

1 Pro Per  
2 Michael B. Spreadbury  
3 700 South Fourth St.  
4 Hamilton, MT 59840

FILED  
DEBBIE HARMON, CLERK

MAY 07 2010

*Erin J. Schaefer*  
DEPUTY

5  
6 MONTANA 21<sup>ST</sup> JUDICIAL DISTRICT COURT  
7 RAVALLI COUNTY

8  
9 MICHAEL B. SPREADBURY ) Cause No: DV-10-224 / 4  
10 Plaintiff )  
11 v. ) AMENDED COMPLAINT  
12 NANSU RODDY )  
13 Defendant )

14 Cause of Action:

15 This case involves relief for intentional infliction of emotional distress.

16 Factual Background:

17 Plaintiff, acting on his own behalf, pleads and alleges as follows:

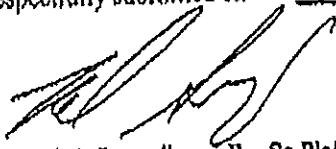
- 18 1. Plaintiff Michael Spreadbury is an individual and resides at 700 South 4<sup>th</sup> Street in the
- 19 City of Hamilton, County of Ravalli, State of Montana.
- 20 2. Defendant Nansu Roddy is an individual and resides at 419 South 4<sup>th</sup> Street, is employed
- 21 at 306 State Street in the City of Hamilton, County of Ravalli, State of Montana.
- 22 3. On or about November 4, 2009 Defendant Nansu Roddy gave false information to a
- 23 police officer and a Municipal Judge regarding a civil conversation with the Plaintiff at
- 24 306 State Street, City of Hamilton, County of Ravalli, State of Montana November 4,
- 25 2009. Defendant did intentionally distort the known facts, and dangers present to the
- 26 Defendant on this date. False information from the Defendant has placed Plaintiff in
- 27 undue jeopardy.

- 28 4. Defendant told Plaintiff that she "thought she knew how to help him", and intentionally  
29 distorted facts, protected speech, and situation to put Plaintiff in undue jeopardy.
- 30 5. The acts of the Defendant described in Paragraph 3 and 4 of this Amended Complaint  
31 were done willfully, maliciously, outrageously, deliberately, and purposely with the  
32 intention to inflict emotional distress upon Plaintiff and were done in reckless disregard  
33 of the probability of causing Plaintiff emotional distress, and these acts did in fact result  
34 in severe and extreme emotional distress.
- 35 6. As a direct and proximate result of the Defendant's acts alleged herein, Plaintiff was  
36 caused to incur severe and grievous mental and emotional suffering, fright, anguish,  
37 shock, nervousness, and anxiety. Plaintiff continues to be fearful, anxious, and nervous  
38 specifically by not exclusively regarding the future possibility of wrongful arrest and  
39 prosecution. For this harm, Plaintiff requests compensatory damages in the amount of  
40 \$500,000.00
- 41 7. As a proximate result of the Defendant's actions alleged herein, Plaintiff has had his  
42 capacity to pursue an established course of life destroyed by the Defendant. Plaintiff has  
43 suffered permanent damage to lifestyle and professional life as a result of Defendant  
44 activity described in Paragraphs 3 and 4. Severe emotional distress has afflicted Plaintiff  
45 as a result.
- 46 8. This severe emotional distress was reasonable and foreseeable consequence of actions by  
47 Defendant on or about November 4, 2009. Defendant did not take reasonable care to  
48 avoid arrest and defamation of Plaintiff. Plaintiff used status as former spouse of State  
49 Judge to intentionally inflict emotional distress on Plaintiff.

50 WHEREFORE, Plaintiff Michael E. Spreadbury prays for judgment against Defendant  
51 Nansu Roddy as follows:

- 52 1. Compensatory Damages in the amount of \$ 500,000.00
- 53 2. Punitive Damages in the amount of \$35,000.00
- 54 3. Costs associated with the suit and such other relief as the Court deems proper.

55 Respectfully submitted on this 7 day of May, 2010

56   
57  
58 Michael E. Spreadbury, Pro Se Plaintiff Attorney

INTERLOCAL LIBRARY CONTRACT

THIS AGREEMENT, made and entered into this 15th day of July 1987, by and between the County of Ravalli, a political subdivision of the State of Montana, and the City of Hamilton, a municipal corporation,

## W I T N E S S E T H ;

WHEREAS, the City and the County are desirous of entering into a contract whereby library services will be provided for all residents of the District from a central facility located within the City and operated by the joint efforts and authority of both parties; said District will encompass all land and property now located in the Hamilton, Corvallis and Victor school districts, excluding the incorporated town of Pinesdale; the school districts are named only for boundary purposes and the school district boundaries are named to designate the boundaries of the District.

