

**EXHIBIT A**

**LODGED**

**MAY 11 2010**

**PATRICK E. DUFFY, CLERK**

**By**  
**DEPUTY CLERK, MISSOULA**

1 Michael E. Spreadbury  
2 P.O. Box 416  
3 Hamilton, MT 59840  
4 Telephone: (406) 363-3877  
5 mspread@hotmail.com

6 *Pro Se Plaintiff*

7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE DISTRICT OF MONTANA**  
9 **MISSOULA DIVISION**

10  
11 **MICHAEL SPREADBURY** )

Cause No: CV 10-49-M-DWM-JCL

12 **Plaintiff** )

13 **v.** )

**COMPLAINT AND DEMAND FOR**

14 **CHRIS HOFFMAN, DEPUTY ALBRIGHT,** )

**JURY TRIAL**

15 **DEPUTY HOCHHALTER, DEPUTY CULGAN** )

16 **DEPUTY HUDSON, UNKNOWN DEPUTY B,** )

17 **UNKNOWN DEPUTY C, GEORGE CORN,** )

18 **BILL FULBRIGHT, ANGELA WETZSTEON,** )

19 **MATT STEVENSON, JIM BAILEY,** )

20 **REGINA PLETTENBERG,** )

21 **RAVALLI REPUBLIC NEWSPAPER,** )

22 **S.A.F.E. OF THE BITTERROOT,** )

23 **RAVALLI COUNTY** )

24 **Defendants** )

25 Plaintiff Michael Spreadbury (hereafter "Spreadbury") in his complaint against Chris Hoffman  
26 et. al. Defendants allege as follows:

27 **Parties:**

- 28 1. Michael Spreadbury, a resident and natural citizen of the State of Montana.
- 29 2. Mary Miller, a resident and natural citizen of Montana.
- 30 3. Chris Hoffman, Sheriff of Ravalli County, a natural citizen of the State of Montana,  
31 acting in his individual capacities, and those as policy making official as Sheriff of the  
32 political subdivision of Ravalli County, Montana.
- 33 4. Chris Albright, a Sheriff Deputy in Ravalli County, Montana acting in his individual  
34 capabilities as a natural person, also acting in the color of law.
- 35 5. Chris Culkan, a Sheriff Deputy in Ravalli County, Montana acting in his individual  
36 capabilities, and as a natural person in the color of law.
- 37 6. Lawrence Hochhalter, a Sheriff Deputy in Ravalli County, Montana acting in his  
38 individual capabilities as a natural person in color of law.
- 39 7. Matthew Stevenson, a natural citizen of Montana acting in the color of law.
- 40 8. Angela Wetzsteon, a natural person of The State of Montana acting in color of law as a  
41 law student intern, without Montana Bar license in the Ravalli County Attorney Office.
- 42 9. George Corn, Ravalli County Attorney, acting in his official capacity of policy maker for  
43 the Ravalli County Attorney Office (RCAO), a natural person of The State of Montana.

- 44 10. William Fulbright, Deputy Ravalli County Attorney, acting in color of law, in his  
45 individual and official capacity, a natural person of The State of Montana.
- 46 11. Ravalli County, a political subdivision of The State of Montana; considered a person with  
47 respect to 42 USCA §1983 in the State of Montana.
- 48 12. The Ravalli Republic, a Lee Enterprises Newspaper published in Hamilton, Montana. As  
49 a corporation it is considered a natural person of Montana.
- 50 13. James Bailey, a Justice of the Peace for Ravalli County Justice Court, a natural person of  
51 The State of Montana.
- 52 14. S.A.F.E. (Supporters of Abuse Free Environments) a Montana Corporation, a natural  
53 person domiciled in the State of Montana.
- 54 15. Unknown Ravalli County Sheriff Deputy B a natural persons of Montana acting in his  
55 individual capabilities, and under color of law.
- 56 16. Unknown Ravalli County Sheriff Deputy C a natural persons of Montana acting in his  
57 individual capabilities, and under color of law.
- 58 17. Ravalli County Sheriff Deputy Hudson, a natural person of Montana, acting in color of  
59 law and in individual capabilities.
- 60 18. Regina Plettenberg, Ravalli County Clerk and Recorder, a natural person in the state of  
61 Montana, acting in the color of law.
- 62

63

**Jurisdiction**

64 The US District Court for Montana has jurisdiction in this matter since the constitutional  
65 violations occurred within the State of Montana which is within the confines of this courts  
66 domain. All parties in this case, described *Id. at 27 paragraphs 1-18* above reside within the  
67 State of Montana. Jurisdiction is described within 28 USCA §1391 (b).

68 The Montana District has jurisdiction over constitutional torts as prescribed in 42 USCA §1983,  
69 42 USCA §1985. The Federal question raised is brought under 28 USCA §1331, 28 USCA §  
70 1343(3).

71 The Plaintiff respectfully asks that the US District Court for the State of Montana hears this case  
72 based upon the appropriate jurisdiction, timely nature of the case, the ripeness of issue, and the  
73 controversy and case contained within this complaint.

74

**Prima Facie Evidence**

75 1. The Plaintiff believes, and is prepared to show with a preponderance of the evidence that  
76 the Defendants listed, together, individually, and as pairs conspired to deprive the  
77 Constitutional rights of Plaintiff. These rights are not limited to the Montana  
78 Constitution Article II Section III *Id. at 80*, the US Constitution Amendments One, Four,  
79 Seven, Eight, and Fourteen in actions within Ravalli County, in the State of Montana, of  
80 the United States of America.

81 Article II of the Montana Constitution:

82 **Section 3- Inalienable rights** All persons are born free and have certain inalienable rights.  
83 They include the right to a clean and healthful environment and the rights of pursuing life's basic  
84 necessities, enjoying and defending their lives and liberties, acquiring, processing, and  
85 protecting property, and seeking their safety, health and happiness in all lawful ways. In  
86 enjoying these rights, all persons recognize corresponding responsibilities.

87 2. Under the color of state law, two of more Defendants wished to achieve a criminal arrest  
88 record to reap irreparable damage to Plaintiffs employment, through the course of action  
89 described in this complaint, the Defendants conspired to deprive the Plaintiff of his  
90 constitutional rights, through one or more unlawful acts, and the Plaintiff has incurred  
91 substantial and actual damages as a result.

92 3. The Plaintiff had favorable disposition of all criminal actions in Ravalli County Justice  
93 Court matters pertaining to this case.

94 4. Defendants acted with malice, callous indifference, and without equal protection or due  
95 process under the law which led to actual damages to the Plaintiff.

96 **Factual Background & Cause of Action**

97 5. Plaintiff Spreadbury resided at 291 Cooper Lane in Hamilton, MT on and prior to  
98 October 10, 2006

99 6. This property is located within the county limits of Ravalli County, State of Montana.

- 100 7. On or around July 23, 2006 Spreadbury obtained Sheriff Case # 06070243 due to threats,  
101 and criminal endangerment from neighbor Larry Robinson of 289 Cooper Lane  
102 Hamilton, Montana. Defendant George Corn rejected this case, in an effort to prosecute  
103 Spreadbury.
- 104 8. Spreadbury took pictures of criminal endangerment, and fire hazard to Deputy Chris  
105 Culgan in July 2006.
- 106 9. Deputy Culgan did not take action as a result of the fire hazard even though response to  
107 seeing 1000 wood pallets stacked at 285 Cooper Lane endangering Plaintiff residence  
108 stacked within an easement. Deputy Culgan's reaction to the pictures was "Oh, Wow".
- 109 10. Ravalli County Sheriff Department did not take action when flatbed semi-truck was  
110 blocking Plaintiff driveway at 291 Cooper Lane and photo evidence of such was  
111 presented to them in July 2006.
- 112 11. Spreadbury filed complaint about pallet burning, placement, and construction at 285 &  
113 289 Cooper Lane, Hamilton MT with the Ravalli County sanitarian in summer 2006.  
114 Complaint also noted the inundation of smoke from the forklift working in the easement  
115 at 285 Cooper Lane which was entering Spreadbury's home at 291 Cooper Ln. Windows  
116 at the residence were shut to prevent smoke from entering. It was July 2006.
- 117 12. County Attorney Corn and Ravalli County Sheriff Hoffman obstructed work of Ravalli  
118 County Sanitarian to investigate and intervene in environmental health, and fire danger at  
119 285 Cooper Lane Hamilton, MT which resulted in Sanitarian resigning from her position.

