

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

FILED
DEBBIE HARMON, CLERK

APR 05 2011

Angie Sawyer
DEPUTY

6 MONTANA 21ST JUDICIAL DISTRICT COURT

7 RAVALLI COUNTY

8

9 MICHAEL E. SPREADBURY,)
10 Plaintiff)

DEPT. 4
Cause No: DV-11-184 / 8

11 v.)

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

24

PARTIES:

25

1. Michael E. Spreadbury (hereafter "Spreadbury"), Plaintiff of 700 S. 4th 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 Snavelly, 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.

80

81

Prima Facie Evidence, 42 USC §1983; Civil rights

82

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

83

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

84

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

85

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

86

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

88

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

89

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

90

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

91

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

92

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

93

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

94

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

95

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

96

which contained substantial deprivations of Plaintiff fundamental constitutional rights.

97

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

98

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

99

FACTUAL BACKGROUND:

100

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”) employee 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 Snavely, Hamilton Police approached Spreadbury with June 11, 2009 letter from
132 public library, accused Spreadbury of trespass on public property.

133 45. Sgt. Snavely 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 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
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 4th District Court in 21st 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/14th 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 respectively.

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 **1st 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, 1st,14th 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 1st 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, 14th 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/1st Amendment, Abuse of Power/14th 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.

405

406 **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
409 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 **IIED** 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 IIED* 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.

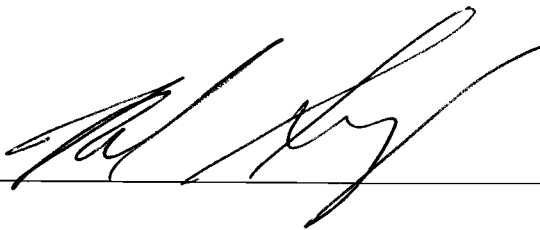
564 End of Complaint.

565

566 Respectfully submitted this 5th day of April, 2011

567

568



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