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

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

MICHAEL E. SPREADBURY,

Plaintiff,

v.

BITTERROOT PUBLIC LIBRARY,  
CITY OF HAMILTON, LEE  
ENTERPRISES, INC., BOONE  
KARLBERG P.C., DR. ROBERT  
BROPHY, TRISTA SMITH, NANSU  
RODDY, JERRY STEELE, STEVE  
SNAVELY, STEVEN BRUNER-  
MURPHY, RYAN OSTER,  
KENNETH S. BELL, and JENNIFER  
LINT,

Defendants.

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

**CITY DEFENDANTS' BRIEF IN  
SUPPORT OF MOTION TO FILE  
UNDER SEAL**

Pursuant to Local Rule 1.8(b), United States District Court, District of Montana, Defendants Bitterroot Public Library, Dr. Robert Brophy, Trista Smith, Nansu Roddy, City of Hamilton, Jerry Steele, Steve Snavely, Steven Bruner-Murphy, Ryan Oster, Kenneth S. Bell and Jennifer B. Lint (collectively, “City Defendants”) have moved the Court for its Order allowing the filing of the City Defendants’ Statement of Undisputed Facts under seal. The referenced document will support the City Defendants’ Motions for Summary Judgment. The Order is necessary because the City Defendants’ Statement of Undisputed Facts refers to and attaches a number of police reports, which are confidential criminal justice information. *See* Mont. Code Ann. § 44-5-303.

The City Defendants have attempted to reach an agreement on a protective order with Spreadbury. Specifically, on July 29, 2011, Bill Crowley sent Spreadbury and counsel for Lee Enterprises an email with a proposed protective order. (7/29/11 Email from Bill Crowley with Proposed Protective Order, attached as Exhibit A.) Lee Enterprises agreed to the proposed order. Spreadbury did not. Despite the fact that the proposed order sought to protect, *inter alia*, any of Plaintiff’s confidential information from disclosure, Plaintiff responded that the order was “self serving for the Defense” and made clear “there will be no agreement for this document to be presented.” (8/1/11 and 8/4/11 Emails from Plaintiff to Defense Counsel, attached as Exhibit B.)

Confidential criminal justice information is protected from public disclosure. Mont. Code Ann. § 44-5-303. Moreover, the information is necessary to present the City Defendants' Motions for Summary Judgment, as the police reports will establish many of the underlying facts. For these reasons, an Order is necessary allowing the City Defendants to file their Statement of Undisputed Facts under seal.

DATED this 11th day of October, 2011.

/s/Thomas J. Leonard  
Thomas J. Leonard  
BOONE KARLBERG P.C.  
*Attorneys for Defendants*  
*Bitterroot Public Library, City of*  
*Hamilton and Boone Karlberg P.C.*

CERTIFICATE OF SERVICE

I hereby certify that, on the 11th day of October, 2011, a copy of the foregoing document was served on the following persons by the following means:

  1   CM/ECF

       Hand Delivery

  2   Mail

       Overnight Delivery Service

       Fax

       E-Mail

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

/s/ Thomas J. Leonard  
Thomas J. Leonard  
BOONE KARLBERG P.C.  
*Attorneys for Defendants Bitterroot Public  
Library, City of Hamilton,  
and Boone Karlberg P.C.*