

1 Michael E. Spreadbury  
2 700 South Fourth St.  
3 Hamilton, MT 59840  
4 Tel. (406) 363-3877  
5 mspread@hotmail.com

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*Debbie Harmon*  
DEPUTY

6 MONTANA 21<sup>ST</sup> JUDICIAL DISTRICT COURT

7 RAVALLI COUNTY

8 -----  
9 MICHAEL E. SPREADBURY, )  
10 Plaintiff ) DEPT. 4  
11 v. ) Cause No: DV-11-184 / 8  
12 BITTERROOT PUBLIC LIBRARY, ) AMENDED COMPLAINT  
13 CITY OF HAMILTON, )  
14 LEE ENTERPRISES INC., )  
15 BOONE KARLBERG P.C., )  
16 Defendants )

17 This cause of action is for defamation, intentional infliction of emotional distress (IIED),  
18 negligent infliction of emotional distress (NIED), civil conspiracy to deprive constitutional rights  
19 42 USCA § 1983, negligence in City of Hamilton, Ravalli County, State of Montana.

20 JURISDICTION:

21 The 21<sup>st</sup> Montana Judicial District is the proper venue for this cause of action, due to actions and  
22 deprivations of rights within the 21<sup>st</sup> Judicial District, Ravalli County Montana. Case and  
23 controversy is sufficient to make complaint before this Honorable Court.

EXHIBIT A

24

## PARTIES:

- 25 1. Michael E. Spreadbury (hereafter "Spreadbury"), Plaintiff of 700 S. 4<sup>th</sup> Street, Hamilton  
26 Montana, is a resident of Montana, and is considered a person in the State of Montana.
- 27 2. Dr. Robert Brophy, resident of Montana, acting under individual duties, Bitterroot Public  
28 Library Chairman of the Trustee Board, responsible officer of the Bitterroot Public Library,  
29 acting in color of law, considered a person in the state of Montana.
- 30 3. Trista Smith, resident of Montana, current director of the Bitterroot Public Library as a  
31 replacement for Gloria Langstaff; acting in color of law, in individual duties, is considered  
32 a person in Montana.
- 33 4. Nansu Roddy, resident of Montana, assistant director of the Bitterroot Public Library,  
34 acting in color of law, in individual duties, is considered a person in the State of Montana.
- 35 5. The Bitterroot Public Library (hereafter "public library"), an independent district, bound by  
36 the Interstate Compact as per Montana Code Annotated MCA§ 22-1-601. Under  
37 subsection 3(e) of this compact, an independent district can sue and be sued; in this  
38 jurisdiction an independent library district is considered a person in the State of Montana.
- 39 6. Jerry Steele, executive director of the City of Hamilton as elected Mayor, acting in color of  
40 law, resident of Montana, is considered a person in the State of Montana.
- 41 7. Steve Snavely, Sergeant in the Hamilton Police Department, acting in color of law, and in  
42 individual duties, resident of Montana, is considered a person in the State of Montana.

- 43 8. Detective Steven Bruner-Murphy, (hereafter: "Detective Murphy") resident of Montana,  
44 employed by Hamilton Police Department, acting in color of law, in individual duties, is  
45 considered a person in the State of Montana.
- 46 9. Hamilton Police Chief Ryan Oster, resident of Montana, acting in color of law, in  
47 individual duties, and as official policymaker for the City of Hamilton, Montana; Chief  
48 Oster is considered a person in the State of Montana.
- 49 10. Kenneth S. Bell, Hamilton City Attorney, acting in color of law, in individual duties, and  
50 that as official policy maker of the City of Hamilton, resident of Montana, considered a  
51 person in the State of Montana.
- 52 11. Jennifer B. Lint, resident of Montana, Deputy Hamilton City Attorney, acting in color of  
53 law, in individual duties is considered a person in the State of Montana.
- 54 12. City of Hamilton, MT is considered a person in the State of Montana.
- 55 13. Stacey Mueller, resident of Montana, publisher of The Missoulian newspaper, acting in  
56 color of law, in individual duties, is responsible officer for Lee Enterprises Inc., considered  
57 a person in the State of Montana.
- 58 14. Kristen Bounds, resident of Montana, acting in color of law, in individual duties, former  
59 publisher of Ravalli Republic newspaper, is considered a person in the state of Montana.
- 60 15. Perry Backus, former editor Ravalli Republic newspaper, acting in color of law, resident of  
61 Montana, is considered a person in the State of Montana.

- 62 16. The Missoulian Newspaper, an affiliate of Lee Enterprises Inc., a Montana Corporation.  
63 As a Montana Corporation, is considered a person in the State of Montana.
- 64 17. The Ravalli Republic Newspaper, affiliate of Lee Enterprises Inc., a Montana Corporation.  
65 As a Montana Corporation, is considered a person in the State of Montana.
- 66 18. The Billings Gazette, affiliate of Lee Enterprises Inc, a Montana Corporation is considered  
67 a person in the State of Montana.
- 68 19. The Helena Independent Record, affiliate of Lee Enterprises Inc., a Montana Corporation is  
69 considered a person in the State of Montana.
- 70 20. The Great Falls Tribune, affiliate of Lee Enterprises Inc. a Montana Corporation is  
71 considered a person in the State of Montana.
- 72 21. The Montana Standard, affiliate of Lee Enterprises Inc., a Montana Corporation is  
73 considered a person in the State of Montana.
- 74 22. William L. Crowley, resident of Montana, partner and responsible officer for Boone  
75 Karlberg PC law firm, acting in color of law, in individual duties, is considered a person in  
76 the State of Montana.
- 77 23. Natasha Prinzing-Jones (hereafter: "Jones") resident of Montana, associate at Boone-  
78 Karlberg PC law firm, acting in color of law, considered a person in the State of Montana.
- 79 24. Boone Karlberg PC, as a Montana Corporation is considered a person in Montana.