- 120 13. Mary Miller took information to Ravalli County Deputy Chris Culgan that Denise Linell,  
121 the domestic partner of Larry Robinson at 289 Cooper Ln. was harassing her, slamming  
122 front door at 291 Cooper Lane and that she was too afraid to sleep in the house at 291  
123 Cooper Ln. alone due to the harassment from Linell and the ongoing pallet operations  
124 along the property line. Deputy Culgan asked Miller if she "was trying to get someone in  
125 trouble" by giving this information about Linell.
- 126 14. Mary Miller of 291 Cooper Ln. on October 10, 2006 had smoke allergies documented  
127 with a Corvallis, MT doctor, Dr. Y Courchesne.
- 128 15. On July 11, 2006 Montana Governor Brian Schweitzer signed executive order #34-06  
129 determining the State of Montana to be in extremely dangerous fire conditions.
- 130 16. On or about July 18, 2006 Larry Robinson stacked 1000 pallets along the property line  
131 between 285 Cooper Lane and 291 Cooper Lane Hamilton MT. The Stacks were 20  
132 high, 2 wide and 25 long. The pallets were up to the roof of Spreadbury's house, and  
133 went beyond the width of the house. The pallets were approximately 12" from 291  
134 Cooper Ln.
- 135 17. The semi-truck blocked part of Cooper Lane and Spreadbury's driveway on or around  
136 July 18, 2006 and is photographed.
- 137 18. Robinson had a burn pile upwind from Spreadbury's residence.
- 138 19. Robinson burned plastic dog houses, and whole and parts of wood pallets which were  
139 determined to be treated wood as per the Ravalli County Sanitarian in 2007.



- 140 20. On July 23, 2006 Spreadbury gathered 10 signatures of proximity neighbors within 1/8  
141 mi. of Larry Robinson's pallet production at 289 and 285 Cooper Ln. (easement).  
142 Petition said Robinson's activities at 289 Cooper Ln. was a public nuisance. Spreadbury  
143 submitted petition based upon Montana Code Title 45 (crimes) to Sheriff Hoffman,  
144 County Attorney Corn, and Ravalli County clerk and recorder Plettenberg.
- 145 21. Ravalli County took no action.
- 146 22. Deputy Hochhalter came to Robinson's home one hour prior to a burning ban when a  
147 large pallet bonfire was roaring. Robinson yelled at the Deputy that he had a "right" to  
148 have a bonfire an hour prior to the county ban at midnight July 26, 2006.
- 149 23. Robinsons bonfire was aflame until 3am July 26, 2006 and was untended from 12:30am  
150 to 3am.
- 151 24. Robinson was on municipal court restrictions and was yelling at a Ravalli County Deputy  
152 about his right to have bonfire at 11pm July 25, 2006.
- 153 25. Spreadbury left for a deployment to New York State (DR-1650-NY) for the Federal  
154 Emergency Management Agency (FEMA). Spreadbury's salary at FEMA was \$60,804  
155 in 2007. The Social Security Administration has set Spreadbury's retirement year to  
156 2040.
- 157 26. On September 18, 2006 Spreadbury wrote Attorney General McGrath, and copied  
158 Governor Schweitzer about "upholding his inalienable rights" with respect to healthy  
159 environment and defending property. Concerns seen in Ravalli County as to the Sheriff

160 Department were also expressed. Letter faxed from a Hotel in Albany, NY to both  
161 parties.

162 27. Spreadbury was given a 10 day return home from the New York disaster in October,  
163 2006

164 28. Robinson had pallets stacked consistent to July upon Spreadbury's return to 291 Cooper  
165 Lane in October 2006.

166 29. Deputy Hochhalter showed indifference to situation at 285 Cooper Lane when he told  
167 Spreadbury that he was 'irrational' to be concerned about fire safety, with 1000 pallets  
168 placed within a foot of his residence.

169 30. On October 10, 2006 at 5pm Deputy Lawrence Hochhalter warned Denise Linell, and  
170 Spreadbury not to go each respective property.

171 31. Prior to 10 pm, Linell, residents at 285 Cooper Lane were becoming intoxicated, and  
172 were lighting fireworks at and around and within pallets stacked at property.

173 32. Linell was standing outside Plaintiff living room window and scared Mary Miller. She lit  
174 off two large smoke grenades the size of small mayonnaise jars while the window was  
175 open.

176 33. Miller was taken back, and inadvertently broke a glass which made the appearance that  
177 the living room window broke at 291 Cooper Ln.

178 34. Spreadbury exited the front door to drive off Linell.

179 35. Spreadbury warned Linell to leave the area.

180 36. Spreadbury repeated warning to Linell to leave the area.

181 37. Linell asked why she should leave.

182 38. Spreadbury hurled water glass in direction of Linell, while staying on Property, with  
183 Linell 20 to 30 feet away in the dark.

184 39. Glass was re-directed away from Linell and broke on foundation of 285 Cooper Lane,  
185 and no breakage was evident from the sound of the re-direction and resultant breaking  
186 away from Linell. Water glass was blunt, and therefore would not scratch Linell's face.

187 40. Spreadbury feared for his and Miller's life due to proximity of combustibles, lighting of  
188 fireworks and smoke grenades and presence of Linell violating a verbal order of Sheriff  
189 Deputy not to be at 291 Cooper Lane property.

190 41. Conditions were dark at 10 pm on October 10, 2006 and Spreadbury did not know if  
191 Linell had weapon as she stood under a Spreadbury's living room window at 291 Cooper  
192 Ln.

193 42. Spreadbury did ascertain Linell's intoxication at catatonic at time of incident October 10,  
194 2006. Intoxication brings unpredictable behavior such as looming under open windows.

195 43. Mary Miller made frantic 911 phone call at approximately 10:15pm October 10, 2006 to  
196 Ravalli County Dispatch. In conversation, she mentions how county was letting this go  
197 on all summer and was not doing anything about it.

198 44. Two Sheriff Deputy vehicles and two city vehicles arrive at 285 Cooper Lane within  
199 about 15 minutes of the 911 call.

200 45. Deputy Chris Albright and Spreadbury walked up the driveway and easement at 285  
201 Cooper Ln. soon after law enforcement arrived at 285 Cooper Ln. 1000 wood pallets  
202 were in easement, and previously lit fireworks littered the easement around the pallets.

203 46. Denise Linell swore at the Deputy, Spreadbury asked if Albright caught the comment  
204 from Linell. The Deputy affirmed he heard the foul language. Linell wasn't cited for  
205 intoxication.

206 47. As Deputy Albright and Spreadbury came to the living room window of 291 Cooper Ln.  
207 two large smoke grenades that were spent were found. Deputy Albright picked one up to  
208 examine it. No smoke grenade was photographed or taken as evidence.

209 48. The Sheriff Deputies separated the parties at this point to take statements.

210 49. Deputy Albright talked to Spreadbury with Mary Miller right next to him as he was  
211 speaking to serve as proxy witness to Spreadbury's testimony.

212 50. While speaking, Deputy Albright purposely swiveled the microphone of his  
213 communication unit (walkie-talkie on belt) to manipulate what would be taken for a  
214 recorded transcript. He asked Spreadbury to re-say things because he did not "get them".  
215 Deputy Albright was altering the taped testimony of Spreadbury at the scene.

216 51. Spreadbury stated that he was protecting his property, that he warned Linell twice to  
217 leave the property, and that he stayed on his property. None of these topics made it to the  
218 official transcript at trial. Mary Miller is a witness to this activity.

219 52. Protecting property and guarantee of a healthy environment are inalienable rights within  
220 the Montana Constitution Article II Section III. *Id. at 81-86.*

221 53. Montana HB 250 which protects individuals who are protecting themselves or property  
222 was not passed at time of the October 10, 2006 incident at 285 Cooper Ln. It was passed  
223 in the Montana Legislative session in 2009. This statute would have protected  
224 Spreadbury.

225 54. Deputy Albright cited Spreadbury for misdemeanor assault on October 10, 2006 with  
226 ticket TK-06-3068. Spreadbury was defending his property with non-lethal force.

227 55. Linell was cited with one count of disorderly conduct, although Linell violated a verbal  
228 order of law enforcement, was drunk in public, and swore at law enforcement. Maximum  
229 jail for Linell was 10 days, compared to 180 days for Spreadbury.

230 56. Linell scratched her own face, and Deputy Hudson took pictures to be used in trial of  
231 Spreadbury. Plaintiff Spreadbury has never seen these photographs.

232 57. No Ravalli County deputy took pictures of smoke grenades, or cited Linell for  
233 intoxication, or violating a verbal order given 5 hours earlier by Ravalli County Sheriff  
234 Deputies.

235 58. SAFE of the Bitterroot (supporters of abuse free environments) wrote a letter to  
236 Spreadbury on behalf of the Ravalli County Attorney asking Spreadbury to not contact  
237 the victim in this case, Denise Linell of 289 Cooper Lane, Hamilton, MT.

