

<p>ORDER OF PROTECTION</p> <p><input type="checkbox"/> Temporary Order</p> <p><input checked="" type="checkbox"/> Permanent Order</p> <p><input checked="" type="checkbox"/> Order Effective Date: <u>20 NOV. 2009</u></p> <p><input type="checkbox"/> Amended Order</p> <p><input type="checkbox"/> Dissolved:</p>	<p>Cnse No: CV-2009-0000168-OP</p> <p>Court: Hamilton City Court</p> <p>Jurisdiction: City</p> <p>State: Montana</p>																																								
<p align="center">PETITIONER/PLAINTIFF</p> <p align="center"><u>NANSUN RODDY</u></p> <p align="center">First Middle Last</p> <p>And/or on behalf of minor family member(s): (list name, date of birth, sex, and race)</p>	<p align="center">PETITION/PLAINTIFF IDENTIFIERS</p> <p>██████████ / F</p> <p>Date of Birth: _____ Race/Sex: _____</p> <p>Other Protected Person(s): (list name, date of birth, sex, and race)</p>																																								
<p align="center">RESPONDENT</p> <p align="center"><u>Michael E Spreadbury</u></p> <p align="center">First Middle Last</p> <p>Respondent's Address: <u>700 S 4th</u> <u>Hamilton, MT 59840</u></p> <p>Federal Firearm Disqualification Criteria:</p> <p><input type="checkbox"/> Hearing/actual notice with opportunity to participate</p> <p><input type="checkbox"/> Child or Intimate Partner married/divorced/common child/cohabitates or has cohabitated)</p> <p><input type="checkbox"/> Order restrains Respondent from harassing, stalking, threatening, or other conduct that creates reasonable, fear of bodily injury to Petitioner(s)</p> <p><input type="checkbox"/> Order finds a credible threat or prohibits use, attempted use or threatened use of physical force.</p> <p>CAUTION:</p> <p><input type="checkbox"/> Weapon Involved <input type="checkbox"/> Weapon on Property</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>SEX</td> <td>RACE</td> <td>DOB</td> <td>HT</td> <td>WT</td> </tr> <tr> <td>M</td> <td></td> <td>██████████</td> <td>510</td> <td>195</td> </tr> <tr> <td>EYES</td> <td>HAIR</td> <td colspan="3">SOCIAL SECURITY NO:</td> </tr> <tr> <td></td> <td></td> <td colspan="3">██████████</td> </tr> <tr> <td colspan="2">DRIVERS LICENSE NO.</td> <td>STATE</td> <td colspan="2">EXP DATE</td> </tr> <tr> <td colspan="2">██████████</td> <td>MT</td> <td colspan="2"></td> </tr> <tr> <td colspan="2">VEH MAKE/MODEL</td> <td>COLOR</td> <td colspan="2">PLATE #</td> </tr> <tr> <td colspan="2"></td> <td></td> <td colspan="2"></td> </tr> </table> <p>Distinguishing Features:</p>	SEX	RACE	DOB	HT	WT	M		██████████	510	195	EYES	HAIR	SOCIAL SECURITY NO:					██████████			DRIVERS LICENSE NO.		STATE	EXP DATE		██████████		MT			VEH MAKE/MODEL		COLOR	PLATE #						
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THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and that the Petitioner is in danger of immediate harm. The Court acts without notice to the Respondent (Temporary Order) or Respondent has been provided with reasonable notice and opportunity to be heard (Permanent Order). Additional findings of this order are set forth below.

THE COURT HEREBY ORDERS:

- That the above-named Respondent be restrained from committing further acts of abuse or threats of abuse
- That the above-named Respondent shall stay at least ⁸⁰⁰feet away from Petitioner's
 - person. home. workplace. vehicle. children's school/daycare. other: _____
- Additional terms of this Order are set forth below:
EFFECTIVE UNTIL 20 NOV. 2009

20 NOV 2009
Date

Michael E. R.
Judge

WARNINGS TO RESPONDENT:

This order shall be enforced, even without registration, by the court of any state, the District of Columbia, any U.S. Territory, and may be enforced on Tribal Lands, (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262). Federal law provides penalties for possessing, transporting, shipping or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(8)). Only the Court can change this Order.

