin Supreme Court's repeated holdings that John Doe proceedings should be limited in scope to identifiable inquiries listed in the John Doe petition. The intent to launch an open-ended fishing expedition was there from the beginning.

74. Within four days, the Defendants—according to their plan—had already expanded the investigation into matters unrelated to the missing charitable funds.

75. Defendants immediately targeted the private email accounts of Walker aides and began seeking to expand the investigation until the investigation had become an open-ended fishing expedition. None of the additional avenues of investigation bore any relation to the missing charitable funds.

76. Instead, their targets were Walker's associates and employees and anyone else who might conceivably have a relationship with Walker, including a donor to his campaign. The only common denominator among the various pretextual lines of investigation was Walker. The actual purpose of the investigation was to retaliate against Walker and his associates for their political and policy positions.

77. Defendants sought and obtained all emails in the custody of individuals on whose part whom they had no probable cause to suspect any criminal activity and whom they did not even represent to the judge to be targets.

78. The John Doe judge repeatedly granted requests of this nature and did not place meaningful limits on the emails Defendants could obtain from non-targets. The John Doe judge

was merely a "rubber stamp" for the Defendants' agenda and made no effort to scrutinize the legal or factual basis for the requested warrants and subpoenas.

79. After rummaging at will through materials obtained by overbroad warrants and subpoenas, Defendants would then claim they had a basis for targeting other persons, and the process would repeat itself. All targets Defendants selected for their investigation were connected to Walker in some way.

80. Defendants Budde and Stelter were involved in reviewing the evidence and conjuring up new pretextual avenues for the investigation and Walker-related targets. Their names appear on numerous emails that were clearly reviewed from their computers.

81. In written correspondence to Defendant Chisholm, Mr. Nardelli expressed his view that the John Doe investigation was unnecessary because all the relevant facts to obtain a conviction regarding the embezzled funds had been discovered. Mr. Nardelli expressed his concern that Defendant Chisholm was undertaking the investigation out of an improper political motive to harm Scott Walker's bid for governor. Nardelli's concerns were valid as the investigation had become an open-ended fishing expedition.

82. This was but one of many examples of recognition by persons involved and other observers that the investigation was conducted for political purposes. A Wisconsin circuit court judge, in a case brought by an individual jailed by Landgraf, observed on the record in open court that the purpose of Landgraf's actions was political. Attorneys for various individuals who were targeted or questioned by Defendants expressed amazement at Defendants' outrageous actions.

83. Defendants staged raids at an unknown number of homes and businesses, they jailed witnesses who did not provide incriminating testimony against Walker or those close to

him, and they engaged in surveillance of electronic communications to targets and non-targets alike.

84. Defendants questioned witnesses in secret sessions, usually not in the presence of a judge, and verbally abused those witnesses in an effort to intimidate them and persuade them to give incriminating testimony against Walker. Attorneys for targets and witnesses publicly and privately expressed amazement at the abuse of authority.

85. Chisholm gave the orders and set the agenda for the retaliatory conduct. None of Chisholm's actions were undertaken before a John Doe judge or in a court. His decisions were investigative in character and were made well in advance of any conceivable probable cause to charge anyone with a crime.

86. Defendants Landgraf and Robles carried out Chisholm's orders and had discretion in implementing them. They also made strategic decisions, such as which individuals to target for investigation and what pretextual inquiries were most likely to provide them with broad investigative powers. They derived various pretextual legal theories to purportedly support requests of authority from the John Doe judge, and the John Doe judge never properly exercised independent review of these theories. All of these decisions were made well in advance of probable cause to prosecute anyone. Defendants Langraf and Robles were frequently involved in drafting affidavits and reviewing materials to support these bogus legal and factual theories.

87. Defendants Budde, Stelter, and Weiss took the lead in directing and attending raids on the homes of targets, questioning them, seizing their private property, reading their private correspondence, and otherwise engaging in a campaign of harassment.

88. All of the Defendants had a shared purpose, and they reached an express or implied agreement to engage in a coordinated campaign of harassment of persons as to whom

they could muster a pretextual basis for investigation—so long as those persons were in some way associated with Scott Walker.

89. Many of the events were timed around significant political events, such as a raid of the County Executive's office the day before the 2010 gubernatorial election.

90. Defendants directly and indirectly leaked information about their investigation to reporters to smear the reputations of Walker aides and associates and to influence the debate about collective-bargaining reforms and, later, the recall efforts and special elections. They directly or indirectly leaked information that became fodder for anti-Walker attack advertisements.

91. One method of conveying secret information obtained in the investigation to the press was through overbroad criminal complaints, which included information concerning Walker even though that information had no bearing on the alleged criminal activity and did not remotely demonstrate the guilt of the accused. Multiple Defendants, including Budde and Stelter, were involved in drafting these complaints, and they did so for political and retaliatory purposes. Defendant Landgraf took similar actions in sentencing hearings where he disclosed political information to the press corps that had little or nothing to do with the defendant being sentenced.

92. This information also became fodder for anti-Walker attack advertisements during the recall petition drive and special election from 2011 through 2012. That was the natural and probable consequence of disclosing unnecessary political information to the public, and Defendants intended that result, further evidencing their retaliatory purpose.

93. Meanwhile, targets and witnesses were told that they could not defend their reputations or otherwise speak about the investigation on pain of contempt because of a secrecy order imposed by the John Doe judge. Those involved therefore had to watch in silence as their

reputations and, in some cases, livelihoods were destroyed, as a result of the actions of Defendants. They were also afraid to report Defendants' flagrant abuses occurring in secret interrogation sessions.

