

FILED
05-12-2021
ONEIDA COUNTY
CLERK OF CIRCUIT
COURT
2021CV000073
Honorable Patrick F
O'Melia
Branch 1

**STATE
OF WISCONSIN**

**CIRCUIT
COURT**

**ONEIDA
COUNTY**

LAKELAND PRINTING CO., INC.
510 Chippewa Street
Minocqua, WI 54548

WALKER COMMUNICATIONS, LLC
510 Chippewa Street
Minocqua, WI 54548

and

GREGG WALKER
9194 Stonegate Place
Minocqua, WI 54548,

Plaintiffs,

v.

KIRK BANGSTAD
318 W. Park Ave.
Minocqua, WI 54548

MINOCQUA BREWING COMPANY, INC.
238 Lakeshore Drive
Minocqua, WI 54548,

Defendants.

Case No.:
Case Code: 30106
Classification: Intentional Tort with
Money Judgment

SUMMONS

THE STATE OF WISCONSIN to each person named above as a Defendant:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within forty-five (45) days of receiving this Summons, you must respond with a written answer, as that term is used in Wis. Stat. Ch. 802, to the Complaint. The Court may reject

or disregard an answer that does not follow the requirements of the Statutes. The answer must be sent or delivered to the Court, whose address is 1 South Oneida Avenue, PO Box 400, Rhinelander, Wisconsin 54501 and to the Plaintiff's attorneys, Cramer, Multhauf & Hammes, LLP, whose address is 1601 East Racine Avenue, P.O. Box 558, Waukesha, Wisconsin 53187. You may have an attorney help or represent you.

If you do not provide a proper answer within forty-five (45) days, the Court may grant Judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A Judgment may be enforced as provided by law. A Judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 12th day of May, 2021.

CRAMER, MULTHAUF & HAMMES, LLP
Attorneys for Plaintiffs

BY: Electronically signed by Matthew M. Fernholz
MATTHEW M. FERNHOLZ
(State Bar No. 1065765)

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Defendants.

COMPLAINT

NOW COME the above-named Plaintiffs, Lakeland Printing Co., Inc., Walker Communications, LLC, and Gregg Walker, by their attorneys, Cramer, Multhauf & Hammes, LLP, and complain and allege against the above-named Defendants as follows:

NATURE OF THIS ACTION

The Plaintiffs are seeking injunctive and monetary relief against the Defendants stemming from the Defendants' libel, defamation, and trade defamation.

PARTIES

1. The Plaintiff, Lakeland Printing Co., Inc., is a Wisconsin corporation with its principal place of business located at 510 Chippewa Street, Minocqua, WI 54548. Lakeland Printing Co., Inc. wholly owns the newspaper "The Lakeland Times," (hereinafter collectively referred to as "Lakeland Times").

2. The Plaintiff, Walker Communications, LLC, is a Wisconsin limited liability company with its principal place of business located at 510 Chippewa Street, Minocqua, WI 54548. Walker Communications owns the newspaper "The Northwoods River News," (hereinafter collectively referred to as "River News").

3. The Plaintiff, Gregg Walker, is an adult individual and citizen of the State of Wisconsin residing at 9194 Stonegate Place, Minocqua, WI 54548 (hereinafter referred to as "Walker").

4. The Defendant, Kirk Bangstad ("Bangstad"), is an adult individual and citizen of the State of Wisconsin residing at 318 W. Park Ave, Minocqua, WI 54548.

5. The Defendant, Minocqua Brewing Company, Inc. ("Minocqua Brewing"), is a Wisconsin corporation, with its registered agent and principal place of business located at 238 Lakeshore Drive, Minocqua, Wisconsin 54548.

JURISDICTION AND VENUE

6. Jurisdiction is appropriate in the State of Wisconsin as all parties reside within the State of Wisconsin and the conduct at issue in the lawsuit was carried out in the State of Wisconsin.

7. Venue is appropriate in Oneida County as it is the county of residence for both Plaintiffs and Defendants.

BACKGROUND FACTS

8. Lakeland Times and River News are successful local newspapers serving Oneida County in the surrounding Northwoods area.

9. Walker is the owner and publisher of both newspapers.

10. Bangstad is the owner of Minocqua Brewing.

11. On June 5, 2020, Lakeland Times published a news analysis by Richard Moore entitled “Tavern League Lobbyist: OC health department practicing ‘biological McCarthyism.’” (**Exhibit 1**)

12. At the time of the post, Bangstad was running for Wisconsin Assembly.

13. On June 6, 2020, Bangstad posted, on his campaign Facebook page, a lengthy post criticizing the publication of the story by River News.

14. In the course of the post, Bangstad referred to Walker as a “crook.”

15. Bangstad later said that Walker “probably thinks this virus [COVID-19] is a hoax.” A copy of the full posting is attached and marked as **Exhibit 2.**

16. On June 10, 2020, Bangstad posted on Lakeland Times’ Facebook page that Lakeland Times was not “a real paper,” was an “embarrassment to our town,” and was a

“propaganda machine.” Bangstad urged people to subscribe to the *Vilas County News – Review*. A copy of these postings is attached and marked as **Exhibit 3**.

17. On June 12, 2020, counsel for Plaintiffs sent a cease-and-desist letter to Bangstad and Minocqua Brewing demanding that Bangstad retract his statements that Walker was a “crook” and that the River News is “not credible.” A copy of the letter is attached and marked as **Exhibit 4**.

18. As set forth in the letter, Walker has no criminal history and it is therefore libel *per se* to refer to him as a crook and imply that he has engaged in criminal conduct.