EXHIBIT A

11/20/09

Order of Protection

- Order After Hearing
- Amended Order
- Date of Issuance: _____
- Order Expires: _____

Case No. CV. 09. 168 OP
 Court Hamilton City Court
 County Roavalli State of Montana
 Before the Honorable Michael Reardon

Petitioner/Protected Person

NONSU M Roddy

First Middle Last

- And/OR on behalf of family members (Protected Person/s)
 (List name / year of birth / sex)

NA

Petitioner/Protected Person Identifiers

Year of Birth of Petitioner

- Other Protected Person/s:
 (List name / year of birth / sex)

NA

Respondent

Michael Spreadbury

First Middle Last

700 South 4th Street

Respondent's Address
Hamilton, MT 59840

Petitioner's/Protected Person's Relationship to Respondent:

- Married
- Were married, but are now separated
- Divorced
- Are currently dating or having an ongoing intimate relationship
- Live together
- Lived together in the past
- Have a child and/or children together
- Is a family member or a former family member of Respondent
- Dated or had an ongoing intimate relationship in the past
- Victim of sexual assault / stalking / assault / other

REASONABLE APPREHENSION OF BODILY INJURY;
 INTIMIDATION, A FELONY PENDING, 21ST JUD. DISTRICT.

SEX	RACE	YEAR OF BIRTH	HT	WT
<u>M</u>	<u>W</u>	_____	<u>70"</u>	<u>180</u>
EYES	HAIR	DISTINGUISHING FEATURES		
_____	<u>BR</u>	_____		
DRIVER'S LICENSE STATE				
<u>MT</u>	_____			

CAUTION: Weapon Alleged to be Involved.

The court has jurisdiction over the parties and subject matter. The Respondent has been provided with reasonable notice and opportunity to be heard.

The terms of this Order shall be effective until NOV. 20 2014 at 11:59 P.M. unless terminated earlier by another Court Order.

WARNINGS: This Order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced on Tribal Lands (18 U.S.C. Section 2285). Crossing state, territorial, or tribal boundaries to violate this Order may result in federal imprisonment (18 U.S.C. Section 2282). Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(9)).

Violation of this Order may be a criminal offense under applicable Federal or Tribal law and is a criminal offense under Mont. Code Ann. § 45-5-220 or § 45-5-626 and may carry penalties of up to \$10,000 in fines and up to a 5 year jail sentence. It is a misdemeanor under Montana Code Annotated 45-5-220 and/or 45-5-626 for the Respondent, even if invited and after notice of this Order, to violate the provisions of this Order. Further, under Montana Code Annotated §§ 45-2-301 and 302(3), it is a crime for any person to aid and abet a crime, or, not being present, to advise and encourage a crime. Under Montana Code Annotated § 45-2-303, any person who counsels, aids, solicits or incites another to commit a misdemeanor is guilty of a misdemeanor. Therefore, it may be a crime for any person to encourage or invite contact between the Respondent and the Petitioner, except such contact as is expressly permitted by the above Order.

FINDINGS

The Court found, after a hearing, Petitioner and/or the Protected Persons is/are in danger of harm and that an Order of Protection is necessary to protect the same.

Petitioner Appeared: Yes No Represented by: MR BRUCE CITY NITY

Respondent Appeared: Yes No Represented by: MR MILLER (SP)

The Respondent agreed to entry of a protection Order.

THE COURT ORDERS:

1. Respondent shall not threaten to commit or commit acts of violence against Petitioner and/or the following Protected Persons: _____

(PCO 01)

2. Respondent shall not harass, annoy, disturb the peace of, telephone, email, contact, or otherwise communicate, directly or indirectly, with Petitioner and/or the following Protected Persons: _____

(PCO 06)

3. Respondent shall not take the following child/ren out of this County or State: _____

4. Respondent shall stay at least 600 ~~1000~~ ^{ft} feet from: _____ (PCO 04)

Petitioner

Minor child/ren: _____

Other people: _____

Petitioner's and/or Protected Person's residence at: 419 South 4th St, Hamilton

Petitioner's and/or Protected Person's job or workplace at: Hamilton/Bitterroot Public Library

Petitioner's and/or Protected Person's vehicle at: residence, workplace or any other place it is parked

The child/ren's school and/or child care: _____

Other places (describe): EXCEPT THE RESPONDENT MAY GO THE U.S POST OFFICE AND CITY & COUNTY OFFICES FOR THE PROMPT CONDUCT OF NECESSARY & ESSENTIAL BUSINESS

5. Respondent shall not possess the following firearms: _____

(PCO 07)

6. Respondent shall not take, hide, sell, damage or dispose of the following property:

7. Respondent shall give Petitioner and/or the Protected Persons possession or use of the following items (Items may include the residence, automobile and other essential personal property no matter who owns it): _____

8. Law enforcement shall:

Remove the Respondent from the residence at _____. The time for removal shall be at the peace officer's discretion, but no later than _____ hours after service of this Order.

Place the Protected Person in possession of the residence at: _____

Supervise the removal of:

Protected Person's property listed in Number 7

Respondent's items needed for employment and necessary personal effects (at peace officer's discretion) from the residence.