- 238 59. Spreadbury retained Sasha Brownlee of Hamilton, MT to represent Plaintiff for the  
239 citation. Spreadbury paid the retainer fee, and signed a contract for services through  
240 appeal. RCAO assigned Law Student Wetzsteon; misrepresented identity to Spreadbury.
- 241 60. Brownlee responded to the letter from SAFE on behalf of Spreadbury.
- 242 61. Within 10 days of Oct. 10, 2006 incident, Spreadbury evacuated personal belongings and  
243 furniture from 291 Cooper Ln. due to dangerous fire conditions, threats from neighbors.  
244 and no support from Ravalli County. Two large storage units were rented from A to Z  
245 Storage, Hamilton, MT for a period of three months.
- 246 62. Spreadbury returned to New York (DR-1650-NY) as a FEMA employee.
- 247 63. Spreadbury returned to Hamilton, MT in late December, 2006 and appeared before  
248 Justice Bailey of Ravalli Justice Court on January 7, 2007.
- 249 64. Bill Fulbright, Deputy County Attorney in the course of the charge told Defense attorney  
250 Brownlee that "If this were anyone but Spreadbury, the charge would be dismissed."  
251 This occurred in the spring of 2007.
- 252 65. FEMA refused to promote Spreadbury due to the pending charge. A request for  
253 Spreadbury to return to New York to a new disaster DR-1670-NY was not accepted due  
254 to remaining in trainee status due to the pending charge.
- 255 66. Spreadbury's supervisor from New York at DR-1650-NY requested him personally,  
256 which is the only way he could get work. The new work was EM-3270-CO the snow  
257 emergency in Denver.

258 67. FEMA had Spreadbury fill out a new security questionnaire and asked very specific  
259 questions about the pending charge in March 2007. Spreadbury worked with a colleague  
260 that had similar experience and was granted a promotion. Spreadbury was being held  
261 back at work due to the charge.

262 68. The manager of the regional employees based in Denver became very suspicious of  
263 Spreadbury due to the charge. She specifically asked why she should use Spreadbury in  
264 March 2007 at the regional office.

265 69. The suspicion within FEMA affected his employment, ability to get work, and the delay  
266 brought by Ravalli County was not understood by regional FEMA officials. The Director  
267 of Infrastructure repair in Denver asked when this charge would be resolved in June  
268 2007. Spreadbury did not know how to answer.

269 70. On April 11, 2007 Spreadbury wrote a recall petition for Sheriff Hoffman and County  
270 Attorney Corn. County Clerk and Recorder Regina Plettenberg did not review recall  
271 petition for form. Petitions were sent to Flathead County Attorney Smith in Kalispell,  
272 MT. Spreadbury's right to petition his government as prescribed in Amendment I of the  
273 US Constitution was violated. Form of petition need only be substantially correct to pass  
274 petition. Clerk Plettenberg did not uphold Plaintiff right to petition government.

275 71. Spreadbury contacted Montana Attorney General office in April, 2007 for second time  
276 about problem, hoping that intervention at higher level would resolve this issue.

- 277 72. Kathy Seeley, Assistant Attorney General attempted to contact Ravalli County Attorney  
278 Corn about issue. Corn gave criminal history of Spreadbury, and did not answer Seeley's  
279 questions, or provide information that was asked of him.
- 280 73. Seeley stated that the County Attorney, Corn has "wide latitude" to do as he pleases in a  
281 May 16, 2007 letter to Spreadbury.
- 282 74. Seeley dispatched the Deputy State Fire Marshall to 285 Cooper Lane, Hamilton.
- 283 75. Deputy State Fire Marshall visited the site on October 12, 2006. He stated that there was  
284 definitely a fire violation to Sheriff Hoffman.
- 285 76. Deputy Fire Marshall visited a second time to 285 Cooper Ln. and reported the continued  
286 violation to Sheriff Hoffman. Pallets remained in place through April 2007.
- 287 77. Sheriff Hoffman made policy decision to ignore state fire codes, and took no action.
- 288 78. Trial was set for July 31, 2007. Spreadbury stayed home for (4) four months for trial, so  
289 a return trip mid-projects would not be necessary. A loss of income resulted in the  
290 pending charge in Ravalli County, in violation of Spreadbury's state and federal rights.
- 291 79. Motion to continue of July 30 2007 by Corn and Fulbright were unaware to Spreadbury.
- 292 80. Fulbright's motion was denied, Corn's motion was granted. Motions were to continue  
293 trial from July 31, 2007 and would violate Spreadbury's right to speedy trial.
- 294 81. Brownlee contacted Spreadbury and said a continuance was ordered, without a date set,  
295 and no written date or continuance shown to Spreadbury.



296 82. Spreadbury made himself available August 1, 2007 and was deployed to South Dakota to  
297 DR-1702-SD. On August 8, 2009 Federal Coordinating Officer Sanborne approached  
298 Spreadbury and informed him he must go home immediately. Ravalli County had issued  
299 an arrest warrant for contempt of court (found in title 3) which is not a crime.  
300 Spreadbury retained Sasha Brownlee to represent him on the misdemeanor assault  
301 charge.

302 83. Sasha Brownlee attempted writ of supervisory control, as well as a motion to dismiss.  
303 Both were denied on August 8, 2007 by Justice Bailey.

304 84. Judge Bailey denied a motion for speedy trial, since Spreadbury appeared Jan 7, 2007 and  
305 trial was August 8, 2007. Brownlee determined that Spreadbury's rights were not upheld.  
306 Bailey also allowed evidence outside of discovery laws in Montana, specifically the self  
307 inflicted photograph of Linell, and all evidence submitted by law student A. Wetzeon.

308 85. Angela Wetzsteon, a second year law student was assigned to prosecute Spreadbury  
309 without a Montana Bar License for trial date August 8, 2007.

310 86. Discovery was allowed broken by Justice James Bailey, allowing a self-inflicted injury  
311 photo of Linell of 289 Cooper Ln., and all other evidence for prosecution. Most cases  
312 would be dismissed due to this fatal judicial error, but Defendants conspired against  
313 Plaintiff.

314 87. Spreadbury returned to Missoula International Airport August 11, 2007. Mary Miller  
315 informed him of three RCSO attempting a warrant at 3am that morning.

316 88. The Warrant mentions that Spreadbury must appear for misdemeanor assault, although  
317 Spreadbury was tried in absentia on August 8, 2007. Mention of Title 3 contempt of  
318 court was on the warrant with TAG 0600104. Judge James Bailey issued and initialed  
319 the area for day or night search, which is reserved for felony warrants.

320 89. At 3am August 11, 2007 Deputy Hochhalter, and Unknown Ravalli County Deputies B,C  
321 without escort by Hamilton Police Department (HPD); the law enforcement with the  
322 primary jurisdiction within the city of Hamilton, MT attempted to arrest Spreadbury at  
323 his new residence at 3 AM. A second attempt was made a few days later with HPD  
324 present.

325 90. Mary Miller informed James Bailey that Spreadbury would not return until Saturday  
326 August 11, 2007. The Ravalli County Sheriff displayed their intent to seize Spreadbury.

327 91. Spreadbury went shopping for attorneys due to Sasha Brownlee terminating the contract.  
328 No attorney wanted to take the case. Finally, Spreadbury signed a retainer with Matt  
329 Stevenson, who interned with the Ravalli County Attorney as a law student, well known  
330 to Defendants.

331 92. Spreadbury had no idea that Stevenson would agree to the demand that Spreadbury turn  
332 himself in to something that was not a crime, and effectively destroy his career with  
333 FEMA.

334 93. Stevenson arranged with the bail bondsman to "book and release" Spreadbury in the  
335 Ravalli County Jail at 7am August 16, 2007.

