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September 28, 2026

Adam Hamilton
PO BOX 6
Stilwell, KS 66085
VIA EMAIL: hamilton@acuitypolitics.com

**Re: Demand for Cease and Desist of False and Defamatory Allegations
& Document Preservation Notice**

Mr. Hamilton,

We represent U.S. Senator Roger Marshall (“Senator Marshall” or “our client”). We write regarding a political advertisement published and released by you and your campaign, Hamilton for Kansas, on or about September 25, 2026, featuring a woman identified as “Meischa” (the “Advertisement”). The Advertisement has been published on your campaign’s social media accounts, including @TeamHamiltonHQ, and, on information and belief, is being distributed through paid digital and broadcast placements. The Advertisement is false, your campaign knew or had every reason to know it was false, and its continued publication is defamatory.

We demand that you immediately cease and desist from any further publication, broadcast, distribution, or promotion of the Advertisement.

Facts

The Advertisement’s narrator, “Meischa”, states that police came to her home and arrested her while she was eight months pregnant and then tells viewers: “They arrested me because I didn’t make a \$50 payment to Roger Marshall.” The Advertisement presents this as a surprise nighttime arrest and closes by accusing Senator Marshall of having “preyed on the low-income families of Kansas.” The unmistakable message to a reasonable viewer is that Senator Marshall caused a pregnant patient to be arrested and jailed for missing a single \$50 payment. That message is false in every material respect.

The public court record – which your campaign could have reviewed in minutes, and was obligated to review prior to publishing such a serious allegation – established the following:

1. **The arrest was not for a missed payment.** In *Heartland Regional OB/GYN PA vs. Meisha Allaire Doze*, 2009-LM-001373, a judge ordered the arrest only after the defendant failed to appear in court sixteen times over a three-year period. The arrest was the court’s response to repeated disregard of its orders, not to any missed payment.

2. **No one in Kansas can be arrested for failing to pay a bill.** Section 16 of the Kansas Constitution Bill of Rights provides that no person shall be imprisoned for debt, except in the cases of fraud. The premise of the Advertisement is a legal impossibility for Kansas.
3. **The amount at issue was not \$50.** The amount sought in the collection action was \$3,595. The “\$50” figure appears nowhere in the case as the basis for any arrest. It seems to be selected to make the Advertisement’s false narrative more inflammatory.
4. **The arrest was not a surprise.** Court records reflect that the Advertisement’s narrator was called to court in three different counties by eight different businesses over a multi-year period, including by a different hospital and in an eviction proceeding. The Advertisement’s portrayal of an unexpected knock at the door, arising from a single small medical bill, is false and dishonestly contrived.

Legal Analysis

The elements of defamation in Kansas include false and defamatory words, communicated to a third person, which result in harm to the reputation of the person defamed.¹ Falsely accusing a physician of having a pregnant patient arrested over a \$50 bill strikes directly at Senator Marshall’s professional integrity as a physician and his fitness for public office, and it has been broadcast to thousands of Kansas voters in the final weeks of an election.

We are mindful that Senator Marshall is a public official and that the constitutional standard of *New York Times Co. v. Sullivan*, 376 U.S. 254(1964), applies. That standard is readily met here. A publisher acts with actual malice when it publishes with knowledge of its falsity or reckless disregard for the truth, including when it avoids serious doubts about a statement’s truth.² The court file documenting the sixteen failures to appear, the \$3,595 amount in controversy, and the bench warrant is a matter of public record. A campaign that builds a paid advertisement around a specific court case and a specific dollar figure either reviewed that record and disregarded it or deliberately chose not to look. Either way, that standard is satisfied.

Moreover, as of the date of this letter, you and your campaign are on actual notice of the facts set forth above. Any further publication of the Advertisement after this date will be undertaken with unambiguous knowledge of its falsity.

That knowledge carries consequences beyond civil liability. Kansas law makes it a class A misdemeanor to communicate, by any means, information that the speaker knows to be false and that will tend to expose another living person to public hatred, contempt, or ridicule, or to

¹ *Luttrell v. United Telephone System, Inc.*, 9 Kan. App. 2d 620, 620-21, 683 P.2d 1292 (1984), aff’d 236 Kan. 710, 695 P.2d 1279 (1985).

² *St. Amant v. Thompson*, 390 U.S. 727 (1968).

deprive that person of the benefits of public confidence and social acceptance.³ A campaign that continues to broadcast the Advertisement after receipt of this letter does so with exactly the knowledge the statute describes.

Accordingly, on behalf of Senator Marshall, we demand that, within twenty-four (24) hours of the date of this letter, you and your campaign:

- Remove the Advertisement and any other advertisements or posts containing false and defamatory information regarding Senator Marshall from any and all publications or broadcasts;
- Issue a formal retraction and apology;
- Cease further republication, syndication, or promotion of the unqualified and false claims.

Document Preservation Obligations

In light of the legal obligations at play here and in anticipation of litigation, we demand that you affirmatively preserve, and not destroy, delete, hide, or misplace documents, communications, and materials of all kinds, without limitation, regarding the creation of the Advertisement. Senator Marshall is prepared to pursue all legal and equitable remedies necessary to, *inter alia*, end the ongoing publication of these false, defamatory, and malicious statements.

We are taking this matter very seriously and will be forced to pursue legal and/or equitable remedies if you do not comply with these demands. Please respond to me directly at 202-466-5964 or CSpies@dwlaw.com by 5:00 PM ET on Tuesday September 29th to confirm your compliance with these demands.

Sincerely,



Charles R. Spies
Dahlyn L. Sugrue
Counsel to Senator Roger Marshall

³ K.S.A. § 21-6103. See also *Phelps v. Hamilton*, 59 F. 3d 1058, 1070 (10th Cir. 1995).