

Michael E. Spreadbury  
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*Pro Se Plaintiff*

**RECEIVED**  
OCT 06 2011  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF MONTANA  
MISSOULA

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

MICHAEL E. SPREADBURY ) Cause No: cv-11-64-DWM-JCL  
Plaintiff )  
v. ) **AFFIDAVIT OF MICHAEL**  
BITTERROOT PUBLIC LIBRARY, ) **E. SPREADBURY IN RE:**  
CITY OF HAMILTON, ) **DISCOVERY ARTICLE,**  
LEE ENTERPRISES, INC., ) **DEFENSE PLEADINGS**  
BOONE KARLBERG, PC, )  
\_\_\_\_\_ )

Comes now Spreadbury with affidavit in support of motion to dismiss summary judgment Defendant Lee Enterprises PC (hereafter "Lee ") in the aforementioned.

In re: Spreadbury v. Bitterroot Public Library et. al.

STATE OF MONTANA )

: ss

County of Ravalli )

Michael E. Spreadbury first being duly sworn, under oath states as follows:

Affidavit of Michael E. Spreadbury

1. I am the Plaintiff in the aforementioned 42 USC s. 1983, Defamation, emotional distress, negligence case *inter alia*.
2. Lee Enterprises is a Defendant.
3. Jeffrey B. Smith *esq.* is attorney of record for Lee represented by Garlington, Lohn, & Robinson PLLP of Missoula, Montana USA.
4. I sent 8 pages discovery by fax and one fax cover page to Mr. Smith on August 15, 2011 in response to a discovery request by Lee (attached A).
5. One page of the August 15, 2011 fax transmission to Mr. Smith included the original copy of the August 9, 2010 front page article titled "Spreadbury Lawsuits begin pretrial hearings" published by Defendant Lee.
6. The original article published August 9, 2010 included false information that I was convicted of Disturbing the Peace.
7. I have never been charged with, or convicted of Disturbing the Peace in any US State including the State of Montana.

8. Mr. Smith's September 27, 2011 foundational affidavit contained known false information material to the aforementioned with respect to a true and accurate copy of the published August 9, 2010 Defendant Lee article.
9. Mr. Smith's Exhibit H in his September 27 2011 affidavit is not a true and accurate copy of the Lee August 9, 2010 referenced Spreadbury article.
10. Mr. Smith's Exhibit B contains 1 cover page and one supporting page that does not contain the August 9, 2010 original article or August 24, 2010 attempt at correction I sent Mr. Smith August 15, 2011 by fax.
11. Mr. Smith affiants a true and accurate copy of documents faxed by me August 15, 2011 in line #4 of his September 27, 2011 affidavit which does not reflect my actual submission to him (as in #4 above).
12. The August 9 2010 article describing oral argument August 6, 2010 published in Defendant Ravalli Republic August 9, 2010 incorrectly describes "...spralling \$3.6 million cases..." although the Bell, Wetzsteon cases had a combined demand of \$675,000.00 US; a false report of a court hearing in accordance of Montana Code Ann. MCA§ 45-7-309(e).
13. The August 9, 2010 article falsely indicated that Hamilton City Attorney Bell's actions of November 20, 2009 acting within a civil courtroom were "...the normal scope of duties..." of a city prosecutor although a crime of Official Misconduct in Montana per Montana Code Ann. MCA§ 45-7-401.

14. The transcripts of the Wetzsteon oral argument in Mr. Smith's foundational affidavit Exhibit D of September 27, 2011 do not indicate I say Mr. Fulbright supervised Law Student Angela Wetzsteon; attributed to me by Defendant Lee; a false light defamation, and false report of a court hearing per Montana Code Ann. MCA§ 45-7-309(e) published by Defendant Lee.
15. Mr. Smith does not include a copy of the August 24, 2010 published attempt at a correction to the August 9, 2010 article as claimed as Exhibit J in his September 27, 2011 affidavit.
16. I had asked Defendant Lee to correct the published defamation per se August 9, 2010 that I was convicted of Disturbing the Peace.
17. On August 15, 2011 I faxed Mr. Smith a true and correct copy of the August 24, 2010 attempt at correction published by Defendant Lee.
18. Defendant Lee's attempt at correction printed August 24, 2010 did not mention, or correct the published error and falsehood stating I was convicted of Disturbing the Peace.
19. Defendant Lee's August 24, 2010 attempt at correction added false light defamation that the Montana Supreme Court upheld Defendant Public Library unlawful "ban" although the Montana high court actually declined an out of time appeal on August 10, 2010; a day after the August 9, 2010 Defendant Lee article was published.