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**Prima Facie Evidence, 42 USC §1983; Civil rights**

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25. The Plaintiff believes, and is prepared to show with a preponderance of the evidence that

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the Defendants listed, together, individually, and as pairs conspired to deprive the

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Constitutional rights of Plaintiff. These rights are not limited to the Montana Constitution

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Article II, s. 4,6,7,17; and US Constitution Amendments I, V, and XIV in actions within

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Ravalli County, State of Montana, United States of America.

87

26. Under the color of law, two of more Defendants wished to contrive, and execute criminal

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charges to (1) reap injury to Plaintiff character, and (2) affect Plaintiff employment, and (3)

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alter public perception of Plaintiff to interfere with an election; keeping Plaintiff out of

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office, through the course of action described in this complaint.

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27. The Defendants conspired to deprive the Plaintiff of his constitutional rights, through one

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or more unlawful acts, Plaintiff has incurred substantial and actual damages as a result.

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28. No probable cause existed in criminal actions against the Plaintiff, executed by the

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Defendants. Common law issues are presented to the court, in addition to Defendants

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filing, contributed to criminal charges without probable cause filed against the Plaintiff,

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which contained substantial deprivations of Plaintiff fundamental constitutional rights.

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29. Defendants acted with actual malice, callous indifference, and without equal protection or

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due process under the law which led to actual damages to the Plaintiff as described herein.

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**FACTUAL BACKGROUND:**

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30. Spreadbury resides within City of Hamilton, County of Ravalli, State of Montana.

- 101 31. Spreadbury met with Ms. Nansu Roddy to admit correspondence written by separate person  
102 to be admitted into public library temporary reserve holdings in May/June 2009.
- 103 32. Bitterroot public library (hereafter "public library") employce Roddy, in violation of  
104 policy, and public library's adopted American Library Association policies refused to  
105 accept Spreadbury's submission.
- 106 33. Spreadbury utilized administrative remedies available per Roddy for Spreadbury to meet  
107 with library director of public library on or around June 10, 2009.
- 108 34. Director made appointment, cancelled, and refused to meet with Spreadbury.
- 109 35. Director of Public library published, distributed letter June 11, 2009 banning Spreadbury  
110 from library unlawfully, in violation of Montana Code Ann. for use of library, privileges,  
111 Spreadbury's procedural due process, per well accepted Montana statute, established  
112 statutory privilege for library utilization, use of public property.
- 113 36. Spreadbury presented library, Hamilton Police Department with sworn affidavit that  
114 Spreadbury had never been asked to leave public library, or made disruption, any willful  
115 violation of rules occurred in past 48 hours, 4 years dated June 12, 2009.
- 116 37. Spreadbury submitted Reconsideration Request Form July 8, 2009; public library did not  
117 respond to own established administrative remedy available to the public, Spreadbury.
- 118 38. On July 9, 2009 Spreadbury sat in waiting area of Ravalli Republic, as business was  
119 conducted, Spreadbury constructed a hand written request to Publisher Bounds not to

120 defame Spreadbury. Ravalli Republic called Ravalli County Dispatch, said Spreadbury  
121 was making threats, a false and defamatory act. HPD responded to Ravalli Republic.

122 39. On July 9, 2009 Chief Ryan Oster informed Spreadbury that the Ravalli Republic did not  
123 want Spreadbury to have further entry at the storefront at 232 W. Main St. Hamilton,  
124 Montana. Ravalli Republic personnel never asked Spreadbury to not return.

125 40. Spreadbury sent letter to public library, Hamilton Police Department (HPD) July 15, 2009  
126 citing Montana Statute re: library privileges, reinstating privileges to public library.

127 41. Public library board, public library did not respond to the July 15, 2009 correspondence.

128 42. Defendant Brophy made known false statements, comments to library staff about  
129 Spreadbury which were published on electronic form, communicated in verbal form.

130 43. On August 20, 2009 Spreadbury sat peacefully on public property outside public library.

131 44. Sgt. Steve Snavelly, Hamilton Police approached Spreadbury with June 11, 2009 letter from  
132 public library, accused Spreadbury of trespass on public property.

133 45. Sgt. Snavelly intimidated witnesses to photograph where Spreadbury alleged to have stood  
134 in park August 20, 2009, attempt to convict Spreadbury, trespass on public property.

135 46. Ken Bell, Hamilton City Attorney on or around September 2, 2009 wrote a sworn  
136 complaint that Spreadbury was trespassing on Public Property August 20, 2009.

137 47. Spreadbury was not given an opportunity to be heard at public library, lost privileges, due  
138 to not being allowed on the public library grounds, facility since early summer of 2009.