- 336 94. Stevenson also tipped off to the Ravalli County Sheriff Spreadbury's travel plan to  
337 Hamilton, Montana on August 16, 2007 at 6-7am.
- 338 95. Spreadbury traveled to Hamilton from Missoula starting at 6am August 16, 2007. In less  
339 than 20 miles within Ravalli County, Spreadbury was confronted with five (5) sheriff  
340 deputy vehicles along the highway; agitating traffic by passing large groups of south  
341 bound vehicles. The RCSO was showing their malice to the plaintiff upon attempt to  
342 comply with court.
- 343 96. Ravalli County Sheriff purposely attempted to aggravate and harass Spreadbury on August  
344 16, 2007. After five years of living in Hamilton, MT Spreadbury has never seen 5 Ravalli  
345 County Sheriff vehicles within 20 miles along one stretch of highway, at any time.
- 346 97. Spreadbury and driver were fearful of their lives with this law enforcement activity at 6am  
347 to 7am on August 16, 2007. Actions of Sheriff were specific, harassing, and intimidating  
348 to Spreadbury. Spreadbury was singled out and targeted by Ravalli County Sheriff Office.
- 349 98. Spreadbury was booked by Ravalli County on contempt charges on August 16, 2007 and  
350 co-signed the warrant with Deputy Chris Albright.
- 351 99. Spreadbury paid the \$660 bond on \$5000.00 bail. Spreadbury, with national security  
352 clearance, ownership of home, no prior criminal history, for contempt of court for having a  
353 licensed retained attorney appear in court on his behalf.
- 354 100. In September, 2007 Judge Reardon acquitted Spreadbury of the contempt charge. Prior to  
355 the hearing, Reardon and Stevenson arrived together at the court building after conferring  
356 with George Corn, in the Ravalli County Attorney Office (RCAO).

357 101. Matt Stevenson, after being paid a hefty retainer fee, wrote a motion for dismissal on  
358 November 26, 2007, more than three months after the trial in absentia on August 8, 2007.

359 102. Spreadbury hand wrote a letter to Stevenson asking for quick resolution of charges on  
360 August 23, 2007.

361 103. The Ravalli Republic published that Spreadbury was arrested in the Sheriff blotter on page 3  
362 of the September 12, 2007 edition. No charge designation was given in that publication.  
363 Further, on September 10, 2009 The Ravalli Republic published in a front page story that  
364 Spreadbury was convicted of assault when the matter had been dismissed by District Judge  
365 Langton. In a February 19, 2010 front page article, The Ravalli Republic published for a  
366 third time, and for a second time within a front page article that Spreadbury was convicted  
367 of assault although the matter was dismissed due to 7<sup>th</sup> Amendment right. In the week prior  
368 to July 13, 2009 the Ravalli Republic published Spreadbury's conviction for the 2007  
369 assault in two independent online comments at [www.RavalliRepublic.com](http://www.RavalliRepublic.com). A July 13, 2009  
370 letter to Ms. Sherri Curran, Lee Enterprise Corporate Attorney, Spreadbury mentioned these  
371 publications. The Republic continued to defame Spreadbury even when notification of  
372 publication errors was brought to the attention of this defendant. The notification only  
373 intensified defamation, and Newspaper defendant is acting with malice, and collaborated  
374 with other Defendants. On May 10, 2010 a front page article included the 2007 information.

375 104. In September, 2007 Spreadbury was awarded Exemplary Service which few in FEMA are  
376 awarded with. Ravalli County robbed Spreadbury of a decorated career due to malice.

377 105. Spreadbury was terminated from FEMA in November, 2007 due to time sheet irregularity.

378 Spreadbury's supervisor signed off on his timesheets. FEMA did not want to deal with

379 waiting for charge to be resolved in Ravalli County after more than 12 months.

380 106. Judge Langton, ordered a dismissal of the misdemeanor assault charge due to speedy trial

381 provisions on January 3, 2008. From time of incident to dismissal took 16 months.

382 107. The delay in bringing Spreadbury to trial, the unequal treatment, and deprivation of due

383 process along the way led to actual damages, and deprivation of Spreadbury's rights.

384

### Charges

385

#### **Negligence—Count 1**

386 108. Spreadbury repeats and realleges paragraphs 1-107 of this complaint as if fully set herein.

387 109. County Attorney Corn, acting in his individual and official administrative duties assigned

388 Angela Wetzeon, a law student without a Bar License to prosecute Spreadbury's case.

389 110. Even if Corn did not direct Angela Wetzsteon to prosecute Spreadbury's case, as a head

390 manager of the office, Corn knew of should have known of Wetzeon's duties.

391 111. Corn's actions constituted negligence as an administrator in the Ravalli County Attorney

392 Office (RCAO) in Hamilton, MT.

393 112. As a result of the Corn's negligence, Spreadbury suffered actual damages.

394

#### **Negligent Supervision and Training—Count 2**

395 113. Spreadbury repeats and realleges paragraphs 1-112 of this complaint as if fully set herein.

396 114. County Attorney Corn in his administrative duties showed malice by assigning Wetzsteon  
397 to prosecute Spreadbury when Defendant was not fully trained, licensed, or supervised to  
398 do so. Wetzsteon could not carry out proper conduct in court, compiling case against  
399 Spreadbury, adhering to court deadlines, or properly submitting evidence to the court.

400 115. As a result, the county did not prosecute in "good faith" against Spreadbury, and  
401 Spreadbury suffered actual harm.

402 116. Due to negligent supervision of Angela Wetzsteon, Spreadbury suffered actual damages.

403 **Abuse of Process---Count 3**

404 117. Spreadbury repeats and realleges paragraphs 1-116 of this complaint as if fully set herein.

405 118. Angela Wetzsteon commenced a criminal proceeding against Spreadbury with an ulterior  
406 purpose of harming Spreadbury.

407 119. The proceeding was a willful act on the part of the Wetzsteon, but not proper in the in the  
408 regular conduct of the proceeding due to:

- 409 a. A non-licensed attorney prosecuted the proceeding against Spreadbury  
410 b. Spreadbury's state constitutional right to protect property was not upheld  
411 c. Physical evidence at the scene, and protected speech from Spreadbury which  
412 would have exculpated Spreadbury were excluded from the trial.

413 120. Due to Wetzsteon's abuse of process, Spreadbury suffered actual damages.

414 **Violation of Equal Protection/Amendment XIV---Count 4**

415 121. Spreadbury repeats and realleges paragraphs 1-120 of this complaint as if fully set herein.

416 122. As County Attorney Corn assigns unlicensed attorney to prosecute Spreadbury, this sets  
417 municipal policy due to Corn being the final policy maker in the Ravalli County Attorney  
418 Office (RCAO).

419 123. Corn made this decision as an administrator of the RCAO.

420 124. Spreadbury suffered by this municipal policy due to not being offered equal protection in  
421 the criminal process in Ravalli County.

422 125. Due to this municipal policy, which violated Spreadbury's 14<sup>th</sup> Amendment rights to equal  
423 protection, Spreadbury suffered actual damages.

424 **Negligence---Count 5**

425 126. Spreadbury repeats and realleges paragraphs 1-125 of this complaint as if fully set herein.

426 127. Bill Fulbright, RCAO acting in his administrative duties, had knowledge of, or reassigned  
427 Angela Wetzsteon to prosecute Spreadbury.

428 128. On August 8, 2007 Angela Wetzsteon was not licensed in Montana to practice law.

429 129. As a result of Fulbright's negligence with respect to assigning a student to prosecute a case  
430 after Fulbright was assigned, Spreadbury suffered actual damages.

431 **Equal Protection violation/Amendment XIV---Count 6**

432 130. Spreadbury repeats and realleges paragraphs 1-129 of this complaint as if fully set herein.

433 131. Bill Fulbright, RCAO acting in his administrative capability making conversation with  
434 Spreadbury's initial attorney indicated that "If this were any person besides Spreadbury, the  
435 charges would be dropped."

436 132. Due to Bill Fulbright's comment to Spreadbury's initial attorney Sasha Brownlee, it  
437 showed that the RCAO is acting with malice to prosecute Spreadbury outside of his right to  
438 equal protection under the law as is prescribed in the 14<sup>th</sup> Amendment to the US  
439 Constitution.

440 133. Due to equal protection violation by Fulbright while conducting administrative duties,  
441 Spreadbury accrued actual damages.

442 **Injunctive relief sought RCAO—Count 7**

443 134. Spreadbury repeats and realleges paragraphs 1-133 of this complaint as if fully set herein.

444 135. Bill Fulbright, and George Corn with full knowledge of his actions did write a motion to  
445 continue trial beyond 6 months, and in bad faith prosecute Spreadbury in 2007.

446 136. Bill Fulbright and George Corn did knowingly and intentionally violate the rights of  
447 Spreadbury to his 7<sup>th</sup> Amendment right to speedy trial, and equal protection 14thAmend.

448 137. Fulbright acted with malice due to knowing that no evidence was prepared nor presented  
449 for discovery by the RCAO; tampered evidence was knowingly used against Spreadbury.

450 138. In the July 30, 2007 motion, one day prior to trial, Fulbright states that the "victim" Ms.  
451 Linell was out of town.



452 139. RCAO did ask Judge Bailey for discovery outside of the deadlines set by the court which  
453 were granted. Due to the malice and cooperation required with the Judge, County Sheriff  
454 to deprive the Plaintiff's rights, injunctive relief is being sought from the District Court.