19. Following receipt of the letter, Bangstad posted on his Facebook page on June 15, 2020, stating that he would not be retracting his statement that Walker was a “crook.” Bangstad went on to refer to Walker as “the local misogynist who owns a paper that no one reads.” A copy of this posting is attached and marked as **Exhibit 5**.

20. On June 18, 2020, Bangstad posted once again on his Facebook page that Walker was a “misogynistic bully” and again referred to him as a “crook.” A copy of this posting is attached and marked as **Exhibit 6**.

21. On June 22, 2020, counsel for the Plaintiffs sent a second cease-and-desist letter, this time to Bangstad’s attorney, Frederick Melms. The letter demanded a retraction of Bangstad’s reference to Walker as a “misogynistic bully,” noting that the dictionary defines a misogynist as “a person who hates women.” A copy of this letter is attached and marked as **Exhibit 7**.

22. On March 26, 2021, Lakeland Times published an article noting that Bangstad’s campaign finance report failed to balance by more than \$18,000. A copy of this article is attached and marked as **Exhibit 8**.

23. The next day, March 27, 2021, Bangstad responded by writing a lengthy post on the Minocqua Brewing Facebook page. In the post, Bangstad once again referred to Walker as a “misogynist” and also asserted that Walker and Lakeland Times had referred to the Local Chamber of Commerce Director Krystal Westfahl as “retarded.”

24. Bangstad and Minocqua Brewing’s Facebook post used quotation marks around “retarded,” implying that this term was once used verbatim by Walker or Lakeland Times. A copy of this posting is attached and marked as **Exhibit 9**.

25. Neither Walker nor Lakeland Times has ever once used the term “retarded” in any publication when referring to Krystal Westfahl or any other individual.

FIRST CLAIM FOR RELIEF: LIBEL/DEFAMATION

26. The Plaintiffs reincorporate paragraphs 1-25 as if fully set forth herein.

27. Bangstad’s June 6, 2020 Facebook post referring to Walker as a “crook” constitutes a publication.

28. Bangstad’s June 15, 2020 Facebook post referring to Walker as a “crook” and a “misogynist” constitutes a publication.

29. Bangstad’s June 18, 2020 Facebook post referring to Walker as a “crook” and a “misogynistic bully” constitutes a publication.

30. The March 27, 2021 Facebook post wherein Defendants claimed that Walker and Lakeland Times referred to Krystal Westfahl as “retarded” constitutes a publication.

31. These Facebook posts contain demonstrably false allegations as Walker has no criminal history. In addition, none of the Plaintiffs have published any material referring to Krystal Westfahl as “retarded.”

32. Defendants' attempt to disparage the Plaintiffs was done intentionally and within intent of harm to the Plaintiffs' reputation within the community.

33. Defendants encouraged other people to stop subscribing to Lakeland Times and River News.

34. Defendants' statements were made with express malice and stemmed from ill will, bad intent, and malevolence towards the Plaintiffs.

35. If Defendants continue spreading false, defamatory, libelous, and malicious information that is designed to harm the Plaintiffs and their professional and business reputation, the Plaintiffs will suffer irreparable harm.

36. The Plaintiffs have no adequate remedy at law.

SECOND CLAIM FOR RELIEF: DEFAMATION OF A BUSINESS

37. The Plaintiffs reincorporate paragraphs 1-36 as if fully set forth herein.

38. Lakeland Times and River News are engaged in the business of newspaper publishing.

39. Walker is the publisher of Lakeland Times and River News.

40. Bangstad's June 6, 2020 Facebook post referring to Walker as a "crook" constitutes a publication.

41. Bangstad's June 15, 2020 Facebook post referring to Walker as a "crook" and a "misogynist" constitutes a publication.

42. Bangstad's June 18, 2020 Facebook post referring to Walker as a "crook" and a "misogynistic bully" constitutes a publication.

43. The March 27, 2021 Facebook post wherein Defendants claimed that Walker and Lakeland Times referred to Krystal Westfahl as "retarded" constitutes a publication.

44. These Facebook posts contain demonstrably false allegations as Walker has no criminal history. In addition, none of the Plaintiffs have published any material referring to Krystal Westfahl as “retarded.”

45. Defendants’ attempt to disparage the Plaintiffs was done intentionally and within intent of harm to the Plaintiffs’ reputation within the community.

46. Defendants encouraged other people to stop subscribing to Lakeland Times and River News.

47. Defendants’ statements were made with express malice and stemmed from ill will, bad intent, and malevolence towards the Plaintiffs.

48. If Defendants continue spreading false, defamatory, libelous, and malicious information that is designed to harm the Plaintiffs and their professional and business reputation, the Plaintiffs will suffer irreparable harm.

49. The Plaintiffs have no adequate remedy at law.

RELIEF REQUESTED

The Plaintiffs, Lakeland Printing Co., Inc., Walker Communications, LLC, and Gregg Walker, demand judgment against the Defendants, Kirk Bangstad and The Minocqua Brewing Company, Inc. as follows:

1. On the First Claim for Relief, an Order for Judgment and Judgment for monetary damages in an amount to be determined at trial stemming from Defendants’ defamatory and libelous statements.

2. On the Second Claim for Relief, an Order for Judgment and Judgment for damages in an amount to be determined at trial stemming from Defendants’ defamation of a business.

3. An award of punitive damages.
4. Injunctive relief.
5. An award of Plaintiffs' attorney's fees.
6. An award of all statutory costs.
7. Judgment for such other and further relief as the Court may deem just and equitable.

PLAINTIFFS DEMAND A JURY ON ALL ISSUES SO TRIABLE.

Dated this 12th day of May, 2021.

CRAMER, MULTHAUF & HAMMES, LLP
Attorneys for Plaintiffs

BY: Electronically signed by Matthew M. Fernholz
MATTHEW M. FERNHOLZ
(State Bar No. 1065765)

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