- 139 48. Plaintiff summoned September 9, 2009 with Misdemeanor Criminal Trespass on private  
140 property, property is publically owned by the City of Hamilton to which Plaintiff is  
141 taxpayer, has property, liberty interests in enjoying library privileges.
- 142 49. On September 10, 2009 the Ravalli Republic, a Lee Enterprise Corporation, published a  
143 front page article with Spreadbury's likeness in color photo with full name and headline  
144 "Mayoral Candidate charged with Trespass".
- 145 50. In an online comment published with the September 10, 2009 article, a comment was  
146 published on [www.ravallirepublic.com](http://www.ravallirepublic.com) stating that Spreadbury "suffers serious  
147 psychological problems and needs to seek help."
- 148 51. A separate comment published by the Ravalli Republic September 10, 2009 story said  
149 "Spreadbury is ready for Warm Springs (referring to the Montana State Mental Hospital)".
- 150 52. The Trespass on public property was republished in several Lee Enterprise newspapers  
151 within the State of Montana, named as parties to this cause of action.
- 152 53. A photographer from the Ravalli Republic admitted to the Plaintiff that his editor required  
153 a picture of Spreadbury for the September 10, 2009 article.
- 154 54. On October 19, 2009 Detective Murphy, HPD made report of Spreadbury stalking public  
155 library director; published sighting of Director former website: [www.Bitterroot-rising.org](http://www.Bitterroot-rising.org)  
156 with report # 209CR0001589 a deprivation of Spreadbury's established right to speak.
- 157 55. Spreadbury prosecuted for sitting peacefully on public property by Defendant Bell,  
158 Defendant Lint City of City of Hamilton in violation of established right.



- 159 56. Bell contacted NCIC criminal database to unlawfully get criminal history on Spreadbury.
- 160 57. Bob Brophy, Chairman BPL Board did send Plaintiff letter dated February 23, 2010 stating  
161 board was removing Spreadbury's privileges although never asked to leave public library,  
162 or demonstrated willful violation of rules: requirement per Montana Code Ann.
- 163 58. Spreadbury's procedural due process rights deprived by Brophy by not having any ability  
164 to be heard, administrative remedy to contest action which deprived Spreadbury liberty  
165 interest in entering library as taxpayer in Hamilton, MT in 2009.
- 166 59. Defendant Boone Karlberg, PC did publish false light information in several published  
167 pleadings before the Supreme Court for the State of Montana stating Spreadbury frequently  
168 returned to library, although not a crime, published false light of actual events that occurred  
169 at the public library with respect to Spreadbury/public library situation.
- 170 60. Defendant Boone Karlberg PC published several instances of false light information,  
171 defamation in re: criminal charge of trespassing with respect to Spreadbury after Boone  
172 Karlberg PC knew charge dropped August 2010 within court pleadings published in  
173 District, Supreme Courts for the State of Montana after dismissal order.
- 174 61. Defendant Boone Karlberg PC knew or should have known that sitting on public property  
175 is not a crime, charge dismissed known as Defendant Bell, client, employees, agents of  
176 Defendant Boone Karlberg PC sworn to uphold the Montana, US Constitution as lawyers.
- 177 62. Defendant Boone Karlberg PC, party to cause of action William L. Crowley *Esq.* did  
178 publish in pleading Spreadbury threatened Defendant Bell, when no evidence of threat

- 179 exists in correspondence to Bell. Crowley, Jones of Boone Karlberg PC engaging in  
180 malicious defamation of Spreadbury.
- 181 63. Defendant Boone Karlberg PC acting in civil conspiracy with client Bell when defaming  
182 Spreadbury in published pleadings to courts in State of Montana.
- 183 64. As Defendants continue to re-publish August 20, 2009 peaceful assembly on public  
184 property as criminal act by Spreadbury, causes severe emotional distress per well  
185 established standards before the Supreme Court for the State of Montana.
- 186 65. Defendants knew, should have known that peaceful assembly on public property is never a  
187 crime in Montana, United States.
- 188 66. Defendants knew, should have known that trespass charge was dismissed August 16, 2010  
189 by Honorable John Larson 4<sup>th</sup> District Court in 21<sup>st</sup> District Cause No. DC-10-26 with  
190 Spreadbury as Defendant.
- 191 67. Every re-publication of false information is considered a new case for libel against the  
192 Defendants.
- 193 68. Defendant Lee Enterprises on or around August 20, 2010 created four (4) different versions  
194 of a story pertaining to criminal trespass charges against Spreadbury originating from  
195 Defendant Ravalli Republic Newspaper in Hamilton, Montana.
- 196 69. Defendant Lee Enterprises made two Associated Press (AP) stories of the 4 created articles  
197 pertaining to Spreadbury and criminal trespass on public property.

198 70. Defendant Lee Enterprises Inc. published false light: Supreme Court “upheld” library ban,  
199 decision in Supreme Court for Montana in re: order of protection out of time appeal, order  
200 of protection, not trespassing, or unlawful ban from library of Spreadbury.

201 71. A national newspaper published Spreadbury’s name and criminal trespass charge based  
202 upon the Ravalli Republic, Lee Enterprises Inc. AP submissions. Distribution is 1.8  
203 million readers daily, national, international distribution.

204 72. Six (6) Lee Enterprise affiliates, party to this case in the State of Montana published a  
205 version of 4 articles on or around August 20, 2010 origin from the Ravalli Republic  
206 Newspaper, each affiliate has ability to publish defamatory comments about Spreadbury.

207 73. Due to AP coverage, TV, radio, newspaper, and other news outlets throughout the State of  
208 Montana covered Spreadbury criminal trespass charge on or around August 20, 2010. Re-  
209 publication, defamation of Spreadbury’s alleged criminal act, protected activity of peaceful  
210 assembly from August 20, 2009 is in-calculable damage to character, not reversible.

211 74. Spreadbury was no longer considered a public official at 20:00hours November 3, 2009.

212 75. Defendants act in concert to devastate Spreadbury’s character, “shocks conscience” that  
213 protected act would be criminalized, used to defame, destroy Spreadbury’s character.