20. Defendant Lee failed to correct the August 9, 2010 article, added defamation with malice against me for a court decision made a day after the original August 9, 2010 article was published. The August 24, 2010 attempt at correction failed to correct Lee's published false conviction for disturbing the peace.
21. On July 9, 2009 at 232 W. Main St there is no finding of fact as to my alleged threats, abusive behavior, verbally abusive behavior other than the non-privileged pleadings with actual malice from Mr. Smith, Defendant Boone Karlberg PC per Montana Code Ann. MCA§ 27-1-804(3).
22. I asked Defendant Kristen Bounds then publisher of Defendant Ravalli Republic not to defame me within a handwritten note included as Appendix A (TR. # 87) that could not have been written, nor business transacted at Ravalli Republic had I engaged in the alleged behavior defamatory to me.
23. Three Defendant City of Hamilton Police officers including official policymaker Chief Oster arrived at 232 W. Main of Defendant Lee July 9, 2009 in response to call to county dispatch falsely and unlawfully alleging I made threats, *inter alia*, Lee violated my right to liberty under color of law with Defendant City of Hamilton in this case.
24. Mr. Smith avers in #5 undisputed facts served on this court September 28, 2011 that I "returned to the library property" that does not exist. Defendant

Bitterroot Public Library is an independent public entity per Montana Code Ann. MCA§ 22-1-601 *et. seq.*, accepts public funds from Defendant City of Hamilton, Ravalli County and therefore does not own private property at 306 State St. Hamilton, Montana 59840 USA.

25. Defendant Public Library leases property owned by Defendant City of Hamilton at NE Cor. 4<sup>th</sup> St. and State St. Hamilton MT 59840 USA.

26. I obtained a certified platt map of the City of Hamilton February 25, 2010 from the original 4 September 1890 construction indicates Defendant Library in block 31 site #18 and is public property owned by Defendant City of Hamilton, Montana USA.

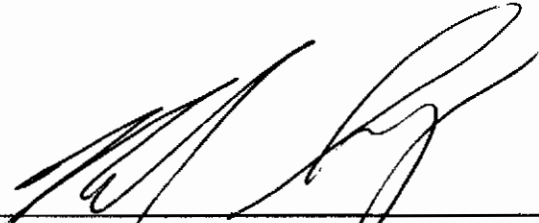
27. This US District Court refuses to uphold my fundamental right to peaceful assembly on public property, protected Amendment 1 US Constitution at 306 State St. Hamilton MT 59840 USA on August 20, 2009.

28. US Judges swear judicial oaths to uphold the US Constitution and laws to Presidents in the United States of America.

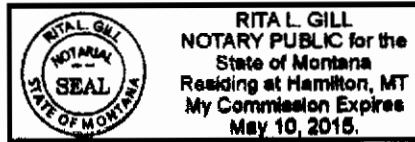
29. I filed this cause of action for 42 USC §1983 *inter alia* for damages for Defendants actions in color of law which deprive my established right.

30. I have identified judicial bias per 28 USC §455 *et. seq.* in this case which required recusal of US District Judge Donald W. Malloy, US Magistrate Judge Lynch which was not effected in the aforementioned.

FURTHER AFFIANT SAITH NOT.

  
MICHAEL E. SPREADBURY

Before me, a Notary Public for the State and County aforesaid, appeared Michael E. Spreadbury who is known to me or who provided photo identification and executed the affidavit in my presence.



Rita L Gill

Name of Notary Public

Rita Gill

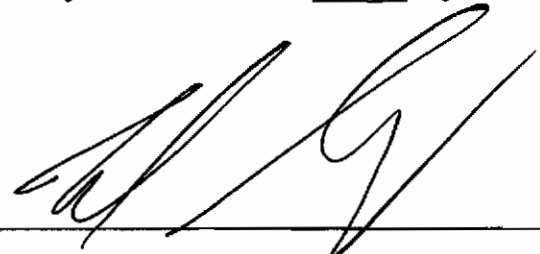
Signature of Notary Public

5-10-2015

My commission expires

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**Attachment A- 9page discovery sent to Defense Counsel Smith Aug. 15, 2011**

Respectfully submitted this 6<sup>th</sup> day of October, 2011

BY: 

Michael E. Spreadbury, Self Represented Plaintiff