WHEREAS, the creation of a District will better serve the needs and convenience of the residents of the District and allow fair allocation of the tax burden among those using the Library services.

NOW, THEREFORE, the parties hereto agree as follows:

1. BOARD OF TRUSTEES. There is hereby established a joint city-county library to be known as the Bitterroot Public Library, the principal building and facilities for which shall be located within the City of Hamilton. The operation of the library shall be governed by a Board of Trustees who shall be appointed and hold office in the manner and for the terms described: the City Council shall appoint two members, both of whom must be residents of the District, one of whom must be a city resident, one of whom shall serve a term of one year and the other shall serve a term of four years; Board of County Commissioners shall appoint two residents of the District, one of whom shall serve a term of two years and one of whom shall serve a term of three years; the Board of County Commissioners and the City Council shall jointly appoint the fifth member who shall serve a term of five years; thereafter, each person appointed shall serve a term of five years and vacancies on the Board shall be filled by appointment by the City Council or the Board of County Commissioners or both, depending upon which of those bodies appointed the original trustee for that particular term.

The Library Board shall consist of said five trustees. Not more than one member of the governing body shall be, at any one time, a member of such Board.

2. TERM AND SALARY OF BOARD. Vacancies on the Board of Trustees for unexpired terms shall be filled as soon as possible in the manner in which members of the Board are regularly chosen. A trustee shall not receive a salary or other compensation for services as trustee, but necessary expenses actually incurred shall be paid from the library fund. A library trustee may be removed only by vote of the City Council or the Board of County Commissioners or both, depending upon which of those bodies appointed the original trustee for that particular term. Trustees shall serve no more than two full terms in succession.
3. POWERS OF BOARD. The Board of Trustees shall have the powers and duties set forth in MCA 22-1-309, or its successor provision which by this reference is incorporated herein. The Board shall select one of its members as Chairman, and such other officers as they may deem necessary, for one (1) year terms.

- 4. FINANCING THE LIBRARY. The Board of Trustees shall submit its budget proposal to the City Council and the Board of County Commissioners in sufficient time for each to include the recommendations in their annual budget considerations.

Estimated costs of services: The estimated costs of services will be \$81,000.00 annually. This will be obtained by a district wide levy in excess of the county wide levy; the sum of the district levy and county levy will not exceed 5 mills. Additional services may be provided through grants or other non-mill levied sources.

The financing of the District has been obtained from several sources:

- 1. Operation .....\$ 50,900.00
- 2. XCLIS Project (funded by Kellogg Grant) .....\$ 42,827.00
- 3. Furnishings and book purchases (Grants).....\$ 19,200.00
- 4. Building and renovation and furnishings (from existing Hamilton City Library funds, grants, and donations, and future grants and donations).....\$355,000.00

The library shall be supported by a library tax on all property within the District, consistent with MCA 7-11-1112 and MCA 22-1-304.

The City of Hamilton shall have custody of the funds of the Bitterroot Public Library, and the Treasurer of Ravalli County shall transfer quarterly to the City all monies collected for the joint Bitterroot Public Library.

- 5. OWNERSHIP AND DISPOSITION OF PROPERTY. The property of the District, both real and personal, including the real property lease from the City of Hamilton, Montana, will be held by and in the name of the District.
- 6. DURATION. The duration of this Agreement shall be perpetual. The Agreement may be terminated by mutual consent accomplished by Notice of Termination in writing delivered between the parties and effective after a ninety day period.
- 7. CONDITION FOR EFFECT. This agreement shall become effective upon adoption and approval of The Multijurisdictional Service District as provided in MCA 7-11-1101 and 7-11-1112.