94. In the two-year period between May 2010 and May 2012, the investigation was formally expanded at least 18 times. This was due to the John Doe judge's lack of oversight and failure to scrutinize the legal and factual bases for requests for enlargement

IV. THE WISCONSIN SUPREME COURT'S REPUDIATION OF THE INVESTIGATION

95. In August 2012, Defendant Robles petitioned for a second John Doe proceeding, again motived by the desire to target Walker, his campaign, and his supporters. Subsequently, four additional separate proceedings were commenced, and Defendants continued their retaliatory efforts against Walker through these investigations and through independent means. Finally, a new John Doe judge finally applied proper review over their stated bases for investigation and found that their actions in these proceedings were unsupported by probable cause.

96. The Wisconsin Supreme Court affirmed that judge's decision. In a scathing opinion, the Court repudiated the actions of the Defendants, listing several by name (including Stelter and Robles). The Court held that the Defendants' hand-selected special prosecutor "employed theories of law that do not exist in order to investigate citizens who were wholly innocent of any wrongdoing." They instigated "a 'perfect storm' of wrongs that was visited upon the innocent" targets "and those who dared to associate with them." The Court found that the targets of the investigation were victims of "the tyrannical retribution of arbitrary or capricious government prosecution." The Court concluded: "Let one point be clear: our conclusion today ends this unconstitutional John Doe investigation."

97. The Court found that the Defendants' actions subjected targets to "paramilitary-style home invasions conducted in the pre-dawn hours" in retaliation for their free speech, based on unconstitutional legal theories. The Court took care to note that Defendant Stelter signed the affidavits for the "pre-dawn, armed, paramilitary-style raids, in which bright floodlights were used to illuminate the targets' homes."

98. The Court found that the "breadth of the documents gathered pursuant to subpoenas and seized pursuant to search warrants is amazing. Millions of documents, both in digital and paper copy, were subpoenaed and/or seized. Deputies seized business papers, computer equipment, phones, and other devices, while their targets were restrained under police supervision and denied the ability to contact their attorneys. The special prosecutor obtained virtually every document possessed by the" targets "relating to every aspect of their lives, both personal and professional over a five-year span." The Court found that these "documents were subpoenaed and/or seized without regard to content or relevance to the alleged violations" at issue.

99. The Court warned about the dangers of John Doe investigations conducted without careful oversight by the John Doe judge: "John Doe proceedings could easily devolve into judicially sanctioned general warrants." In a John Doe proceeding "law enforcement officers are able to obtain the benefit of powers not otherwise available to them," and "[s]uch powers…may serve to transform a John Doe proceeding into an implement of harassment and persecution by a vengeful or unethical prosecutor." It can become "a fishing expedition."

100. The Court found that the John Doe judge in that investigation "failed in her duty to limit the scope of the investigation to the subject matter of the complaint." The investigation was a "fishing expedition" and a campaign of "harassment and persecution by a vengeful [and]

unethical prosecutor." The subpoenas, obtained on the basis of Stelter's affidavits, "sought records—many of which were personal and had nothing to do with political activity—and information" from long before the period of alleged illegal activity. "The subpoenas and search warrants also come dangerously close to being general warrants of the kind which, in part, provoked our forefathers to separate from the rule of Empire."

101. The Court ordered the Defendants to cease the investigation and return the private property they had seized to its owners.

V. DEFENDANTS TARGET ARCHER AND RAID HER OFFICE BASED ON A REJECTED LEGAL THEORY

102. Sometime in fall 2010, Defendants set their sights on Archer. It was during the lead-up to the 2010 Wisconsin gubernatorial election, and Defendants' campaign against Walker's associates had already been "enlarged" four times. The purpose was retaliation.

103. Defendants concocted several pretexts to expand their investigation to include associates close to Walker, including Archer. They adopted the view that any perceived departure from best practices under Milwaukee County ethics ordinances and civil codes and policies provides grounds for a criminal investigation for a felony, "Misconduct in Public Office," regardless of the absence of evidence of the elements comprising the high standards for that crime (including specific intent to obtain a dishonest advantage).

104. Defendants obtained a warrant in December 2010 to search Archer's Milwaukee County office. David Budde signed the affidavit. Defendant Budde claimed that, by sending emails providing information to Walker and others, Archer had campaigned for Walker on Milwaukee County time with County resources. On information and belief, Defendants Stelter and Weiss participated in preparing the affidavit and attachments.

105. There was no evidence cited in the affidavit that Archer engaged in campaign fundraising, preparation and maintenance of campaign finance reports, campaign strategy development, or other campaign activity. Instead, the affidavit claimed that Archer was providing information about County affairs to Walker and his campaign staff. These affairs, naturally, pertained to Archer's duties as Director of Administrative Services, and most or all of the information was publicly available.

106. Years before Defendants' investigation, the Wisconsin Court of Appeals rejected the notion that "opposition research" can be a violation of the Misconduct in Public Office Statute because there are no judicially manageable standards by which to identify or prosecute such activity. *State v. Chvala*, 678 N.W.2d 880, 898 (Wis. Ct. App. 2004). Providing research information about County affairs is a more innocuous and vaguer concept—and is entirely intertwined with legitimate executive functions of Archer's position—than is "opposition research." There was no basis in law or fact for the warrant, and Defendant Budde's warrant plainly lacked probable cause.