455 140. This issue is a case, and controversy, and the RCAO has initiated more action against the  
456 Plaintiff, and has more than reasonable belief it will continue in the future unless Federal  
457 Court intervention through permanent injunctive relief is granted.

458 141. Injunctive relief will benefit the Plaintiff, and Plaintiff has standing for these reasons:  
459 Plaintiff has current controversy or case and grounded belief of future harm by RCAO.  
460 Plaintiff is in "extraordinary circumstances" exception which would enjoin into ongoing  
461 state proceedings due to bad faith prosecution, harassment, and independent violation of  
462 Plaintiff's protected speech, and peaceful assembly under the 1<sup>st</sup> Amendment. Defendants  
463 are retaliating against Plaintiff's exercise of constitutional rights. Further, a "manifest state  
464 tribunal bias" exists for Plaintiff. Plaintiff sought public office; ex-wife of current State  
465 Judge made false allegations and is being protected by State Judges. The extent of the state  
466 tribunal bias is to the Chairman of the Montana Judicial Standards Commission.

467 **Injunctive relief--Justice Bailey, Ravalli County Justice Court---Count 8**

468 142. Spreadbury repeats and realleges paragraphs 1-141 of this complaint as if fully set herein.

469 143. Justice Bailey allowed a non licensed attorney to practice law in his court. This fact was  
470 brought up by Defense attorney Brownlee prior to Aug 8, 2007 trial.

471 144. Justice Bailey insisted that Plaintiff was “arrested” prior to making an appearance in his  
472 court. The insistence and cooperation by the Defendants was terminal to Plaintiffs career  
473 with FEMA.

474 145. Justice Bailey wrote an arrest warrant for contempt of court, when an attorney was present  
475 on behalf of Spreadbury. It falsely stated that “the Defendant (Spreadbury) must stand trial  
476 for misdemeanor assault”, when Spreadbury was tried in absentia.

477 146. Further, Justice Bailey initialed the area where law enforcement could execute this warrant  
478 day or night, something not allowed for misdemeanor warrants. This is an act of malice.

479 147. It is an act of malice due to Justice Bailey being a former police officer and knew what he  
480 was doing in initialing the order to have Spreadbury seized at night.

481 148. Bailey also denied a motion for 7<sup>th</sup> Amendment speedy trial when time expired for this case  
482 clearly violated Spreadbury’s rights.

483 149. To allow evidence at such a late date (day of trial) outside of discovery also shows malice  
484 intent of judiciary.

485 150. To continue a trial to catch Spreadbury out of state was act of malice.

486 151. The cooperation of the RCAO, RCSO, and judiciary in Ravalli County is something that  
487 the Spreadbury is in jeopardy of having future constitutional violations create harm.

488 152. Due to the application of article III of the US Constitution, the likelihood of future issues  
489 with the Defendants make this claim for permanent injunctive relief by the Plaintiff have  
490 standing with this court.

491 153. The Plaintiff believes the judiciary of Ravalli County will act will malice in the future.  
492 Plaintiff has standing due to current case or controversy and belief of future harm.

493 **Negligence—Count 9**

494 154. Spreadbury repeats and realleges paragraphs 1-153 of this complaint as if fully set forth  
495 herein.

496 155. Angela Wetzsteon, a law student acting under the color of law, and in her individual  
497 capacities did prosecute a criminal case against Spreadbury.

498 156. Wetzsteon was not employed by the RCAO as a prosecutor.

499 157. For prosecuting a case without proper licensure, oath of conduct, Wetzsteon was negligent  
500 in her actions for the RCAO.

501 158. Due to negligence by the student assigned to be prosecutor, Spreadbury suffered damages.

502 **Fraud/Misrepresentation—Count 10**

503 159. Spreadbury repeats and realleges paragraphs 1-158 of this complaint as if fully set forth  
504 herein.

505 160. Angela Wetzsteon, in representing herself as a prosecutor defrauded Spreadbury the rights,  
506 ethics, and protections that a fully qualified prosecutor could provide.

507 161. Wetzsteon violated the Montana Bar Association code of ethics for representing a fully  
508 licensed attorney.

509 162. Action of Defendants allowing Wetzzeon to defraud the court and misrepresent her legal  
510 status deprived Spreadbury a fair trial and other common law protections.

511 163. Due to the fraud and misrepresentation by Wetzsteon, Spreadbury suffered actual damages.

512 **Breach of Contract/Misrepresentation---Count 11**

513 164. Spreadbury repeats and realleges paragraphs 1-163 of this complaint as if fully set forth  
514 herein.

515 165. Matt Stevenson was retained by Spreadbury to defend him with respect to a misdemeanor  
516 assault in August 2007.

517 166. Stevenson did not prevent the seizure of Spreadbury for a civil contempt charge which is  
518 not a crime.

519 167. Stevenson did not object to Ravalli County Sheriff Deputies attempting to seize Spreadbury  
520 at 3am August 11, 2007 on a fictitious misdemeanor warrant which cannot be executed in  
521 the middle of the night. Spreadbury lives in the city of Hamilton who had primary  
522 jurisdiction and Hamilton Police were not present at warrant execution.

523 168. Stevenson delayed requesting dismissal of TK-06-3068 (misdemeanor assault) against  
524 Spreadbury for approximately 3 months. Motion for dismissal was received by Ravalli  
525 County District Court on November 26, 2007.

526 169. Stevenson did not object to the delay by Justice Langton who issued an order on January 3,  
527 2008 to dismiss TK-06-3068 on grounds of speedy trial.

528 170. Stevenson acted in color of state law due to collusion with Ravalli County Attorney in  
529 obtaining Spreadbury's arrest, which was objective of Defendants.

530 171. Stevenson was in collusion with Judge Reardon, who walked from Corn's office prior to  
531 the hearing regarding contempt in Reardon's municipal court.

532 172. For misrepresenting services as defense attorney, Spreadbury was harmed.

533 173. For allowing Spreadbury to be arrested for something that is not a crime, Stevenson  
534 misrepresented his services to Spreadbury and caused actual damages.

535 **Abuse of Process---Count 12**

536 174. Spreadbury repeats and realleges paragraphs 1-173 of this complaint as if fully set forth  
537 herein.

538 175. Sheriff Chris Hoffman acting under the color of law and in his individual capabilities did  
539 oversee the Ravalli County Sheriff Office (RCSO) in 2006 through 2008.

540 176. The RCSO did act in callous indifference to Spreadbury in investigating case #06070243  
541 against Larry Robinson of 289 Cooper Lane Hamilton, MT.

542 177. The RCSO was willful in investigating Spreadbury, and finding and fabricating evidence  
543 against Spreadbury which was improper.

544 178. The investigation was willful in the use of process, not proper in the regular conduct of the  
545 investigation of Spreadbury.

546 179. Due to Sheriff Chris Hoffman's abuse of process, Spreadbury has incurred damages.

547

**Negligence--Count 13**

548 180. Spreadbury repeats and realleges paragraphs 1-179 of this complaint as if fully set herein.

549 181. Sheriff Chris Hoffman, in color of law and in his individual capacities did make policy by  
550 rejecting suggestions of Montana Deputy State Fire Marshall Dick Larson with respect to  
551 Spreadbury complaint. Hoffman did not uphold State Fire Laws.

552 182. Hoffman is policymaker as head of RCSO.

553 183. By making new policy, Hoffman acted negligently towards Spreadbury.

554 184. As a result of this negligence by Hoffman, Spreadbury suffered actual damages.

555

**1<sup>st</sup> Amendment Violation---Count 14**

556 185. Spreadbury repeats and realleges Paragraphs 1-184 of this complaint as if fully set forth  
557 herein.

558 186. Deputy Albright, under the color of law, and in his individual capabilities did manipulate  
559 his communication unit to alter the transcript of the conversation with Spreadbury on  
560 October 10, 2006.

561 187. Deputy Albright was following custom of law enforcement to swivel a knob on a hand held  
562 communication device which records a suspect's communication in a law enforcement  
563 situation.

564 188. The practice of transcript manipulation by swiveling a knob on a law enforcement device  
565 was department wide, and prevalent in it's application within the RCSO.

566 189. The transcript used in trial was altered from true speech by Spreadbury. Protecting  
567 Property, and warning Linell twice prior to engaging neighbor by Spreadbury was missing.  
568 This exculpatory evidence went missing, and was witnessed by Mary Miller of 291 Cooper  
569 Lane, Hamilton, MT on October 10, 2006.

570 190. Deputy Albright, and RCSO showed malice in practicing custom of altering speech of  
571 Spreadbury to assist Defendants to convict Spreadbury of misdemeanor assault.

572 191. Practice of custom by RCSO deprived Spreadbury of freedom of speech as protected in 1<sup>st</sup>  
573 Amendment to the US Constitution. Spreadbury suffered actual damages as a result.

