

William L. Crowley
Natasha Prinzing Jones
BOONE KARLBERG P.C.
201 West Main, Suite 300
P.O. Box 9199
Missoula, MT 59807-9199
Telephone: (406)543-6646
Facsimile: (406) 549-6804
bcrowley@boonekarlberg.com
npjones@boonekarlberg.com

*Attorneys for Defendants Bitterroot Public Library,
City of Hamilton and Boone Karlberg P.C.*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

MICHAEL E. SPREADBURY,

Plaintiff,

v.

BITTERROOT PUBLIC LIBRARY,
CITY OF HAMILTON, LEE
ENTERPRISES, INC.,^{Doc. 1} and BOONE
KARLBERG P.C.

Defendants.

Cause No. CV-11-064-M-DWM

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendants Bitterroot Public Library and
City of Hamilton hereby remove to this Court the state court action styled as

Spreadbury v. Bitterroot Public Library, et al., Montana Twenty-First Judicial District Court, Ravalli County, Montana, Cause No. DV-11-184.

1. On or about April 5, 2011, an action was filed in the Montana Twenty-First Judicial District Court, Ravalli County, entitled “Michael E. Spreadbury, Plaintiff v. Bitterroot Public Library, City of Hamilton, Lee Enterprises, Inc., Boone Karlberg P.C., Defendants” as Cause No. DV-11-184. Attached as **Exhibit A** is a copy of Plaintiff’s state court Amended Complaint.

4. Defendant Bitterroot Public Library, through Dr. Robert Brophy, was served with process in the state court action on or about April 6, 2011. Defendant City of Hamilton was served on or about April 11, 2011. Copies of papers reflecting service of process are attached as **Exhibit B**. This Notice of Removal to the United States District Court is therefore filed within 30 days after receipt by Defendants of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based. The Notice of Removal is also filed less than one year after commencement of the action, which was originally filed in state court on or about March 15, 2011. Thus, the Notice of Removal is filed in a timely manner pursuant to the provisions of 28 U.S.C. § 1446(b).

5. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331 (federal question), and is one which may be

removed to this Court by Defendants Bitterroot Public Library and City of Hamilton pursuant to the provisions of 28 U.S.C. § 1441(b), in that it arises under the Constitution, laws, or treaties of the United States. Specifically, Plaintiff's claims involve alleged civil rights violations under 42 U.S.C. §1983.

6. Pursuant to 28 U.S.C. §§ 106, 1446(a) and (b), and Local Rule 1.9(e), the state court action, which was commenced in the Montana Twenty-First Judicial District Court, Ravalli County, may be removed to this federal district court which embraces Ravalli County within the Missoula Division.

7. Defendant Lee Enterprises, Inc. and Defendant Boone Karlberg P.C. consent to removal of this action. *Proctor v. Vishay Intertechnology Inc.*, 584 F.3d 1208, 1225 (9th Cir. 2009).

8. Promptly upon the filing of this Notice of Removal, Defendants will give notice in writing thereof to Plaintiff. Within seven days after filing this Notice of Removal, Defendants will file in state court a "Notice to State Court of Filing of Notice of Removal to the United States District Court," pursuant to Local Rule 3.2(a).

WHEREFORE, Defendants Bitterroot Public Library and City of Hamilton respectfully request that the action pending in the Montana Twenty-First Judicial District Court, Ravalli County, Montana, be removed to this Federal Court for

further proceedings, and that this Court assume jurisdiction, proceed as an action properly removed to this Court, and make further orders as may be just and proper.

DATED this 19th day of April, 2011.

/s/ Natasha Prinzing Jones
Natasha Prinzing Jones
BOONE KARLBERG P.C.
Attorneys for Defendants
Bitterroot Public Library, City of
Hamilton and Boone Karlberg P.C.

CERTIFICATE OF SERVICE

I hereby certify that, on the 19th day of April, 2011, a copy of the foregoing document was served on the following persons by the following means:

 1 CM/ECF

 Hand Delivery

 2 Mail

 Overnight Delivery Service

 Fax

 E-Mail

1. Clerk, U.S. District Court
2. Michael E. Spreadbury
700 South Fourth Street
Hamilton, MT 59840

/s/ Natasha Prinzing Jones
Natasha Prinzing Jones
BOONE KARLBERG P.C.
*Attorneys for Defendants Bitterroot Public
Library, City of Hamilton,
and Boone Karlberg P.C.*