107. If the John Doe judge had bothered to read the basic case law governing the statute supposedly forming the basis of the request, he would have rejected it, but Defendant Budde did not cite the governing case law. Consistent with the lack of oversight provided throughout the investigation, however, the warrant was granted and executed.

VI. DEFENDANTS RAID ARCHER'S HOME

108. By spring 2011, protests in reaction to Act 10 had spread through the state, and then recall petition drives and elections commenced. Inspired by these events, the Defendants intensified their campaign of harassment. Archer remained their target. Their most devastating actions against Archer all took place after Act 10 was proposed.

109. Defendants were aware of Archer's role in drafting and advocating for the reforms they opposed. They were also aware of her longstanding association with, and close ties to, Walker as his political appointee and supporter. Archer was targeted in retaliation for political and policy views, her actions and speech to promote those views, and her expressive associations with and in support of Walker.

110. In 2011, Defendants directly or indirectly leaked to the media that Archer was a target. A reporter asked Governor Walker about the investigation in June 2011. The reporter stated that "the talk at the courthouse right now is that the John Doe investigation has been focusing on your current Deputy Secretary of Administration"—referring to Archer. The only plausible source of that information was Chisholm's office, and, on information and belief, that leak was directly or indirectly caused by some or all Defendants and with the approval of Defendant Chisholm, despite Defendants being subject to the same secrecy order imposed by the John Doe judge. At a minimum, Chisholm took no meaningful efforts to stop leaks from his office or cure the damage they caused. Archer was not aware of this interview at the time and was not informed that Defendants had made her a target.

111. On or about September 13, 2011, Archer received a communication from reporter Steve Schultz of the *Milwaukee Journal Sentinel*. He asked her whether she was a target of the John Doe investigation. Having no reason to believe she had done anything wrong, she responded in the negative. On information and belief, Schultz had been tipped off directly or indirectly by Defendants about what was about to occur.

112. At dawn on September 14, 2011, roughly a dozen law-enforcement officers, acting under Chisholm's orders, raided Archer's home in Madison. Defendant Weiss led the raid.

113. On information and belief, Defendant Budde and possibly Defendant Stelter were involved in coordinated raids elsewhere, which were part of the agreement to violate the civil rights of Walker's associates.

114. Defendant Budde conferred with Weiss by phone during the raid, giving him directions. Defendant Stelter signed the affidavit of probable cause for the raid on Archer's home, with knowledge that the purpose was retaliation, not legitimate law enforcement purposes. David Robles helped prepare the affidavit, with the same knowledge and purpose. As discussed below, material information that would have refuted any claim to probable cause was omitted from the affidavit.

115. The raid was conducted with the support of Chisholm and Landgraf, who helped orchestrate it and intended it as retaliation for Archer's association with Walker and support of his policies, with the knowledge that the warrant underlying the raid was not supported by probable cause. The Defendants were aware of this purpose and shared in and supported it.

116. That morning, Archer was asleep in her bed and was not dressed. Archer's partner was in the shower. Archer awoke at dawn to thunderous hammering on her front door and the coordinated yelling of the investigative team members, who ordered her to open the door immediately or they would break it down. The noise was sufficiently loud to be heard throughout the neighborhood. Through a window by her bed, Archer saw a battering ram on the front lawn.

117. Alarmed and believing the team would burst through immediately, Archer ran downstairs without dressing, and the investigators saw her naked through the glass on the front door. Some yelled at her to get dressed, and others ordered her to open the door. Confused, she grabbed clothing and dressed in their line of sight.

118. Archer, within moments of the investigators' entrance into the house, noticed a reporter taking notes in a notebook on the sidewalk in front of her house. He appeared to have been there before the beginning of the raid and must have been tipped off about what was going to happen at Archer's home (as Schultz had been). On information and belief, Chisholm's office was the direct or indirect source of the tip, and it was made with Chisholm's express or implied approval. The other Defendants, including Budde and Weiss, were aware of the press coverage of the event. Before long, a swarm of reporters had gathered around Archer's home, taking pictures, interviewing neighbors, and peering in at what was occurring. Neighbors also gathered and observed, as they could not help but hear the commotion.

119. When Archer opened the door, officers and others flooded in. Their guns were drawn, and Archer believed they would shoot her two dogs, who were barking at the intruders. There was no reason to believe drawn guns or even armed officers were required to protect the officers from the two unarmed women who lived there. The purpose of these actions was retaliation, harassment, and intimidation.

120. Officers, acting under orders of Defendants Chisholm, Landgraf, Robles, Budde, Stelter, and Weiss invaded every corner of the home. Even after Archer informed them that her partner was in the shower, they entered the bathroom where Archer's partner was clearly visible through the full-length clear glass door of the shower. They had no reason to believe evidence relevant to their pretextual purposes was in the bathroom while Archer's partner was showering. The purpose of these actions was retaliation, harassment, and intimidation.

121. An officer stood guard outside the room where Archer's partner dressed. When Archer's partner came downstairs, she too observed the reporter outside the window.

122. Archer's partner asked permission to leave for work, but the officers, at Weiss's orders, refused, despite that the warrant did not allow them to search or detain her and that they had no reasonably articulable suspicion that she might place them in danger. They attempted to seize her partner's computer and cell phone despite having no authority in the warrant to seize her possessions (eventually, they gave in and did not seize these items). They would not allow Archer's partner to leave the premises even though she expressed the need to leave for work where she was expected that morning; Archer's partner was required to stay in the home, against her will, for the duration of the raid. The purpose of these actions was retaliation, harassment, and intimidation.