574 **Equal Protection violation/Amendment XIV---Count 15**

575 192. Spreadbury repeats and realleges Paragraphs 1-191 of this complaint as if fully set forth  
576 herein.

577 193. Under the Color of Law, Deputy Albright did not offer Spreadbury equal protection in  
578 processing the crime scene at 285 Cooper Lane, Hamilton on October 10, 2006.

579 194. By allowing Linell freedom from violating a verbal order from RCSO five hours earlier,  
580 the proximity of two smoke grenades, use of foul language with Deputies, and intoxication,  
581 Deputy Albright did not offer equal protection to Spreadbury.

582 195. Deputy Albright demonstrated indifference towards Spreadbury in not affording equal  
583 protection to Spreadbury on October 10, 2006. As a result, Spreadbury suffered damages.

584 **Fraud/Misrepresentation---Count16**

585 196. Spreadbury repeats and realleges paragraphs 1-195 of this complaint as if fully set herein.

586 197. Deputy Albright acting under color of law did misrepresent his duties as a sheriff deputy on  
587 October 10, 2006.

588 198. Deputy Albright did alter a taped conversation with Spreadbury

589 199. Deputy Albright did alter the collection of evidence to implicate Spreadbury.

590 200. Deputy Albright did alter the actual course of events to implicate Spreadbury.

591 201. Deputy did give indications that he was conducting a proper investigation of the incident at  
592 285 Cooper Lane Hamilton, MT on October 10, 2006.

593 202. Deputy Albright did not take into consideration of case #06070243 in favor of Spreadbury.

594 203. Deputy Albright misrepresented his role as a Sheriff Deputy to impartially investigate  
595 criminal incidents in Ravalli County Montana on October 10, 2006.

596 204. Deputy Albright conducted an intentional deprivation of Spreadbury's rights in his conduct  
597 at 285 Cooper Lane on October 10, 2006.

598 205. As a result of the deliberate conduct to misrepresent facts, Deputy Albright harmed  
599 Spreadbury, this misrepresentation caused Spreadbury actual damages.

600 **Fraud/Misrepresentation---Charge 17**

601 206. Spreadbury repeats and realleges paragraphs 1-205 of this complaint as if fully set forth  
602 herein.

603 Deputy Hudson did misrepresent his duties as a Sheriff deputy on October 10, 2006.



604 207. Deputy Hudson did misrepresent a situation with a photograph to implicate Spreadbury for  
605 misdemeanor assault.

606 208. Deputy Hudson documented evidence that was a misrepresentation of actual facts. Linell,  
607 of 289 Cooper Lane did defraud Spreadbury by scratching her own face on October 10,  
608 2006.

609 209. This evidence was used in a court of law to implicate Spreadbury.

610 210. The intentional misrepresentation by Deputy Hudson caused Spreadbury actual damages.

611 **Improper Seizure Attempt/ 4<sup>th</sup> Amendment—Count 18**

612 211. Spreadbury repeats and realleges paragraphs 1-210 of this complaint as if fully set forth  
613 herein.

614 212. Ravalli County Deputy Hochhalter, under the color of law, did attempt to seize Spreadbury  
615 at 0300hours at Plaintiff's residence in Hamilton on August 11, 2007 with a contempt  
616 warrant for Title 3 of the Montana Code Annotated (MCA).

617 213. Title 3 of the MCA does not contain crimes.

618 214. A misdemeanor warrant cannot be executed in the middle of the night at 3 AM.

619 215. The Hamilton Police Department (HPD) was not assisting the RCSO in this seizure attempt  
620 although the HPD have original jurisdiction.

621 216. As a result of attempts by Deputy Hochhalter to seize Spreadbury in violation of Montana  
622 Law, law enforcement practice, judicial standards, and written text on warrant with TAG

623 06100104 dated 8/8/2007 and issued by Justice Bailey, it violated Spreadbury's fourth  
624 amendment right to be secure against unreasonable seizures by government officials.

625 217. Paragraph 216 shows an actual malice shown towards Spreadbury by Deputy Hochhalter.

626 218. As a result of an attempt to seize Spreadbury by Deputy Hochhalter, the action violated  
627 Spreadbury's right to remain free of being seized by law enforcement officials as contained  
628 in the 4<sup>th</sup> Amendment to the United States Constitution.

629 219. Spreadbury suffered actual damages as a result of the improper seizure attempt on August  
630 11, 2007 by Deputy Hochhalter.

631 **Negligence---Count 19**

632 220. Spreadbury repeats and realleges paragraphs 1-220 of this complaint as if fully set forth  
633 herein.

634 221. Deputy Hochhalter under the color of law, acted with malice in executing a warrant at 3am  
635 when it was for contempt of court, a civil code in Montana, or a misdemeanor at worst.

636 222. Hochhalter acted with negligence when he knew, or should have known that Title 3  
637 warrants are not a crime, and misdemeanor warrants are not served day or night.

638 223. As a result of the negligence exhibited by Deputy Hochhalter, Spreadbury suffered actual  
639 damages.

640

641

642

**Abuse of Process---Count 20**

643 224. Spreadbury repeats and realleges paragraphs 1 to 223 of this complaint as if fully set forth  
644 within.

645 225. Deputy Hochhalter under the color of law, commenced an execution of an arrest warrant  
646 against Spreadbury on August 11, 2007 with an ulterior purpose.

647 226. The execution as described in paragraph 225 was a willful act in the use of process not  
648 proper in the regular conduct of warrant execution.

649 227. Due to the Defendant abuse of process, Spreadbury has incurred damages.

650

**Improper Seizure Attempt/ 4<sup>th</sup> Amendment—Count 21**

651 228. Spreadbury repeats and realleges paragraphs 1-227 of this complaint as if fully set forth  
652 herein.

653 229. Unknown Ravalli County Deputy B, under the color of law, did attempt to seize  
654 Spreadbury at 0300hours at Plaintiff's residence in Hamilton on August 11, 2007 with a  
655 contempt warrant for Title 3 of the Montana Code Annotated (MCA).

656 230. Title 3 of the MCA does not contain crimes.

657 231. A misdemeanor warrant cannot be executed in the middle of the night at 3 AM.

658 232. The Hamilton Police Department (HPD) was not assisting the RCSO in this seizure attempt  
659 although the HPD have original jurisdiction.

660 233. As a result of attempts by Unknown Deputy B to seize Spreadbury in violation of Montana  
661 Law, law enforcement practice, judicial standards, and written text on warrant with TAG  
662 06100104 dated 8/8/2007 and issued by Justice Bailey, it violated Spreadbury's fourth  
663 amendment right to be secure against unreasonable seizures by government officials.

664 234. Paragraph 233 shows an actual malice shown towards Spreadbury by Unknown Deputy B.

665 235. As a result of an attempt to seize Spreadbury by Unknown Deputy B, the action violated  
666 Spreadbury's right to remain free of being seized by law enforcement officials as contained  
667 in the 4<sup>th</sup> Amendment to the United States Constitution.

668 236. Spreadbury suffered actual damages as a result of the improper seizure attempt on August  
669 11, 2007 by Unknown Deputy C.

670 **Negligence---Count 22**

671 237. Spreadbury repeats and realleges paragraphs 1-236 of this complaint as if fully set forth  
672 herein.

673 238. Unknown Deputy B under the color of law acted with malice in executing a warrant at 3am  
674 when it was for contempt of court, a civil code in Montana, or a misdemeanor at worst.

675 239. Unknown Deputy B acted with negligence when he knew, or should have known that Title  
676 3 warrants are not a crime, and misdemeanor warrants are not served day or night.

677 240. As a result of the negligence exhibited by Unknown Deputy B, Spreadbury suffered actual  
678 damages.

679

**Abuse of Process---Count 23**

680

681 241. Spreadbury repeats and realleges paragraphs 1 to 240 of this complaint as if fully set forth  
682 herein.

683 242. Unknown Deputy B under the color of law did commence an execution of an arrest warrant  
684 against Spreadbury on August 11, 2007 with an ulterior purpose.

685 243. The execution as described in paragraph 242 was a willful act in the use of process not  
686 proper in the regular conduct of execution.

687 244. Due to the Defendant abuse of process, Spreadbury has incurred actual damages.

688

**Improper Seizure Attempt/ 4<sup>th</sup> Amendment—Count 24**

689 245. Spreadbury repeats and realleges paragraphs 1-244 of this complaint as if fully set forth  
690 herein.

691 246. Unknown Ravalli County Deputy C, under the color of law, did attempt to seize  
692 Spreadbury at 0300hours at Plaintiff residence in Hamilton on August 11, 2007 with a  
693 contempt warrant for Title 3 of the Montana Code Annotated (MCA).