214 76. Spreadbury was running for office at time of peaceful assembly August 20, 2009 yet that  
215 does not allow for actual malice of Defendants defamation pled herein.

216 77. The truth can be actual malice in libel, defamation cases.

217 78. Spreadbury had injury to character to such an extent that severe economic loss ensued from  
218 unlawful prosecution of peaceful assembly on public property in City of Hamilton, MT.

219 79. The acts of the Defendants described in paragraph 1 through 86 of this Complaint were  
220 done willfully, maliciously, outrageously, deliberately, and purposely with the intention to  
221 inflict emotional distress upon Plaintiff and were done in reckless disregard of the  
222 probability of causing Plaintiff emotional distress, these acts did in fact result in severe and  
223 extreme emotional distress to Spreadbury.

224 80. As a direct and proximate result of the Defendant's acts alleged herein, Spreadbury was  
225 caused to incur severe and grievous mental and emotional suffering, fright, anguish, shock,  
226 nervousness, and anxiety. Plaintiff continues to be fearful, anxious, and nervous,  
227 specifically but not exclusively regarding the future possibility of wrongful defamation,  
228 summons without crime, and prosecution for criminal act without due cause.

229 81. As a proximate result of the Defendant's actions alleged herein, Spreadbury has had his  
230 capacity to pursue an established course of life destroyed by Defendants. Spreadbury has  
231 suffered permanent damage to lifestyle and professional life as a result of Defendant  
232 activity described in paragraph 1 through 86. Plaintiff suffered severe emotional distress  
233 inflicted by actual malice of the named Defendants.

234 82. This severe emotional distress was a reasonably foreseeable consequence of actions by  
235 Defendants on or about June 11, 2009 and ongoing. Defendants did not take reasonable  
236 care to avoid wrongful prosecution of Spreadbury, appeared to have contrived the criminal  
237 action against Spreadbury giving no conscience to their duties as officers of the court, in

238 color of law. Spreadbury's peaceful assembly on public property was outrageously  
239 exaggerated, manipulated, and exacerbated by the Defendants with actual malice with  
240 intent to defame, destroy Spreadbury's character causing severe emotional distress.

241 83. Defendants had position of authority over Spreadbury, or in position to affect Spreadbury's  
242 established interests.

243 84. Defendants conduct was an abuse of power, position, even without authority over  
244 Spreadbury, had position to affect Spreadbury.

245 85. Defendants certain of infliction on Spreadbury, acted recklessly, outrageously with  
246 deliberate disregard of high degree of probability of emotional distress to Spreadbury.

247 86. Defendants acted with heatless, flagrant, and outrageous acts; extreme liability arises for  
248 Defendants with respect to emotional distress in the State of Montana.

249 **Negligence—Brophy/public library—Count 1**

250 87. Plaintiff repeats and realleges paragraphs 1-86 of this complaint as if fully set herein.

251 88. Library Board chairman Brophy, acting in official duties in color of law, wrote letter of  
252 February 23, 2010 removing Spreadbury's library privileges without cause.

253 89. Brophy/public library knew or should have known that Spreadbury was never asked to  
254 leave public library, willfully violated any rules of the public library.

255 90. Brophy/public library did not allow Spreadbury administrative remedy to the allegations of  
256 misconduct, allowed arbitrary removal of privileges, did not proceed to administrative  
257 remedy for submission to library, ignored Spreadbury's written reconsideration request.

258 91. Brophy's actions constituted negligence as chairman of public library Board.

259 92. As a result of Brophy's/ public library's negligence, Spreadbury had actual damages.

260 **Abuse of Process/ Brophy---public library---Count 2**

261 93. Plaintiff repeats, realleges paragraphs 1-92 of this complaint as if fully set herein.

262 94. Board Chairman Brophy in his administrative duties as chairman of BPL board wrote letter  
263 to remove Plaintiffs library privileges on February 23, 2010.

264 95. The proceeding was regular act on the part of Brophy, but not proper in the regular conduct  
265 of library board chairmen abiding by all laws to remove privileges of patrons.

266 96. Due to Brophy's abuse of process at the public library, Plaintiff incurred actual damages.

267 **Procedural Due Process/14<sup>th</sup> Amendment---Brophy/ public library---Count 3**

268 97. Plaintiff repeats and realleges paragraphs 1-96 as if fully set in this complaint herein.

269 98. Brophy, as chairman of Library board wrote Feb. 23, 2010 letter to Plaintiff which did not  
270 allow a remedy for Plaintiff to speak to the allegations of misconduct at the Library.

271 99. Brophy upheld Director's June 11, 2009 letter which unlawfully took Plaintiff library  
272 privileges without remedy to answer the allegations of misconduct at library.

273 100. Public library did not respond to Spreadbury's July 8, 2009 "Request for  
274 Reconsideration" form, nor administrative process for Spreadbury's submission.

275 101. Since Brophy did not allow an administrative remedy for Plaintiff to address Board of  
276 library, other remedy, it violated Plaintiffs right to administrative remedy, procedural due  
277 process, or be heard on alleged deprivations of rights from the public library.

278 102. Due to Brophy's, public library lack of procedural due process with respect to public  
279 library privileges, request for material submission, it violated Plaintiff established right to  
280 Procedural Due Process, Plaintiff incurred actual damages.

281 **Defamation/Defamation Per Se---Brophy/public library--Count 4**

282 103. Plaintiff repeats and realleges paragraphs 1-102 as if fully set in this complaint herein.

283 104. Brophy communicated a statement about Plaintiff, in writing, orally in official meeting,  
284 which was distributed throughout library staff.