123. Archer reached for a cigarette. An officer scolded her: "I advise you not to light that cigarette." Archer responded: "This is my home, and I just woke up." The officer responded: "We have a search warrant, and you could be in handcuffs now; go with the program." Eventually, Defendant Weiss allowed Archer outside for a cigarette, informing her that it was a "courtesy" to allow her to smoke in her own home.

124. At that point, it was clear to Archer that she was forbidden from leaving her residence. Subsequently, Weiss confirmed that she would be kept in custody in her home for the duration of the raid. Archer submitted to this show of authority.

125. An officer asked Defendant Weiss whether the priority was to seize Archer's computers. Weiss responded that it was the priority, and opined that it was highly unlikely that Archer had moved paperwork from Milwaukee County to her home in Madison. Weiss was therefore aware that the raid had almost no chance of uncovering evidence anywhere but on Archer's computers and electronic devices. Regardless, the officers spent hours ransacking Archer's home.

126. Defendant Weiss informed Archer that he already was in possession of all of her emails, indicating that there was little, if any, practical purpose to raiding her home. The actual purpose was retaliation.

127. Defendant Weiss expressly acknowledged that the purpose of the raid was political. He informed Archer that the investigation was "politically charged," a "broad net" that "touched a lot of people," a campaign that had "grown and grown and grown and grown" and had "gone on for a long time." Defendant Weiss was therefore aware of the improper purpose of the campaign and the underlying underlying agreement to violate civil rights, and, on information and belief, he shared that purpose and was a party to that agreement.

128. Defendant Weiss told Archer that "[m]y opinion is it's time to look out for Cindy Archer now and not anyone else" and that "people who you think are your friend are not always your friend." Archer understood Weiss to mean that she needed to provide incriminating testimony against Walker or face further retaliation, possibly in the form of criminal prosecution. That, in fact, was the intended message.

129. During the questioning, Archer was asked why she went to a pay phone in the preceding days, indicating that the Defendants or their agents had been following her. Archer replied that she had not been to a pay phone, but rather she went to an air pump to fill her wheelbarrow tire.

130. Archer was questioned about her relationship with Scott Walker and events that occurred during her tenure in Milwaukee. Archer understood their questions to be focused on obtaining information related to Scott Walker.

131. Many of the questions did not concern items listed in the search warrant, and Archer understood the purpose to be a fishing expedition to find new avenues of criminal investigative inquiry.

132. Members of the investigative team exhaustively searched the home, including areas where there was little or no probability of finding items covered by the search warrant. They rifled through kitchen cabinets, dresser drawers, and closets. They went through the most intimate items in Archer's possession with no reason to believe any evidence was there.

133. They left items Archer inherited from her mother strewn about the basement floor after emptying a cabinet. They left messes in other cabinets. Their purpose was to retaliate against Archer.

134. Because of the reporters outside, the news spread immediately on the internet. This was the natural and probable consequence of Defendants' actions, and they intended it.

135. Defendant Weiss questioned Archer about events that occurred when she worked in the Milwaukee County Executive's Office under Walker. He had no probable cause to believe Archer committed any wrongdoing related to these events. Any concern Defendants may have had regarding Archer's conduct could have been resolved with simple phone call or informal interview, which would have revealed that no criminal activity occurred.

136. The raid lasted several hours, much longer than necessary. After questioning Archer, the officers seized her computer and her phone. Before they took her phone, Archer asked if she could obtain her brother's phone number from her contacts list. Weiss rejected this request. He told Archer to lie to her phone company to obtain a "loaner" phone or to forward calls. Archer's brother would fly to Madison from Texas the next day, and they were unable to contact each other to arrange a rendezvous.

137. After the raid, reporters maintained a vigil outside Archer's home, continued to knock on her door, and called her home phone number several times, as Defendants either expected or should have expected. Archer's home, including her street address, appeared on the front pages of Wisconsin newspapers, and the raid was a lead story on the evening news that day. Over the next several days, the news of the home raid on one of Walker's aides (Archer) made national news, further damaging Archer's professional reputation.

138. The reporters were still in front of her house the next day, and Archer felt trapped inside her own home. Archer felt that they would not disperse until she made a statement, and she did not want them there when her brother arrived, so she allowed a brief interview.

139. During the raid, either Defendant Weiss or another agent of the Milwaukee DA, acting under Weiss's orders informed Archer and her partner that they were not allowed to speak to anyone about what occurred because of a secrecy order issued by a Milwaukee judge. Archer therefore believed she was prohibited from defending herself in the press—or to anyone else—and she was unable to provide any information to the press in her defense, other than a general apology to her neighbors and a general statement regarding her innocence.

140. Articles have continued to be published about Archer until the present time, as Defendants either expected or should have expected. This has been humiliating for Archer and severely impaired her reputation and invaded her privacy.

VII. THE WARRANT FOR THE HOME RAID AND ITS LACK OF PROBABLE CAUSE

141. After the raid, Archer was able to read the warrant. There were no meaningful limits on the items to be searched or seized. The warrant was limited only by reference to broad statutes, including the Misconduct in Public Office Statute, which cover any number of crimes and provided no limits to the discretion of officers in their search.

142. The warrant also included a list of topics, but the list was illustrative and did not limit the items to be seized in any way. The list did not include topics that were the subject of Defendants' search and their questioning of Archer, indicating that no one believed the search was limited by these topics and that these topics were pretexts to obtain the warrant.