694 247. Title 3 of the MCA does not contain crimes.

695 248. A misdemeanor warrant cannot be executed in the middle of the night at 3 AM.

696 249. The Hamilton Police Department (HPD) was not assisting the RCSO in this seizure attempt  
697 although the HPD have original jurisdiction.

698 250. As a result of attempts by Unknown Deputy C to seize Spreadbury in violation of Montana  
699 Law, law enforcement practice, judicial standards, and written text on warrant with TAG  
700 06100104 dated 8/8/2007 and issued by Justice Bailey, it violated Spreadbury's fourth  
701 amendment right to be secure against unreasonable seizures by government officials.

702 251. Paragraph 250 shows an actual malice shown towards Spreadbury by Unknown Deputy C.

703 252. As a result of an attempt to seize Spreadbury by Unknown Deputy C, the action violated  
704 Spreadbury's right to remain free of being seized by law enforcement officials as contained  
705 in the 4<sup>th</sup> Amendment to the United States Constitution.

706 253. Spreadbury suffered actual damages as a result of the improper seizure attempt on August  
707 11, 2007 by Unknown Deputy C.

708 **Negligence---Count 24**

709 254. Spreadbury repeats and realleges paragraphs 1-253 of this complaint as if fully set forth  
710 herein.

711 255. Unknown Deputy C under the color of law acted with malice in executing a warrant at 3am  
712 when it was for contempt of court, a civil code in Montana.

713 256. Unknown Deputy C acted with negligence when he knew, or should have known that Title  
714 3 warrants are not a crime, and misdemeanor warrants are not served day or night.

715 257. As a result of the negligence exhibited by Unknown Deputy C, Spreadbury suffered actual  
716 damages.

717

718

**Abuse of Process---Count 25**

719 258. Spreadbury repeats and realleges paragraphs 1 to 257 of this complaint as if fully set forth  
720 within.

721 259. Unknown Deputy C under the color of law commenced an execution of an arrest warrant  
722 against Spreadbury on August 11, 2007 with an ulterior purpose.

723 260. The execution as described in paragraph 259 was a willful act in the use of process not  
724 proper in the regular conduct of execution.

725 261. Due to Unknown Deputy C abuse of process, Spreadbury has incurred damages.

726

**Defamation and Defamation Per Se—Count 26**

727 262. Spreadbury repeats and realleges paragraphs 1-261 of this complaint as if fully set forth  
728 herein.

729 263. Defendants provided false and unprivileged information to the Ravalli Republic Newspaper  
730 in Hamilton, MT falsely stating that Spreadbury had been arrested with due cause.

731 264. The continued publication of this information constituted defamation per se.

732 265. The continued publication of the arrest caused defamation of Spreadbury.

733 266. As a result of the multiple instances of defamation, and defamation per se by The Ravalli  
734 Republic, Spreadbury suffered actual damages.

735

736

737

**Negligence---Count 27**

738 267. Spreadbury repeats and realleges paragraphs 1-266 of this complaint as if fully set forth  
739 herein.

740 268. The Ravalli Republic Newspaper did publish that Spreadbury was arrested when Title 3 of  
741 the Montana Code does not contain crimes.

742 269. The Ravalli Republic Newspaper knew or should have known that Spreadbury was tried on  
743 August 8, 2007 and thus did not need to "face trial for misdemeanor assault".

744 270. With respect to conduct by the Ravalli Republic contained in paragraphs 268 and 269, this  
745 can be construed as multiple instances of negligence with malice intent.

746 271. The Ravalli Republic Newspaper acted in color of state law by assisting the Defendants  
747 obtain their goal of Spreadbury's arrest by publishing that information multiple times.

748 272. As a result of negligence by the Ravalli Republic, Spreadbury has suffered damages.

749

**Gross Misconduct/Negligence Count 28**

750 273. Spreadbury repeats and realleges paragraphs 1-272 of this complaint as if fully set forth  
751 herein.

752 274. The Ravalli Republic Newspaper did publish false information five (5) times as is  
753 subscribed in ¶ 103.

754 275. Publication of information this is known or should have been known to be false is gross  
755 misconduct and negligence, and evidence of malice intent.



756 276. As a result of the gross misconduct by the Ravalli Republic, Spreadbury suffered actual  
757 damages.

758 **Abuse of Process—Count 29**

759 277. Spreadbury repeats and realleges paragraphs 1-276 of this complaint as if fully set forth  
760 herein.

761 278. SAFE of the Bitterroot commenced a proceeding against Spreadbury with an ulterior  
762 purpose.

763 279. The proceeding was a willful act in the use of process not proper in the regular conduct of  
764 the proceeding.

765 280. SAFE of the Bitterroot acted in color of state law by speaking on behalf of the RCAO.

766 281. SAFE of the Bitterroot contacted Spreadbury as the perpetrator against Linell in 10/2006.

767 282. Due to SAFE of the Bitterroot's abuse of process, Spreadbury suffered actual damages.

768 **Negligence Per Se—Count 30**

769 283. Spreadbury repeats and realleges paragraphs 1-282 of this complaint as if fully set forth  
770 herein.

771 284. The RCSO failed to protect Spreadbury as a taxpayer, and resident of Ravalli County,  
772 Montana.

773 285. Law enforcement is there to protect people from harm, dangers, and crime.

774 286. Spreadbury made good faith effort to inform the RCSO of dangers from pallet operation,  
775 and activities that endangered Spreadbury by personnel who reside at 289 Cooper Lane.

776 287. Ravalli County failed to protect Spreadbury from harm.

777 288. As a result of this failure, RCSO constitutional deprivations constituted negligence per se.

778 289. As a result of RCSO negligence per se, Spreadbury had actual damages.

779 **Negligence Per Se---Count 31**

780 290. Spreadbury repeats and realleges paragraphs 1-289 of this complaint as if fully set forth  
781 herein.

782 291. The RCAO failed to protect Spreadbury as a taxpayer, and resident of Ravalli County,  
783 Montana.

784 292. A county attorney office is there to prosecute persons who violate the law, not those who  
785 follow it, and provide information for the betterment of the community.

786 293. The county attorney office is paid for by taxpayers to protect them not victimize them.

787 294. The RCAO violations of common law, ethics, and proper conduct damaged Spreadbury.

788 295. As a result of the RCAO intentional deprivations, and negligence per se, Spreadbury  
789 suffered actual damages.

790 **Malicious Prosecution/Amendment IV---Count 32**

791 296. Spreadbury repeats and realleges paragraphs 1-295 of this complaint as if fully set forth  
792 herein.

793 297. A judicial proceeding was commenced and prosecuted against Spreadbury.

794 298. Defendants were responsible for instigating, prosecuting, and/or continuing the proceeding.

795 299. The Defendants acted with malice towards Spreadbury.

796 300. The Defendants acted without probable cause.

797 301. The judicial proceedings terminated favorably for Spreadbury in 2007 and 2008.

798 302. As a result of the Defendants actions, Spreadbury suffered actual damages.

799 **Negligence---Count 33**

800 303. Spreadbury repeats and realleges paragraphs 1-302 of this complaint as if fully set forth  
801 herein.

802 304. Deputy Culgan did not take information that Spreadbury or Miller presented to him to  
803 protect either party.

804 305. Miller gave information about harassment from Linell, and the pallet danger to her  
805 household at 291 Cooper Lane.

806 306. Spreadbury showed Culgan photographs of the fire danger which gained the response of  
807 "oh, wow" and yet did not take action on Spreadbury's behalf.

808 307. Spreadbury told Culgan that Miller was too afraid to sleep in the residence at 291 Cooper  
809 Ln and he would be gone for an extended period of time. Culgan refused to take action.

810 308. Spreadbury asked for a Sheriff case to be opened concerning the threats, the smoke  
811 intrusion into the residence, and the fire hazard. Culgan refused.

812 309. With the information that Spreadbury could ask the US Attorney for assistance due to  
813 being deployed as a federal officer, Culgan then relented and opened case#06070243.

814 310. Under the color of law, Deputy Culgan's actions constituted negligence.

815 311. As a result of the negligence from Deputy Culgan, Spreadbury suffered actual damages.

816 **Abuse of Process---Count 33**

817 312. Spreadbury repeats and realleges paragraphs 1-311 of this complaint as if fully set forth  
818 herein.

819 313. County Clerk Regina Plettenberg, under the color of law commenced a recall petition  
820 analysis for Spreadbury with an ulterior objective. Defendants subject to recall in ¶ 70  
821 were presented to Plettenberg.