285 105. Communication of false information unprivileged, altered perception of library staff as  
286 they interacted with Plaintiff, and constituted Defamation and Defamation Per Se.

287 106. As a result of Brophy's Defamation and Defamation per se as officer of public library,  
288 Plaintiff had actual damages.

289 **Misrepresentation---Brophy---public library--Count 5**

290 107. Plaintiff repeats, realleges paragraphs 1-106 as if fully set forth in this complaint.

291 108. In February 23, 2010 letter to Plaintiff, Brophy misrepresented authority of Library  
292 Board, Library director to abridge peaceful assembly in a publically owned park, and to  
293 remove a patrons privilege to use a public library respectfully.

294 109. A Library Board only has the authority to remove a privilege of a patron who willfully  
295 violates the rules of the library under MCA §22-1-311(Use of Library—Privileges).

296 110. Plaintiff was never asked to leave the library by staff, director, or law enforcement.

297 111. Due to Brophy's misrepresentation, Plaintiff incurred actual damages.

298 **1<sup>st</sup> Amendment—Roddy/public library--Count 6**

299 112. Plaintiff repeats, realleges paragraphs 1-111 as if fully set forth in this complaint.

300 113. Public Library staff Roddy did refuse Spreadbury's submission to the public library.

301 114. Public library policy requires no rejection of written material by "right to read", freedom  
302 of speech requires acceptance of material not profane, illicit.

303 115. By refusing Spreadbury's submission, accepted in a member Library in Montana, Public  
304 Library/Roddy violated Spreadbury's right to speak, petition government as protected in  
305 Amendment 1, US Constitution, as a result Spreadbury suffered actual damages.

306 **Malicious Prosecution—Public Library, City of Hamilton---Count 7**

307 116. Plaintiff repeats, realleges paragraphs 1-115 as if fully set forth in this complaint.

308 117. A judicial proceeding was commenced and prosecuted against Spreadbury.

309 118. The public library, City of Hamilton responsible for instigating, prosecuting, and/or  
310 continuing the proceeding.

311 119. Public library, City of Hamilton acted without probable cause.



312 120. Public library, City of Hamilton actuated by actual malice.

313 121. The judicial proceedings terminated favorably for Spreadbury.

314 122. As a result of the Defendant public library, City of Hamilton actions, Spreadbury  
315 sustained actual damages.

316 **Tortious interference with prospective Economic Advantage—Defendants--Count 8**

317 123. Plaintiff repeats, realleges paragraphs 1-122 as if fully set forth in this complaint.

318 124. Defendants committed intentional and willful acts calculated to cause damage to  
319 Spreadbury's reputation, and prospective economic advantage.

320 125. Defendant acts were done with actual malice, willful purpose of causing damage or loss  
321 to Spreadbury without right or justifiable cause on the part of the actors.

322 126. Due to Defendant's tortious interference, Spreadbury has suffered actual damages.

323 **"Policy or Custom" by Policymaker Bell, 1<sup>st</sup>,14<sup>th</sup> Amendments---Count 9**

324 127. Plaintiff repeats, realleges paragraphs 1-126 as if fully set forth in this complaint.

325 128. Defendant Bell, department head and official policymaker made new policy for City of  
326 Hamilton by deciding Spreadbury's peaceful assembly on public property manifested  
327 misdemeanor criminal trespass on August 20, 2009 by way of sworn complaint to court.

328 129. Due to official policy of Defendant Bell by sworn information to the court September 2,  
329 2009, Spreadbury's right to peaceful assembly, protected Art. II s. 6 Montana Constitution,  
330 1<sup>st</sup> Amendment US Constitution deprived by official policy of City of Hamilton, Montana.

331 130. As a result of Bell's official policy, Spreadbury would not enjoy equal protection of the  
332 laws as protected in Art. II s. 4 Montana Constitution, 14<sup>th</sup> Amendment, US Constitution.

333 131. As a result of official policy created by Policymaker Bell, City of Hamilton, Spreadbury  
334 suffered actual damages by deprivation of established right.

335 **Policy of Custom-Amendment 5, 14--City of Hamilton--Oster--Count 10**

336 132. Plaintiff repeats, realleges paragraphs 1-131 as if fully set forth in this complaint.

337 133. HPD Chief Oster, official policymaker, City of Hamilton made new policy: asked  
338 Spreadbury to not enter storefront when no adverse or criminal behavior occurred at the  
339 Ravalli Republic business, 232 W. Main St Hamilton, Montana on July 9, 2009.

340 134. By asking Spreadbury to not enter Ravalli Republic business without cause, Oster  
341 deprived Spreadbury liberty interest, equal protection, protected in Amendment 5,14 US  
342 Constitution.

343 135. As a result of official policy of City of Hamilton by policymaker Oster, Spreadbury  
344 sustained actual damages.

345 **Negligence---City of Hamilton/Bell---Count 11**

346 136. Plaintiff repeats, realleges paragraphs 1-135 as if fully set forth in this complaint.

347 137. Defendant Bell knew or should have known sitting on public property is not a crime.

348 138. Defendant Bell, knowing peaceful assembly, sitting at library not a crime contacted  
349 national crime database, NCIC; adversely affects professional employment for Spreadbury.

350 139. Citing Spreadbury for a crime for sitting on public property constitutes negligence on the  
351 part of Bell, deprives Spreadbury right to peaceful assembly, equal protection.

352 140. As a result of Bell's negligence Spreadbury suffered actual damages.

353 **Negligence, City of Hamilton/Snavely—Count 12**

354 141. Plaintiff repeats, realleges paragraphs 1-140 as if fully set forth in this complaint.