143. The Milwaukee District Attorney's office took possession of, among other things, every email Archer wrote or received on her personal email account beginning at least in 2006—years before any of the actions that were alleged to involve criminal wrongdoing. Subsequently, these emails were released to the public and now can be obtained at will by anyone. Many are available on the internet. Less than one percent—if that—of the emails are related even to the pretextual inquiries in the warrant. Defendants had no legitimate reason to seize Archer's private correspondence. They were aware that her private correspondence would likely be disclosed to the public. Their purpose was to embarrass, intimidate, harass, and retaliate against Archer.

144. Defendants were able to obtain all evidence related to their pretextual investigative purposes through other means, such as subpoenas and warrants to internet and email providers. None of the materials the Defendants' agents seized from Archer's home had any relation to the pretextual inquiries. The purpose of the raid, even assuming the bogus legal theories were valid, was harassment, intimidation, and retaliation, and all Defendants were aware of that purpose and shared it.

145. The warrant also was not supported by probable cause. The two inquiries referenced by way of illustration in the warrant were pretextual. There was no legal or factual basis for believing Archer may have committed a crime as to either.

146. First, the warrant referred to a 2010 request-for-proposal ("RFP") process concerning a lease for a Milwaukee County agency. Ultimately, *none* of the bids were accepted, and the agency was moved to a County-owned building. Defendants were aware of this at the outset. Nevertheless, Defendants launched an aggressive investigation to determine whether one bidders (whose bids was rejected) received favored treatment over others (whose bids also were rejected).

147. The initial letter notifying the Defendants (it was addressed to Defendant Budde) of potential impropriety with the RFP process stated that the meeting at which County officials evaluated bids "was professional and did not represent any external influence." The letter represented that "there may be no ultimate negative outcome" of the conduct in question because the committee recommended that none of the bids be accepted. The letter did not mention Archer, but alleged that an individual named Greg Reiman may have committed improper conduct in the bidding process.

148. At the raid of her home in 2011, Defendant Weiss represented that Reiman was not involved in the John Doe proceeding and indicated that he was unaware of Reiman's involvement in the RFP process. In fact, the Defendants had only used Reiman's involvement in the RFP process as their leverage to obtain an order from the John Doe judge expanding the John Doe proceeding into the RFP process in the first instance—before turning the investigation to Walker, as was their practice, and Archer. The stated purpose was a pretext, as demonstrated by the fact that Weiss by the time of the raid had either forgotten or was unaware of Reiman's involvement in the very RFP Weiss purported to be investigating.

149. Archer, by contrast, was only tangentially involved in the RFP process, as was apparent from the emails Defendants had obtained (as Weiss represented at the raid). Unlike

Reiman, she was not on the committee that evaluated proposals, and she had little information about the RFP process. She never read the request for proposals. Moreover, Archer actively advocated against awarding the contract to a bidder that Defendants claim may have received favorable treatment from the Walker administration. Defendants were aware that Ms. Archer opposed awarding the contract to the supposedly favored bidder before obtaining the warrant to raid Archer's home.

150. Archer's role was limited to one isolated inquiry concerning the viability of that supposedly favored bidder's proposal. After conducting a financial analysis, Archer prepared a detailed email (and other correspondence) advising Walker that this proposal was inferior to the option of housing the agency in County space. She advocated against awarding the contract to the supposedly favored bidder. Several individuals within Walker's office took a different view of the bid, and Archer argued against them and continued to advocate against awarding the contract to the supposedly favored bidder. At no time did Archer advocate that the supposedly favored bidder should be awarded the contract.

151. Defendants knew that Archer was opposed to awarding the contract to this supposedly favored bidder before raiding her home. On information and belief, Defendants (including Budde, Robles, and Stelter) selectively quoted from Archer's emails to misconstrue their meaning; they selectively edited emails to conceal from the John Doe judge information revealing that Archer was opposed to awarding the contract to the supposedly favored bidder; and they omitted emails and evidence that, as they were well aware, demonstrated that Archer opposed awarding the contract to the supposedly favored bidder. They did not inform the judge that Archer opposed awarding the contract to the supposedly favored bidder.

152. The warrant represented that Archer's actions may have violated the Misconduct in Public Office statute or aided others in violating that statute. Stelter and Robles's theory (and their vague representation to the John Doe judge) was that individuals in Walker's office intended to obtain a dishonest advantage by giving the supposedly favored bidder (whose bid was being discussed) an unfair advantage over other bidders so that it would receive the contract.

153. But the crimes of Misconduct in Public Office and the crime of aiding others both require proof of the target's specific intent to obtain a dishonest advantage, a standard established by Wisconsin law well in advance of Defendants' affidavit. And the crime Misconduct in Public Office requires proof of a violation of clear duty attendant to an official's public office.

154. Defendants did not have probable cause to believe that Archer had any specific intent to obtain a dishonest advantage for that bidder or that there existed a clear duty prohibiting her actions in advocating against awarding the bid. Quite the opposite, the evidence in Defendants' possession at the time they sought the warrant demonstrated clearly that Archer adamantly opposed any advantage flowing to the supposedly favored bidder. If Defendants had been forthcoming with the John Doe judge about all the relevant evidence, the warrant would not have been issued.

155. Defendants knew all of this. On information and belief, Stelter and the other Defendants had in their possession the emails from Archer to Walker advising against awarding the contract to the supposedly favored bidder. At the time of the raid, Defendants never intended to charge Archer with the crime of Misconduct in Public Office. The purpose was harassment and retaliation.