*James Whitlock*  
James Whitlock, Mayor

ATTEST:  
*Terry Osburn*  
Terry Osburn  
Administrative Assistant

*F. B. Tossbery*  
Chairman, Board of Commissioners  
F. B. Tossbery

ATTEST:  
*W. T. ...*  
County Clerk and Recorder

APPROVED:

John M. Robinson  
John Robinson  
Ravalli County Attorney

APPROVED:

Donald McKenna  
Donald McKenna, City Attorney

APPROVED:

Attorney General, State of Montana

MONTANA DEPARTMENT OF JUSTICE  
8 July 2010  
APPROVED AS TO FORM

Michael Early  
Attorney General

By Judy Brown  
Assistant

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

John W. Larson, District Judge  
Fourth Judicial District Dept. 3  
Missoula County Courthouse  
Missoula, MT 59802  
(406) 258-4773

RECEIVED  
OCT 08 2010  
FILED  
DEBBIE HARMON, CLERK  
OCT 07 2010  
*Debbie Harmon*  
DEPUTY

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT,  
RAVALLI COUNTY

MICHAEL E. SPREADBURY,

Plaintiff,

v.

NANSU RODDY,

Defendant.

Cause No. DV-10-224 /31

OPINION AND ORDER  
GRANTING DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT

This matter comes before the Court on Defendant Roddy's Motion for Summary Judgment.

**Background**

The Court finds the facts as the following. On November 20, 2009, Hamilton City Court issued a Permanent Order of Protection following a hearing involving Defendant Nansu Roddy, librarian at the Blufferroot Library, and Plaintiff Michael Spreadbury. On May 7, 2010, Plaintiff filed an Amended Complaint claiming infliction of emotional distress and alleging that Defendant Roddy gave false information to a police officer and a municipal judge during the protection order hearing. On May 20, 2010, this

1 Court affirmed the Order of Protection. Plaintiff again appealed, and the  
2 Montana Supreme Court ordered the appeal moot because it was not timely  
3 filed.

#### 4 **Standard**

5 Under Rule 56, M.R.Civ.P., summary judgment is proper if "the  
6 pleadings, depositions, answers to interrogatories, and admissions on file,  
7 together with the affidavits, if any, show that there is no genuine issue as to  
8 any material fact and that the moving party is entitled to a judgment as a  
9 matter of law." The Montana Supreme Court explained the standard as  
10 follows:  
11  
12

13 The movant must demonstrate that no genuine issues of material  
14 fact exist. Once this has been accomplished, the burden then  
15 shifts to the non-moving party to prove, by more than mere  
16 denial and speculation, that a genuine issue does exist. Having  
17 determined that genuine issues of fact do not exist, the court  
18 must then determine whether the moving party is entitled to  
19 judgment as a matter of law.  
20  
21  
22

23 *Mathews v. BJS Constr., Inc.*, 2003 MT 116, ¶ 12, 315 Mont. 441, 444-45,  
24 68 P.3d 865, 868 (citing *Oliver v. Stimson Lumber Co.*, 1999 MT 328, ¶ 21,  
25 297 Mont. 336, 342, 993 P.2d 11, 16 (quoting *Bruner v. Yellowstone County*,  
26

272 Mont. 261, 264-65, 900 P.2d 901, 903 (1995)).

### Discussion

Defendant argues that Plaintiff has not established any evidence of wrongdoing to support his stand-alone claim for emotional distress.

Defendant argues that Plaintiff has not provided any specificity as to what testimony at the hearing was allegedly false, nor has Plaintiff explained how this testimony has resulted in severe emotional distress. Defendant also argues that Plaintiff's claim is barred by *res judicata* and collateral estoppel because Plaintiff has already had an opportunity to litigate the matter of Defendant's credibility, which is the basis for this emotional distress claim, during the Hamilton City Court hearing on the protective order. *Burgess v. State*, 237 Mont. 364, 366, 772 P.2d 1272, 1273 (1989). Defendant argues that the Permanent Order of Protection was granted following a hearing, and Plaintiff had the opportunity to argue and present evidence to impeach Defendant's credibility at that time. Defendant argues that Plaintiff is barred from now pursuing the emotional distress claim because the parties and subject matter are the same.

Plaintiff counters that there are issues of material fact because Defendant made a false statement to a judge, which was different than the report Defendant gave to the police, causing Plaintiff emotional distress.



1 Plaintiff argues that he has not had an opportunity to litigate the emotional  
2 distress matter before a jury. Plaintiff argues that as a result of the  
3 inconsistency between the police report and the sworn statement to the  
4 judge, there is a material factual dispute.