355 142. Sgt. Snavely HPD knew, or should have known peaceful assembly on public property is a  
356 protected right in Montana, US Constitution, not a crime.

357 143. Sgt. Snavely negligent in his actions August 20, 2009, ongoing in accusing Spreadbury of  
358 criminal trespass while peacefully assembled on public property in Hamilton, MT.

359 144. As a result of Snavely's negligence, Spreadbury suffered actual damages.

360 **Negligence, City of Hamilton—Murphy—Count 13**

361 145. Plaintiff repeats, realleges paragraphs 1-144 as if fully set forth in this complaint.

362 146. Detective Murphy, knowingly sent several written police reports to City Attorney Bell for  
363 consideration of charges when no crime occurred, reports "cleared" by HPD.

364 147. Detective Murphy knew, or should have known Spreadbury did not commit a criminal act  
365 with respect to the public library, especially when HPD officers, Murphy cleared reports.

366 148. Detective Murphy knowingly did a domain search to on a website owned by Spreadbury  
367 obtain personal information on Spreadbury when no crime was committed.

368 149. As a result of Detective Murphy's negligence, Spreadbury suffered actual damages.

369 **Freedom to Speak/1<sup>st</sup> Amendment, Abuse of Power/14<sup>th</sup> Amendment—HPD Det.**

370 **Murphy—Count 14**

371 150. Plaintiff repeats, realleges paragraphs 1-149 as if fully set forth in this complaint.

372 151. Defendant HPD Detective Murphy investigated, published police report, investigated  
373 Spreadbury for stalking for mentioning a “sighting” of public library director on a website.

374 152. Spreadbury is free to speak in Hamilton, Montana, has a compact to the United States.

375 153. Detective Murphy sent information to City Attorney Bell to consider charges on  
376 Spreadbury when it was known by HPD that no criminal acts transpired.

377 154. Actions of Detective Murphy demonstrate actual malice toward Spreadbury, an example  
378 of abuse of power, oppressive government as protected in Amendment 14 US Constitution.

379 155. Due to Murphy’s deprivation of protected free speech, abuse of power: recommending  
380 charges, investigating stalking on protected right, Spreadbury had actual damages.

381 **Negligence—Crowley/Jones/Boone Karlberg—Count 15**

382 156. Plaintiff repeats, realleges paragraphs 1-155 as if fully set forth in this complaint.

383 157. Defendant Crowley, Jones knew or should have known that trespass charge was dropped  
384 on August 16, 2010 against Spreadbury by the City of Hamilton, Montana.

385 158. Defendant Crowley, Jones knew or should have known that Spreadbury did not threaten  
386 Attorney Bell in regular written correspondence requesting public information in 2010.

387 159. Defendant Crowley, Jones knew or should have known that Spreadbury made Alfred plea  
388 of no contest to felony charge, under appeal as DC-09-154, not convicted.

389 160. The publication of information in paragraphs #157-159 constitutes negligence by  
390 Defendants Crowley, Jones, Boone Karlberg.

391 161. As a result of negligence by Crowley, Jones, Boone Karlberg, Spreadbury suffered actual  
392 damages.

393 **Defamation—Crowley, Jones, Boone Karlberg—Count 16**

394 162. Plaintiff repeats, realleges paragraphs 1-161 as if fully set forth in this complaint.

395 163. Defendant Boone Karlberg, Crowley, Jones published, republished false information  
396 about Spreadbury being charged with a criminal trespass in court documents in the State of  
397 Montana after case was properly dismissed, not relevant to fact, background of pled case.

398 164. Defendant Boone Karlberg, Crowley, Jones published, republished false light information  
399 concerning Spreadbury's actions with respect to the public library.

400 165. Defendant Boone Karlberg, Crowley, Jones published false information that Spreadbury  
401 threatened City Attorney Bell in regular requests for public information in 2010.

402 166. The publishing of false, false light information is defined as defamation in Montana.

403 167. As a result of defamation by Defendant Boone Karlberg, Crowley, Jones, Spreadbury  
404 suffered actual damages.

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**Defamation/Defamation per se—City of Hamilton—Count 17**

407

168. Plaintiff repeats, realleges paragraphs 1-167 as if fully set forth in this complaint.

408

169. Defendant Bell served upon court sworn complaint September 2, 2009 Spreadbury was

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trespassing on public property August 20, 2009 on written public document before court.

410

170. The Hamilton Police Department published several unprivileged reports, DVD, CD of

411

interviews in re: alleged trespassing on public property, unfounded harassment, and false

412

light concerning Spreadbury interactions with library, Hamilton Police.

413

171. By publishing false light, false information, hearsay in HPD report is defamation per se.

414

172. Bell put false information about Spreadbury into court documents, available to public is

415

considered defamation in the State of Montana.

416

173. As a result of defamation, defamation per se by City of Hamilton, Bell, Spreadbury

417

incurred actual damages.

418

**Negligence/Negligence per se-- Lee Enterprises Inc.—Count 18**

419

174. Plaintiff repeats, realleges paragraphs 1-173 as if fully set forth in this complaint.

420

175. Defendant Lee Enterprises Inc. knew or should have known sitting on public property is a

421

protected right, Art. II section 6 Montana Constitution, Amendment 1 US Constitution.

422

176. Defendant Lee Enterprises knew or should have known that publishing comments about a

423

person's psychiatric health constitutes negligence per se.

424

177. Lee Enterprises published several comments about Spreadbury's psychiatric health.

425 178. Lee Enterprises knew, or should have known re-publishing material relating to criminal  
426 trespass on public property establishes negligence.