156. Second, the warrant referenced another RFP process in 2009 involving housekeeping services. Defendants Stelter and Robles claimed that certain individuals in Walker's office may have leaked confidential information to a pro-Walker blogger. But they had not the slightest evidence that Archer leaked confidential information to the blogger. Every action cited by Defendants was a communication between Archer and members of Walker's administration (such as Walker's Chief of Staff Nardelli), and the Defendants had no evidence that Archer was aware of any leaks to the blogger, much less that she intended the leaks. There was no evidence that Archer intended any dishonest advantage or that she violated a clear duty attendant to her office.

157. Defendants ignored this line of inquiry during the raid and in the follow-up interrogations. They never intended to charge Archer based on this fictitious crime.

158. There were no other lines of inquiry referenced in the warrant. Defendants never charged anyone in connection with these inquiries.

159. In fact, Defendants Chisholm, Landgraf, and Robles have made judicial admissions that they never charged anyone in connection with any of the lines of investigation they made concerning Archer.

160. In the process of investigating these supposed crimes, Defendants obtained numerous subpoenas for millions of pages of documents. They rummaged through the private correspondence and homes of numerous Wisconsin citizens who were innocent of any crimes. They smeared their reputations and, as with Archer, turned their lives upside down. There was no legitimate government purpose for this campaign. The investigation was a pretext for harassment, intimidation, and retaliation.

VIII. THE INTERROGATIONS

161. Defendants interrogated Archer in at least seven secret sessions. Most took place at a nondescript office building away from Milwaukee County government that was not disclosed to Archer in advance (she was driven there by her attorney). Archer was typically required to take time off of work and to travel to Milwaukee for questioning.

162. Archer was ordered not to speak about these events because of the secrecy order. The Defendants informed Archer that, in their view, the secrecy order prohibited her from discussing the investigation with her partner or her family. This prohibition placed substantial strain on Archer's relationships and left Archer isolated, alone, and depressed. Archer believed that she could not speak even to her medical professionals regarding the investigation for fear of prosecution.

163. Each of the Defendants was personally involved in the interrogations at one time or another, and Stelter and Budde often took the lead role in questioning Archer (Defendants Chisholm, Robles, and Landgraf have judicially admitted this fact). There were between four and seven individuals from the investigative team at each session, crowded around Archer in a small room.

164. All Defendants understood that the purpose was to intimidate Archer into providing evidence that could be used against Walker and his other associates and to retaliate against her political and policy views, her actions and speech to promote those views, and her expressive association with Walker.

165. Defendants offered an immunity deal to Archer, which she accepted, but it soon became clear that, unless she told them what they wanted to hear—i.e., unless she provided

incriminating evidence against Walker and his other associates—they would continue to threaten her with prosecution.

166. Archer was forced to hire legal counsel to advise her about her testimony and the possibility of criminal charges. This cost Archer over $20,000, the payment of which required her to take out a home-equity loan.

167. None of the interrogations were conducted before a judge or in a court. Archer was never brought before a judge at any time during the investigation.

168. During these interrogations, Stelter, Budde, and/or others took actions calculated to intimidate Archer into providing incriminating testimony against Walker and his other associates. They tried to confuse her and trick her into admitting wrongdoing. Whenever Budde, Stelter, and/or others on the team did not like the answer Archer gave to a question, they accused her of lying, despite having no basis for that assertion.

169. On one occasion, Defendant Landgraf provided Archer with a file of dozens of emails to review in preparation for an interrogation session, and Archer dutifully studied them. But at the following session and all sessions to come, Archer was not asked about them and was instead questioned on a myriad of unrelated topics. Although the search warrant represented that the investigative team was interested in two topics, the vast majority of time in the interrogations concerned unrelated matters not listed in the search warrant.

170. Stelter, Budde, and/or others involved in questioning Archer would frequently change subjects to trick and confuse her.

171. These events occurred between September 2011 and May 2012, the time period of the Walker recall petition effort and special-election campaign and during the time when Chisholm was informing subordinates that it was his duty to “stop” Walker, when Budde was

displaying a recall Walker sign displayed in his front yard, and when the Milwaukee District Attorney's office had become a *de facto* campaign office against Walker.

172. Also during this time period, a barrage of leaks from the District Attorney's office streamed to the press, including leaks stating that evidence uncovered in the investigation was a "bombshell" likely to result in the issuance of criminal complaints against high-level government officials, such as Archer. On information and belief, Defendants were the direct or indirect sources of those leaks, despite being subject to the secrecy order imposed by the John Doe judge.

173. The leaks served the important purpose of influencing politics as the John Doe investigation became widely regarded as the single most important issue in the special election to recall Walker. This further impaired Archer's reputation, which was the natural and probable consequence of Defendants' actions, as well as their intention.

174. Once Walker won the recall election, the inquiries related to Archer ceased. No one was charged in connection with any of them. After the recall election, no further communication was made from Chisholm's office to Archer. This further demonstrates that Archer was targeted for political reasons, and not for any legitimate law-enforcement purpose.

175. Defendants, however, continued to seek new avenues of attack against Walker, leading them to target virtually the entire conservative movement in the state of Wisconsin for its support of Walker's policies. The only judge so far to review the facts of this phase of the investigation found that they "easily" stated a claim for First Amendment retaliation. Defendants' retaliatory purpose in that phase of their investigation supports the inference that their purpose throughout has been retaliation.

