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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' REPLY
BRIEF IN SUPPORT OF MOTION
TO FILE UNDER SEAL**

Pursuant to Local Rule 1.8(b), the City Defendants moved the Court for its Order allowing the filing of the City Defendants' Statement of Undisputed Facts under seal. 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.

Plaintiff has now "responded" to the motion, although his response is just another tirade against the City Defendants, its counsel, and this Court. He has concurrently filed a motion for sanctions against Boone Karlberg, P.C.¹ That motion, as well as his latest allegations concerning an alleged unlawful entry into his home on October 4, 2011, will be addressed separately. Important here, Plaintiff has not substantively responded to the Motion To File Under Seal.

Plaintiff presents no argument or rationale as to why the Statement of Undisputed Facts, with its attached police reports, should not be filed under seal. He does not dispute – nor could he – that the police reports are confidential criminal justice information. *See* Mont. Code Ann. § 44-5-303. He likewise presents no authority suggesting the police reports should not be considered on summary judgment. *See, e.g., Sudberry v. Arizona*, 2010 WL 1654140, *4 (D. Arizona 2010) (summary judgment based in part on police reports was proper,

¹Notably, at the same time he moves for sanctions against Boone Karlberg, P.C., Plaintiff blatantly misrepresents to the Court that "Spreadbury is not under investigation, nor has ever committed a crime in Montana." (Spreadbury's Response, p. 3 (emphasis added).) That is patently false. *See State v. Spreadbury*, 257 P.3d 392 (Mont. 2011).

as factual findings resulting from an investigation made pursuant to authority granted by law are admissible under exception to hearsay rule.)

Plaintiff's only argument against the City Defendants' Motion To File Under Seal appears to be that any kind of evidence that is unfavorable to him is irrelevant: "Only fact remains is Spreadbury's fundamental right not upheld." (Spreadbury's Response, p. 3.) Oddly, in support of this claim, he attaches a January 12, 2008 letter from FEMA finding him "suitable for continued employment," which he calls "Spreadbury National Security Clearance." (Plaintiff's Response, p. 3.) In any event, there can be no question the City Defendants are entitled to present evidence to the Court establishing their entitlement to judgment as a matter of law.

For these reasons, the City Defendants' Motion To File Under Seal should be granted.

DATED this 18th 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 18th 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
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