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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., and BOONE
KARLBERG P.C.

Defendants.

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

**RESPONSE OF THE CITY AND
LIBRARY DEFENDANTS TO
PLAINTIFF'S OBJECTION TO
REMOVAL**

On behalf of Defendants Bitterroot Public Library, Dr. Robert Brophy,

Trista Smith, Nansu Roddy, City of Hamilton, Jerry Steele, Steve Snavelly, Steven

Bruner-Murphy, Ryan Oster, Kenneth S. Bell and Jennifer B. Lint, this responds to Plaintiff's Objection to Removal, filed April 21, 2011, in the District Court, Twenty-First Judicial District, Ravalli County, Montana, Cause No. DV-11-184. It is understood that the objection has been re-filed in federal court. The objection to removal is without basis.

The Court has supplemental jurisdiction over Plaintiff's state law claims, including his infliction of emotional distress claims. 28 U.S.C. § 1367. Such jurisdiction was referred to in connection with Mr. Spreadbury's state law claims in Cause No. CV-10-49-M-DWM-JCL, *Michael Spreadbury v. Chris Hoffman, et al.* [See Findings and Recommendations of U.S. Magistrate Judge, filed October 7, 2010 (Doc. #6 in Cause No. CV-10-49-M-DWM-JCL), pp. 35-36.] Next, the Montana Municipal Interlocal Authority ("MMIA") is providing a defense to the Library Defendants under the terms and conditions of its applicable Memoranda of Coverage. Mr. Spreadbury's concerns with "public fraud" were provided to the MMIA a long time ago. Whether the decision of MMIA gives rise to "public fraud," which it does not, is immaterial to the removal jurisdiction of

this Court. Similarly, whether a conflict exists between the Defendants, which it does not, also does not defeat removal jurisdiction.¹

Plaintiff's objection to removal is without merit. It should be rejected by the Court.

DATED this 3rd day of May, 2011.

/s/ William L. Crowley
William L. Crowley
BOONE KARLBERG P.C.
Attorneys for Defendants
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Hamilton and Boone Karlberg P.C.

¹ To the knowledge of the attorneys in Boone Karlberg P.C., including Scott Stearns, they have never been retained by Lee Enterprises to represent it.

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 7(d)(2)(E), Local Rules of the United States District Court, District of Montana, I hereby certify that the textual portion of the foregoing brief uses a proportionally spaced Times New Roman typeface of 14 point; is double spaced; and contains approximately 265 words, excluding the parts of the brief exempted by L.R. 7(d)(2)(E).

DATED this 3rd day of May, 2011.

/s/ William L. Crowley
William L. Crowley
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 3rd day of May, 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/ William L. Crowley
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