176. Archer's attorney approached Chisholm's office at or after the end of their investigation into Archer and requested that a statement be issued from the District Attorney's

office clearing Archer of criminal wrongdoing, so that some of the damage to her reputation might be alleviated. Chisholm refused, despite that Archer was never charged with any crime.

177. The initial John Doe proceeding commenced in May 2010 was formally closed in 2013, and no one was charged in connection with any of the pretextual inquiries that supposedly formed the basis of the investigation against Archer.

178. Despite the investigation being closed, Defendants have gone back to the John Doe judge to obtain further secret information and allow its public release. The purpose was to smear the reputations of targets.

IX. THE PROXIMATE RESULTS OF DEFENDANTS' ACTIONS

179. Archer suffered humiliation, anguish, and emotional distress during the home raid and interrogations.

180. Archer suffered the loss of her time in preparing for, travelling to and from, and attending these secret interrogation sessions.

181. Her doctors diagnosed her with mild post-traumatic stress disorder and severe depression and anxiety and believe Defendants' actions are to blame. Archer continues to suffer mental distress as a result of Defendants' actions to this day.

182. Archer's reputation was destroyed. Hundreds of articles are available online suggesting that Archer committed criminal misconduct, which is false. Archer's name was maligned in newspapers, blogs, radio shows, and other media outlets. She became a household name associated with criminal wrongdoing. Articles ran in the paper stating that the architect of Act 10 is a criminal.

183. Archer's house was egged. She was harassed at the grocery store. She was yelled at by passers-by in her neighborhood. Her car was defaced, her family relationships were

strained, and she lost long-term friendships and contact with many long-term professional colleagues who became afraid to associate with her. The harassment has continued to, most recently, May 2015.

184. Archer had owned her Madison home since 1988 and was a longtime resident of her neighborhood in Madison, where she always felt safe and welcomed, even though the neighborhood is known as one of the most liberal in Wisconsin. That was no longer the case, and she began locking her doors, closing her shades, and keeping her dogs in the house for fear of further retaliation by Defendants or officers acting under their control, or else by others who were aware of Defendants' actions and understood them to mean that Archer was a criminal. This was the natural and probable consequence of Defendants' actions.

185. After the home raid, a radio talk-show host named John "Sly" Sylvester ran at least six half-hour episodes ridiculing Archer, making fun of her sexual orientation, denouncing her involvement with Act 10, and implying that she was a criminal. Sly invited callers to join in mocking her. Archer became the subject of similar forms of ridicule in public forums. None of this attention occurred before the home raid, and it was all the proximate result of Defendants' making her the public target of a bogus criminal investigation during a time of historic political turmoil.

186. Due to Defendants' actions, Archer was forced to resign from her position as second in command at Wisconsin's most important agency. Her pay was cut by over $26,000 annually. Subsequently, out of despair and the onset of depression for losing her career-long professional goal of being appointed Deputy Secretary of Administration and due to the damage to Archer's professional reputation that had been built over almost 30 years as a public servant, Archer took roughly three months of medical leave. Her removal from the Deputy Secretary of

Administration position was swift and her demotion substantial. Her peers and colleagues in Wisconsin government shunned her and colleagues she considered personal friends abandoned her.

187. In subsequent positions, Archer was not allowed to perform her job duties and was forced out of any role that might become public. Her work was attributed to others. She was cut out of important tasks and meetings. She was not allowed to speak with high-level government officials or people critical to her job functions. Some co-workers refused to work with her or talk to her, and her authority as a manager and supervisor were curtailed as compared to her prior positions. This was all a proximate result of the harm Defendants did to her reputation, and this was their intent.

188. Archer's future earning potential was impaired. Archer unsuccessfully applied for several positions in the years following the home raid and was informed by a human-resources professional, a supervisor, and a national recruiter that, as long as the John Doe investigation hung over her head, she would not be a competitive applicant for the forms of government work she had done throughout her career. Because Chisholm refused to clear her name—even though he had no basis to charge her—the John Doe investigation still hangs over Archer's head and she is unable to find employment commensurate with her career experience to this day. Her career trajectory has been irreparably altered due to Defendants' actions. One need only run a Google search for "Cindy Archer" to see the devastation Defendants inflicted on her reputation.

189. Any time Archer is given a pay raise due to a change in position (which has not brought her salary up to what she earned as Deputy Secretary of Administration) a slew of open-records requests and allegations of wrongdoing plague Archer because of the John Doe publicity.

Accordingly, Archer has been placed in non-visible work roles and informed that she will not be eligible for merit raises or bonuses because of the publicity that would result.

190. Having nowhere to turn and despairing that her career has been destroyed, Archer fell into depression. She spent over a week in a psychiatric ward in a Madison hospital. She became suicidal.

191. Archer's personal relationships suffered. Her friendships with individuals in the Walker administration were destroyed beyond repair.

192. Archer incurred medical and related expenses and a substantial loss in income due to these and other health problems that were the proximate result of Defendants' actions. She continues to suffer damages of this nature to this day.

COUNT I—42 U.S.C. § 1983, FIRST AMENDMENT RETALIATION

193. Plaintiff Archer repeats and re-alleges the preceding paragraphs as if fully set forth herein.

194. Archer engaged in activity protected by the First Amendment, including, without limitation, drafting and advocating for Act 10, expressively associating with Scott Walker on the basis of their shared political and policy views (before and after the passage of Act 10), and advocating for those views and taking other actions to further them (before and after the passage of Act 10).