5 Here, Plaintiff alleges that Defendant "intentionally distort[ed] the  
6 known facts, and dangers present to the Defendant," and told Plaintiff that  
7 she "thought she knew how to help him," while testifying in connection with  
8 her request for a protective order. Pl. Amend. Compl. ¶¶ 3-4. Plaintiff also  
9 claims that the alleged false statements and distortions caused him "undue  
10 jeopardy." Parties asserting independent emotional distress claims must  
11 establish "serious" or "severe" emotional distress claims to ensure recovery  
12 on genuine claims, and the court must determine whether on the evidence  
13 severe [serious] emotional distress can be found. *Sacco v. High Country*  
14 *Independent Press*, 271 Mont. 209, 233, 896 P.2d 411, 425 (1995). Plaintiff  
15 has not introduced sufficient evidence to support a prima facie case for  
16 infliction of emotional distress because he has not established serious or  
17 severe emotional distress. This Court has determined that Plaintiff has  
18 failed to establish a genuine issue of material fact beyond speculation, and  
19 Defendant is entitled to judgment as a matter of law.  
20  
21  
22  
23  
24  
25  
26

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

For these reasons,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that  
Defendant's Motion for Summary Judgment is GRANTED.

DATED this 5<sup>th</sup> day of October, 2010.

  
\_\_\_\_\_  
JOHN W. LARSON, District Judge

*10-07-10 DK*  
Copies of the foregoing were sent to:

Michael E. Spreadbury  
700 South 4<sup>th</sup> Street  
Hamilton, MT 59840  
(406) 363-3877

Natasha Prinzing Jones, Esq.  
Boone, Karlberg, P.C.  
201 W. Main, Suite 301  
Missoula, MT 59802

RECEIVED  
NOV 04 2010

FILED  
DEBBIE HARMON, CLERK

NOV 03 2010

DEPUTY

1 William L. Crowley  
Natasha Prinzing Jones  
2 BOONE KARLBERG P.C.  
201 West Main, Suite 300  
3 P.O. Box 9199  
Missoula, MT 59807-9199  
4 Tel: (406)543-6646

5 *Attorneys for Defendant Nansu Roddy*

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

MICHAEL E. SPREADBURY,  
Plaintiff,  
v.  
NANSU RODDY,  
Defendant.

Cause No. DV-10-224  
NOTICE OF ENTRY OF JUDGMENT

Pursuant to Mont. R. Civ. P. 77(d), please take notice that a Judgment dated October 18, 2010, dismissing Plaintiff's Complaint has been entered in favor of Defendant and against Plaintiff. A copy of the Judgment is attached hereto.

DATED this 1<sup>st</sup> day of November, 2010.

BOONE KARLBERG P.C.

*Natasha P. Jones*  
Natasha Prinzing Jones  
*Attorneys for Defendant*  
*Nansu Roddy*

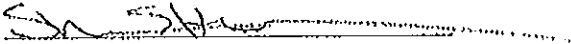
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE OF SERVICE

This is to certify that the foregoing was duly served by U.S. Mail upon the following at his address this 1<sup>st</sup> day of November, 2010.

Michael E. Spreadbury  
700 South Fourth Street  
Hamilton, MT 59840

BOONE KARLBERG P.C.

By: 

1 Hon. John W. Larson  
2 District Judge  
3 Fourth Judicial District, Dept. 3  
4 Missoula County Courthouse  
5 200 West Broadway  
6 Missoula, MT 59802  
7 (406) 258-4773

FILED  
OCT 22 2010

FILED  
DEBBIE HARMON, CLERK

OCT 22 2010

*Angela S. Harmon*  
DEPUTY

8 MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALI COUNTY

9 MICHAEL E. SPRADBURY,  
10 Plaintiff,

Cause No. DV-10-224 / 33

JUDGMENT

11 v.

12 NANSU RODDY,  
13 Defendant,

14  
15 On October 7, 2010, the Court granted the motion for summary judgment filed by  
16 Defendant Nansu Roddy. Accordingly,

17 GOOD CAUSE APPEARING, judgment is hereby entered in favor of Defendant Roddy.

18 This matter is DISMISSED WITH PREJUDICE.

19 ORDERED this 7<sup>th</sup> day of October, 2010.

20  
21 *John W. Larson*  
22 Hon. John W. Larson  
District Judge

23 cc: Michael E. Spreadbury  
24 Natasha Prinzling Jones and William L. Crowley

I certify that I forwarded copies of  
this instrument to counsel of record  
of Michael E. Spreadbury  
October 22, 2010  
Debbie Harmon, Clerk

*Angela S. Harmon*  
Deputy