427 179. Lee Enterprises knew or should have known that publishing false light information such  
428 as Spreadbury "repeatedly" returning to public library, Supreme Court "upholding" ban on  
429 public library for Spreadbury considered defamation in the State of Montana.

430 180. Due to negligent and negligent per se activity by Lee Enterprises Inc. Spreadbury  
431 suffered actual damages.

432 **Defamation, Defamation per se, Lee Enterprises Inc.—Count 19**

433 181. Plaintiff repeats, realleges paragraphs 1-180 as if fully set forth in this complaint.

434 182. Lee Enterprises Inc. published known false information with actual malice against  
435 Spreadbury making case that sitting peacefully on public property was criminal trespass.

436 183. Lee Enterprises Inc. re-published, encouraged the mass-re-publication of criminal  
437 trespass with respect to Spreadbury to statewide, national, and international audience.

438 184. Lee Enterprises Inc. published comments about Spreadbury's psychiatric health which  
439 constitutes defamation per se.

440 185. Lee Enterprises Inc. published, mass republished false light information with respect to  
441 Spreadbury and the public library in Hamilton, Montana.

442 186. Lee Enterprises Inc. encouraged all statewide media outlets to publish criminal trespass  
443 concerning Spreadbury peacefully assembled on public property in Hamilton, MT.

444 187. Lee Enterprises Inc. officials received several written requests from Spreadbury not to  
445 defame his character by publishing false information.

446 188. Due to publication, mass publication of known false information, false light information  
447 by Lee Enterprises Inc considered defamation and defamation per se with actual malice.

448 189. As a result of the defamation, defamation per se by Lee Enterprises Inc. with actual  
449 malice, Spreadbury suffered actual damages.

450 **Intentional Infliction of Emotional Distress (IIED)—Defendants—Count 20**

451 190. Plaintiff repeats, realleges paragraphs 1-189 as if fully set forth in this complaint.

452 191. Defendants were in a position to affect Spreadbury's protected interest.

453 192. Defendants unlawfully conspired to charge Spreadbury with a crime, re-published  
454 defamation, false light, false information about Spreadbury committing a crime, caused  
455 severe emotional distress, violated Spreadbury's established constitutional right.

456 193. Due to willful acts with actual malice on the part of the Defendants known to cause  
457 emotional distress, Spreadbury actually suffered severe emotional distress.

458 194. Due to the intentional infliction of emotional distress by the Defendants, Spreadbury  
459 suffered actual damages.

460 **Negligent Infliction of Emotional Distress (NIED)—Defendants—Count 21**

461 195. Plaintiff repeats, realleges paragraphs 1-194 as if fully set forth in this complaint.

462 196. Defendants were in a position to affects Spreadbury's protected interest.



463 197. Defendants negligently conspired to unlawfully charge Spreadbury with a crime for  
464 peaceful assembly on public property, a protected right. Defendants encouraged Lee  
465 Enterprises Inc. to publish with actual malice intra-state, interstate, and internationally the  
466 false notion that Spreadbury committed a crime by peaceful assembly in Hamilton, MT.

467 198. The negligent and unlawful charge of criminal trespass on public property, intra-state  
468 publication, international publication caused Spreadbury severe emotional stress.

469 199. Defendants negligent actions were willful, with actual malice, knowingly executed to  
470 cause emotional distress, expected outcome: harm, injury to Spreadbury.

471 200. Due to the negligent infliction of emotional distress by the Defendants, with position to  
472 affect Spreadbury, Spreadbury suffered actual damages.

473 **Injunctive Relief—Boone Karlberg PC—Count 22**

474 201. Plaintiff repeats, realleges paragraphs 1-200 as if fully set forth in this complaint.

475 202. Spreadbury seeks an order from this Honorable Court to enjoin Boone Karlberg PC from  
476 further defamatory statements in reference to Plaintiff.

477 203. Spreadbury never made threat to Ken Bell, trespass on public property at public library  
478 dismissed, Boone Karlberg published known false information about Spreadbury.

479 204. It is highly improper, unethical, and defamatory to make published comments about a  
480 criminal behavior that never existed by Boone Karlberg PC.

481 205. Spreadbury seeks a Cease and Desist **ORDER** from the court, and if violated, sanctions  
482 on William L. Crowley esq. and/or Natasha Prinzing-Jones esq. of Boone Karlberg PC.

483 206. Spreadbury seeks injunctive relief from court due to belief of future harm, specifically  
484 defamation through the courts, which is malicious, calculated, unprofessional, and causes  
485 undue harm and injury to Spreadbury's character.

486 207. Emotional distress, defamation should not be manipulated by lawyers at Boone-Karlberg.

487 208. Spreadbury reserves the right to request civil **ARREST** of associates at Boone Karlberg  
488 PC for cause if future harm, or other sanctions this honorable court feels appropriate.

489 **Injunctive Relief—Lee Enterprises Inc.—Count 23**

490 209. Plaintiff repeats, realleges paragraphs 1-208 as if fully set forth in this complaint.

491 210. Spreadbury seeks a Cease and Desist **ORDER** from the court to stop any malicious  
492 comment, defamatory material from publication in re: Spreadbury.

493 211. Lee Enterprises has published known false information, defamatory comments damaging  
494 to Spreadbury since 2007 in more than 30 articles from the Ravalli Republic, parties herein.