822 314. The analysis was a willful act in the use of process of not proper in the regular conduct of  
823 making analysis of Recall Petitions as prescribed by Montana Law.

824 315. Due to Ms. Plettenberg's abuse of process, Spreadbury has incurred actual damages.

825 **Equal Protection/Amendment XIV —Count 35**

826 316. Spreadbury repeats and realleges paragraphs 1-315 of this complaint as if fully set forth  
827 herein.

828 317. Regina Plettenberg, under color of law, did treat Spreadbury outside the guidelines of The  
829 Montana Recall Act when making analysis of petitions filed against Defendants George  
830 Corn, and Chris Hoffman on or around April 11, 2007.

831 318. Recall petitions must be substantially similar to form, but not exact.

832 319. Plettenberg did not check the form of Spreadbury's petitions.

833 320. Plettenberg sent petitions to Flathead County Deputy Attorney Smith for legal review.

834 321. Legal review is reserved for completed petitions, prior to placement on ballot for Recall of  
835 public officials. Clerk Plettenberg was directed by the RCAO Defendants about petitions.

836 322. Plettenberg treated petitions differently, which violates Spreadbury's right to 14<sup>th</sup>  
837 amendment protections under the US Constitution.

838 323. Due to equal protection violations by Plettenberg, Spreadbury suffered actual damages.

839 **Right to Petition Government/Amendment I---Charge 36**

840 324. Spreadbury repeats and realleges paragraphs 1-323 of this complaint as if fully set forth  
841 herein.

842 325. Plettenberg in her capacity as County Clerk did not allow Spreadbury to petition his  
843 government for a redress of grievances.

844 326. Due to not having the ability to petition the government Spreadbury's first amendment  
845 right was violated.

846 327. Due to the violation of Spreadbury's right to petition a government by Plettenberg,  
847 Spreadbury suffered actual damages.

848

849

850 **Speedy Trial/ Amendment VII—Count 37**

851 328. Spreadbury repeats and realleges paragraphs 1-327 of this complaint as if fully set forth  
852 herein.

853 329. Defendants did not protect Spreadbury's right to speedy trial as prosecution progressed.

854 330. As a result of the prosecution, speedy trial right was exceeded by the Defendants.

855 331. As a result of the speedy trial violation in ¶ 329,330 Spreadbury suffered actual damages.

856 **Excessive Bail/Amendment VIII—Count 38**

857 332. Spreadbury repeats and realleges paragraphs 1-331 of this complaint as if fully set forth  
858 herein.

859 333. Law Student Wetzeon acting under color of law, requested excessive bail at trial of  
860 \$5000.00 for contempt of court which Spreadbury did not effect, nor is a crime.

861 334. Spreadbury owned home in community, no prior criminal convictions, and had national  
862 public trust position with security clearance, and credible reason to be away from court.  
863 Spreadbury was a deployed federal officer to a national disaster.

864 335. Bail is set to assure appearance at trial. Spreadbury retained Brownlee to appear at trial for  
865 him for misdemeanor representation. Ms Brownlee did attend trial on 8/8/07 for Plaintiff.

866 336. Spreadbury never missed a court date, and warrant with excessive bail was requested and  
867 issued with malice. This action violated the 8<sup>th</sup> Amendment of the US Constitution.

868 337. Due to excessive bail requirement, which was a goal of Defendants, deprived Spreadbury  
869 of his 8<sup>th</sup> Amendment Constitutional rights.

870 338. Due to Wetzcon violating Spreadbury's eighth Amendment rights, Spreadbury had actual  
871 damages.

872 **False Arrest/Amendment IV---Count 39**

873 339. Spreadbury repeats and realleges paragraphs 1-338 of this complaint as if fully set forth  
874 herein.

875 340. Arrest warrant of August 8, 2007 with TAG 06100104 did not state a crime, misdemeanor  
876 or felony.

877 341. Spreadbury retained Sasha Brownlee as representative counsel to represent him for  
878 misdemeanor assault, which was charged with malice against Montana common law in  
879 Article II Section III. *Id. at 80*; inalienable state right to protect and defend property.

880 342. Spreadbury did not fail to appear due to retained legal counsel appearing at August 8, 2007  
881 trial, Sasha Brownlee of Brownlee Law Offices, Hamilton, MT

882 343. Defendants conspired in color of law to arrest Spreadbury with malice.

883 344. Due to False arrest on August 16, 2007 Spreadbury suffered actual damages.

884 **Punitive Damages -Count 40**

885 345. Spreadbury repeats and realleges paragraphs 1-344 of this complaint as if fully set forth  
886 herein.

- 887 346. George H. Corn in his administrative role as County Attorney exhibited callous  
888 indifference and malice towards Spreadbury by assigning a law student to prosecute him.  
889 Corn also displayed malice by rejecting Plaintiff public nuisance petition and Sheriff case.
- 890 347. Sheriff Chris Hoffman exhibited callous indifference and malice towards Spreadbury in  
891 rejecting State Fire Marshall's suggestion to site Larry Robinson for fire violations.
- 892 348. Chris Culgan exhibited a callous indifference to Spreadbury's constitutional, statutory, and  
893 common law rights.
- 894 349. Lawrence Hochhalter exhibited a callous indifference and a recklessness to Spreadbury's  
895 statutory, and common law rights.
- 896 350. Deputy Hudson exhibited a callous indifference and a recklessness to Spreadbury's  
897 statutory, and common law rights.
- 898 351. Deputy Albright exhibited a callous indifference and a recklessness to Spreadbury's  
899 statutory, and common law rights.
- 900 352. Unknown Ravalli County Deputy B exhibited a callous indifference and a recklessness to  
901 Spreadbury's statutory, and common law rights.
- 902 353. Unknown Ravalli County Deputy C exhibited a callous indifference and a recklessness to  
903 Spreadbury's statutory, and common law rights.
- 904 354. Angela Wetzsteon, a private party, exhibited a callous indifference and recklessness to  
905 Spreadbury's statutory, and common law rights.



906 355. Gerooge Corn, Sheriff Chris Hoffman, Deputy Hochhalter, Unknown Ravalli County  
907 Deputy B& C, Deputy Hudson, Deputy Albright , Angela Wetzeon, and the Ravalli  
908 Republic Newspaper's conduct were precipitated by evil motive or intent.

909 356. Defense actors in Paragraphs 346-355 committed unlawful acts and omissions that were  
910 malicious, willful, wanton, and oppressive.

911 357. The conduct of individual Defendants in paragraphs 1-356 allows for the imposition of  
912 punitive damages as directed by 42 USCA§ 1983, and case law precedent in the Supreme  
913 Court for the United States.

914 **Relief Sought by Plaintiff**

915 Plaintiff respectively requests that the court find against the Defendants:

- 916 i. Plaintiff suffered special damages of lost earnings in the amount of \$2.61M
- 917 ii. Plaintiff suffered general damages for pain, suffering, mental anguish, of \$1M
- 918 iii. Plaintiff suffered partial compensatory damages of \$6,660 which consists of Defense  
919 attorney fees, and bail bond.
- 920 iv. Plaintiff incurred moving and storage costs of \$750.00
- 921 v. Plaintiff seeks adequate punitive damages, or what is determined by the court to be  
922 suitable.

923

924

925 Plaintiff is suing for *permanent injunctive relief* from the District Court:

926 Ravalli County Sheriff Office (RCSO). *Id. at 486 Paragraph 151*

927 Ravalli County Attorney's Office (RCAO). *Id. at 443 Paragraph 134*

928 Justice Bailey, Justices within Ravalli & Missoula Counties. *Id. at 467 Paragraph 142*

929

930 Total Compensatory Damages to be proven at trial by Plaintiff: **\$ 3, 615, 782.00**

931 a. Punitive Damages set aside to trial to punish Defendants malicious conduct

932 b. Plaintiff seeks any reasonable court costs paid for this court action.

933 c. Plaintiff is willing to yield to any other relief court may offer.

934

935

**Demand for Jury Trial**

936 Spreadbury respectfully requests a jury trial to resolve this matter. FRCP 38(b) allows for all

937 triable issues to be before a jury trial.

938

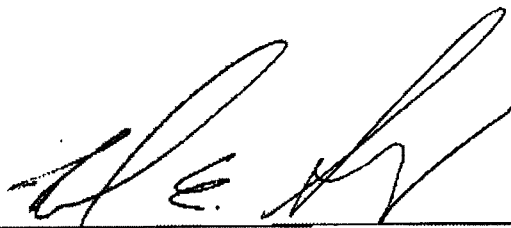
Dated this \_\_\_\_ day of May, 2010

939

940

941

942



---

Michael Spreadbury, Pro Se Plaintiff