195. Defendants' conduct under color of state law would deter the exercise of First Amendment rights such as speech and association by a person of reasonable firmness.

196. Archer's political speech and association were the sole factor, or at least a substantially motivating factor, in Defendants' decision to take their retaliatory actions.

197. As a direct result of Defendants' violation of Archer's First and Fourteenth amendment rights, Archer has sustained damages in an amount to be determined at trial.

198. The actions of Defendants were intentional, malicious, willful, wanton, callous, and showed reckless disregard for Archer's First Amendment rights.

COUNT II—42 U.S.C. § 1983, UNREASONABLE SEARCH AND SEIZURE

199. Plaintiff Archer repeats and re-alleges the preceding paragraphs as if fully set forth herein.

200. Defendants searched Archer's home, office, computers, phone, email account, and other areas as to which Archer has a reasonable expectation of privacy.

201. Defendants' search was unreasonable because Defendants lacked probable cause for the search, because the warrant was obviously overbroad, because Defendants' search was conducted in an unreasonable manner, and because Defendants' search did not comport with any limits that could be inferred in the warrant, among other reasons.

202. Defendants were purporting to act in the performance of their official duties.

203. Archer was harmed in numerous ways described above.

204. Defendants' unreasonable search was a substantial factor in causing her harm.

205. The actions of Defendants were intentional, malicious, willful, wanton, callous, and showed reckless disregard for Archer's Fourth Amendment rights.

COUNT III—42 U.S.C. § 1983, RETALIATORY ARREST

206. Plaintiff Archer repeats and re-alleges the preceding paragraphs as if fully set forth herein.

207. Defendants placed Archer in custody where she reasonably believed she was unable to escape their custody. The officers who entered her house, acting on Defendants'

orders, made a show of legal authority that made Archer reasonably believe she was not free to leave the premises, and she did in fact submit to that authority by remaining on the premises and answering Defendant Weiss's questions.

208. Defendants' conduct under color of state law would deter the exercise of First Amendment rights such as speech and association by a person of reasonable firmness.

209. Archer's political speech and association were the sole factor, or at least a substantially motivating factor, in Defendants' decision to take their retaliatory actions.

210. As a direct result of Defendants' violation of Archer's First and Fourteenth amendment rights, Archer has sustained damages in an amount to be determined at trial.

211. The actions of Defendants were intentional, malicious, willful, wanton, callous, and showed reckless disregard for Archer's First and Fourth Amendment rights.

COUNT IV—42 U.S.C. § 1983, FALSE ARREST

212. Plaintiff Archer repeats and realleges the preceding paragraphs as if fully set forth herein.

213. Defendants placed Archer in custody where she reasonably believed she was unable to escape their custody. The officers who entered her house, acting on Defendants' orders, made a show of legal authority that made Archer reasonably believe she was not free to leave the premises, and she did in fact submit to that authority by remaining on the premises and answering Defendant Weis's questions.

214. Defendants were aware that the warrant authorizing the arrest lacked probable cause, and they were responsible for obtaining the warrant without probable cause because, among other reasons, their material misrepresentations and omissions were the but-for cause of the issuance of the warrant.

215. Defendants were purporting to act in the performance of their official duties.

216. Archer was harmed in numerous ways described above.

217. Defendants' unreasonable search was a substantial factor in causing her harm.

218. The actions of Defendants were intentional, malicious, willful, wanton, callous, and showed reckless disregard for Archer's Fourth Amendment rights.

COUNT V—42 U.S.C. § 1983, CONSPIRACY TO VIOLATE CIVIL RIGHTS

219. Plaintiff Archer repeats and re-alleges the preceding paragraphs as if fully set forth herein.

220. Defendants reached an express or implied agreement to retaliate against Archer (in the course of a long-running agreement to retaliate against others) for her expressive association with Walker through acts in the course of a pretextual investigation without probable cause.

221. Defendants committed numerous overt acts resulting in damage to Archer.

222. All Defendants shared the general conspiratorial object: retaliation, harassment, and intimidation.

223. Defendants' conduct under color of state law would deter the exercise of First Amendment rights such as speech and association by a person of reasonable firmness.

224. Archer's political speech and association were the sole factor, or at least a substantially motivating factor, in Defendants' decision to take their retaliatory actions.

225. As a direct result of Defendants' violation of Archer's First and Fourteenth Amendment rights, Archer has sustained damages in an amount to be determined at trial.

226. The actions of Defendants were intentional, malicious, willful, wanton, callous, and showed reckless disregard for Archer's First Amendment rights.

WHEREFORE, Archer prays for a sum of damages to be proven at trial. Because the harm to Archer is analogous to the defamatory accusation of criminal wronging, damages may be presumed in an amount to be determined by a jury. Alternatively, Archer has suffered harm in numerous cognizable forms including, without limitation, mental and emotional distress, impairment of reputation, physical illness, medical expenses, loss of earning, loss of earning potential, legal defense bills, time in Defendants' custody, and time travelling to or from or preparing for Defendants' interrogations.

Because Defendants' actions were intentional, malicious, willful, wanton, callous, and showed reckless disregard for Archer's rights, Archer is entitled to punitive damages in an amount to be determined at trial.

JURY DEMAND

Plaintiff Archer respectfully demands a trial by jury of all issues triable by a jury in her Complaint.

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Date: September 2, 2015

Respectfully submitted,

/s/ David B. Rivkin, Jr.

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