495 212. Spreadbury seeks civil **ARREST** of Perry Backus, per MCA§ 27-16-102(2) former  
496 editor, author of at least 20 articles defamatory to Spreadbury, gave permission to publish  
497 highly defamatory comments in re: Spreadbury's character by the Ravalli Republic.  
498 Affidavit for this arrest will be in docket of the aforementioned.

499 213. Spreadbury seeks injunctive relief due to belief that capability of future harm by Lee  
500 Enterprises is likely. Spreadbury will yield to Honorable Court for an additional remedies  
501 to stop malicious behavior of Lee Enterprises Inc. ongoing since 2007.

502 214. Spreadbury seeks proper court order to stop future harm by Lee Enterprises Inc. that  
503 attacks the good character of Spreadbury, before this court for relief.

504 **Injunctive Relief—Bitterroot Public Library—Count 24**

505 215. Plaintiff repeats, realleges paragraphs 1-214 as if fully set forth in this complaint.

506 216. Plaintiff respectfully requests Honorable Court find lawful privilege of library use was  
507 removed improperly: no willful violation of rules per Montana statute, sworn testimony of  
508 former library director in Hamilton Municipal Court. Plaintiff requests Honorable Court  
509 enjoin Bitterroot Public Library to reinstate Plaintiff privileges per Montana Statute,  
510 appropriate administrative remedy therein.

511 217. Plaintiff respectfully requests that honorable court finds that Bitterroot Public Library  
512 violated in-house policies for patron submissions, constitutional protections in State of  
513 Montana, United States for speech of Plaintiff, enjoin Plaintiff's submission as permanent  
514 entry into Bitterroot Public Library collection.

515 218. Plaintiff will suffer future harm of liberty interest if honorable court does not impose  
516 injunctive relief on Bitterroot Public Library per well established state statute, right.

517 **Injunctive Relief—City of Hamilton—Count 25**

518 219. Plaintiff repeats, realleges paragraphs 1-218 as if fully set forth in this complaint.

519 220. Defendant City of Hamilton, prosecuted Spreadbury for established right.

520 221. Hamilton Police Officers did not uphold Plaintiff right under Montana statute to freely  
521 use public library. HPD attempted to cite/arrest Plaintiff for established right. HPD

522 investigated Plaintiff for separate established right. HPD wrote several criminal reports  
523 defamatory to Spreadbury when Spreadbury has liberty interest, protected right.

524 222. City Attorney Bell acted with malice prosecuting a protected act, previously entered a  
525 civil courtroom in violation of state statute MCA§ 7-4-4604 to act against Spreadbury.

526 223. Hamilton Municipal Judge Reardon did not write findings of fact, conclusions of law for  
527 permanent order or protection, ordered jail time for peaceful assembly on public property.

528 224. For fear of future harm, Spreadbury asks court to enjoin City of Hamilton from  
529 knowingly, or unknowingly violating Spreadbury's established right.

530 **Punitive Damages—Defendants—Count 26**

531 225. Plaintiff repeats, realleges paragraphs 1-224 as if fully set forth in this complaint.

532 226. Actions of defendants, acting in actual malice, with willful intent to deprive right, defame  
533 Spreadbury, and intentionally cause severe emotional distress entitle Plaintiff to seek  
534 punitive damages in this cause of action.

535 227. Defendant actions that have callous indifference to Spreadbury's protected rights, or are  
536 willfully executed to injure or harm are those eligible for punitive damages.

537 228. Punitive damages are intended to stop future behavior of the Defendants.

538 229. Decisions of official policymakers subject municipal government to punitive damages, as  
539 Bell, Oster enacted in this cause of action for the City of Hamilton, Montana.

540 230. Defendants Murphy, Snavely, Brophy, Roddy, Lee Enterprises Inc., City of Hamilton,  
 541 Bell, Lint, Crowley, Prinzing-Jones, Boone Karlberg PC, public library acted in callous  
 542 indifference, actual malice towards Spreadbury, allows the grant of punitive damages under  
 543 applicable statute in Montana, 42 USC§ 1983.

544 **Relief Sought by Plaintiff**

545 I. Plaintiff respectfully requests that the court find against the Defendants:

- 546 i. Plaintiff suffered *special damages of lost earnings* in the amount of .....\$2.2M
  - 547 ii. Plaintiff suffered *general damages for pain, suffering* of..... \$2M
  - 548 iii. Plaintiff seeks Compensatory damages for **IED** of .....\$535,000.00
  - 549 iv. Plaintiff seeks Compensatory damages for **NIED** of .....\$ 475,000.00
  - 550 v. Plaintiff seeks Compensatory damages for **defamation** of..... \$4M
  - 551 vi. Plaintiff seeks Compensatory damages for **§1983** of..... \$2M
  - 552 vii. Plaintiff seeks Punitive damages for **IED** of.....\$200,000.00
  - 553 viii. Plaintiff seeks Punitive damages for **§1983** of.....\$ 645,000.00
  - 554 ix. Plaintiff seeks punitive damages for **defamation** of..... \$13M
- 555 Total Compensatory damages.....**\$ 8.21M**
- 556 Total Punitive damages.....**\$ 13.845M**
- 557 **Total damages sought from Defendants.....\$ 22.055M**

558 II. Plaintiff seeks permanent injunctive relief:

559 Boone Karlberg PC.....line 473

560 Lee Enterprises Inc.....line 489

561 Bitterroot Public Library.....line 504

562 City of Hamilton.....line 517

563 III. Plaintiff respectfully requests a jury trial to hear this case.

564 End of Complaint.

565

566 Respectfully submitted this 5<sup>th</sup> day of April, 2011

567

568

569 Michael E. Spreadbury, Chief Barrister, self represented litigant.