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FILED

NOV - 8 2011

PATRICK E. DUFFY, CLERK

By DEPUTY CLERK, MISSOULA

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, PC,

) Cause No: CV-11-64-DWM-JCL

)

) **NOTICE OF CONTINUED**

) **UNLAWFUL ACTIVITY**

) **BY DEFENDANT BOONE;**

) **MOTION, BRIEF IN**

) **SUPPORT OF SANCTIONS**

)

Comes now Spreadbury with notice to court of unlawful activity with respect to Defendant Boone Karlberg PC in the aforementioned to support Rule 11 sanctions.

Motion:

Spreadbury moves Honorable court imposes sanctions on Defendant Boone with due cause shown herein in accordance with Rule 11 Fed. R. Civ. P.

Brief in Support

Defendant Boone Karlberg PC (hereafter: Boone) acted with malice towards Spreadbury acts with continued harassment, unlawful activity with no factual or lawful basis is subject to sanctions via Rule 11 FRCP *Chambers v. Nasco 501 US 32 (1991)*. Honorable Judge Lynch, in conflict of interest in the aforementioned indicated in Oral Argument September 14, 2011 that Spreadbury's rights as a pro se will be upheld before this court. It is the obligation of this court to take proper action to protect the proceedings and parties to this case *Lujan v. Defenders of Wildlife 504 US at 581 (1992)*. Defendant Boone has violated federal statute as described here, *inter alia* to harass Spreadbury without factual or lawful process to seek information from third parties (see Exhibits A-C).

Boone sought information forbidden from disclosure by 5 USC § 552(a) without Spreadbury's consent from three different third parties including two (2) states outside of the state of Montana. By asking for information using the interstate mail in furtherance of a public fraud representing an ineligible party, Bitterroot Public Library invokes 18 USC §1341, §1342. Boone has sent Spreadbury several tampered mail, each a felony under 18 USC §1700 et. seq.

As Boone obtains, discloses, publishes, and distributes Spreadbury's Social Security Number (SSN) interstate invokes 42 USC § 408(8). Defendant City of

Hamilton disclosed information to Boone in violation of 42 USC § 405

(c)(2)(C)(viii) (I); penalty for disclosure found in subsection (II).

Boone attempts to Harass Spreadbury with police reports with no criminal charges other than trespass on public property, only nexus of this case to Hamilton Police reports, other than the municipal policy July 9, 2009 at 232 W. Main Defendant Lee storefront where false threats made, responded by Defendant City.

Defendant Boone attempts to violate Spreadbury's fundamental right to speak in Defense pleading to strike served upon this court October 31, 2011. At time of publication, Spreadbury on stay for Judgment for speaking in public, a felony in Montana, Defendant Boone falsely imputes crime of violating sentencing order, which harasses, defames Spreadbury. Spreadbury has actual possession of Hamilton Police Report, published prior to ruling of Judge Haynes, mere possession of report by Spreadbury indicates it is not confidential criminal justice information per Montana Code Ann. MCA 44-5-103 (13)(a), (13)(i).

The most fundamental speech is that which has public concern *Dunn & Bradstreet Inc. v. Greenmass Builders Inc. 472 US at 759 (1985)*. Court must afford Spreadbury highest level of protection for speech in the June 19, 2011 publication presented to this court as Exhibit B (TR. # 130) *ibid, Gertz v. Robert Welch Inc. 418 US 323 (1974)*. Boone, before this court is requesting a deprivation of

Plaintiff Spreadbury's fundamental right protected in Amendment 1 US Constitution in a cause of action for 42 USC§ 1983 civil rights.

As Boone Submits Defendant police reports, court information irrelevant to peaceful assembly on public property August 20, 2009 at the Bitterroot Public Library, or violation of Spreadbury's procedural due process, this honorable court must take control of the litigation and sanction Defendant Boone.

The court is given notice that Defendant City of Hamilton Police intimidated my employer after the February 13, 2009 report, not confidential. Honorable Judge Haynes protecting ex-wife Defendant Roddy by violating Montana Code Ann. MCA 44-5-103 (13)(i) for initial offense report, unsolicited information to police published by Spreadbury affirmed by Montana Supreme Court as public information *Sacco v. HMIP 271 Mont. at 241 (1995)*. As Boone is more concerned with harassing Spreadbury than limiting own liability as civil rights defendant, court must take action via FRCP Rule 11 sanctions to stop Boone's behavior.

The release, and distribution of Spreadburys full SSN was intended and calculated to harass, and is example of bad faith litigation and is more than unreasonable, it is unlawful by federal statute stated herein. Court has obligation to stop harassment, unlawful behavior on the part of Boone with factual case before this court, *Lujan*.

Motion for Sanctions against Defendant Boone have been given safe harbor of 21 days and are ripe before this court *Barber v. Miller 146 F. 3d. at 710 (9th Cir. 1998)*. The court is encouraged to impose measures to arrest unlawful, harassing behavior, by Defendant Boone while taking this pleading liberally. Spreadbury yields to this court for any further relief deemed proper by this court.

Certificate of Compliance

From LR 7(d)(2)(E) US District Court Rules Montana, I certify that this brief conforms with 14 point font, New Times Roman typeface, is double spaced, contains 774 words excluding title page, this compliance.

Respectfully submitted this 4th day of November, 2011

BY: _____



Michael E. Spreadbury, Self Represented Plaintiff

Attached: Exhibits A, B, C