9. Respondent shall complete violence counseling, which may include alcohol or chemical dependency counseling or treatment, as follows: _____

10. The following is also ordered to provide for the safety and welfare of Petitioner and/or the Protected Persons: _____

11. **Conflicting Orders.**

If any term of another Order conflicts with any term of this Order you must follow the more restrictive term.

12. **Change In Address.** The parties shall keep the Court informed of their current mailing addresses.

13. Future Notices.

The parties have waived their right to personal service and agreed that all future notices of hearing may be served by mail.

14. Other Relief as deemed appropriate by the Court :

Respondent shall NOT have contact with the child/ren until further Order of the Court.

Supervised visitation is necessary:

supervised by: _____

neutral drop off/pick up location: _____

child/ren to be transported by: _____

Temporary visitation shall be awarded as follows:

This visitation schedule shall be in effect until _____, 20____. The parties are encouraged to file an action in the appropriate District or Tribal Court for permanent parenting arrangements.

Neither party shall remove the child/ren from _____ County

Other relief: _____

15. Order to Clerk. It is further ordered that the clerk of the court shall forward a copy of this Order to the appropriate law enforcement agency for immediate service upon Respondent; and the clerk shall deliver or mail a copy of this Order to the Petitioner.

Date: 20th November 2003 Signed: Michael J. R.
Judge

The Sheriff is hereby directed to serve, without cost to Petitioner, a copy of this Order of Protection together with a copy of Petitioner's petition upon Respondent and to file a return of service with the clerk of this court. This service will be as soon as possible and before the date of the hearing. Upon receipt of proof of this Order, the clerk is hereby directed to mail or otherwise promptly deliver a copy of this Order, together with a copy of the proof of service, to the following law enforcement agencies:

Date: _____

Signed: _____
Judge

I have received a copy of this Order. I understand I am required to notify the court of my current mailing address and telephone number as future notices will be delivered to me by mail.

Date: 20 NOV 03

Signed: *Nancy Pridley*
Petitioner

I have received a copy of this Order. I understand I am required to notify the court of my current mailing address and telephone number as future notices will be delivered to me by mail.

Date: 20 NOV 03

Signed: *[Signature]*
Respondent

ATTENTION: KEEP A COPY OF THIS ORDER IN YOUR POSSESSION AT ALL TIMES IN ORDER TO ASSIST PEACE OFFICERS. IMMEDIATELY REPORT ANY VIOLATION OF THIS ORDER TO LAW ENFORCEMENT.

City Court

OK : TO FILE

COPY TO : HAMILTON
POLICE DEPT.

FILED
DEBBIE HARMON, CLERK

MAY 20 2010
[Signature]
DEPUTY

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John W. Larson, District Judge
Fourth Judicial District Dept. 3
Missoula County Courthouse
Missoula, MT 59802
(406) 258-4773

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT,
RAVALLI COUNTY

NANSU RODDY,
Plaintiff,
v.
MICHAEL E. SPREADBURY,
Defendant.

Cause No. DV-10-93/20

ORDER ON APPEAL OF CITY
COURT ORDER OF
PROTECTION

The Permanent Order of Protection Issued in Hamilton City Court on November 20, 2009, which expires on November 20, 2014, has been transmitted to District Court. On February 17, 2010, Michael Spreadbury filed a request for relief with respect to the Order of Protection.

This Court references the January 19, 2010, Hamilton City Court's Order Denying Second Motion for New Trial wherein the Order states that in addition to being the Respondent in the above Order of Protection, Michael Spreadbury is also a Defendant in Ravalli District Court Cause No. DC-10-26, charged with trespassing on the library premises after being ordered off the premises (the Honorable John W. Larson presiding); and also a Defendant in Ravalli District Court Cause No. DC-09-154 where he is

5/18/10

1 charged with the felony offense of intimidation in which the victim is a senior
2 library employee (the Honorable Douglas G. Harkin presiding).

3 As stated in the Hamilton City Court Order Denying a Second Motion
4 for a New Trial, the incident giving rise to the intimidation charge is the
5 same incident which gave rise to the Order of Protection and entailed
6 demand that the employee pressure the City Attorney into dropping the
7 misdemeanor charge. The court in each prosecution has ordered
8 conditions of release which effectively deny Mr. Spreadbury access to the
9 library.
10
11

12 For these reasons,

13 IT IS HEREBY ORDERED that the Permanent Order of Protection
14 shall remain in effect consistent with the Hamilton City Court Order of
15 November 20, 2009.
16

17 DATED this 18th day of May, 2010.

18
19 
20 JOHN W. LARSON, District Judge

21 Copies of the foregoing were sent to:

22 *AK*
23 *5-21-10*
24 Kenneth S. Bell, Esq.
Hamilton City Attorney
P. O. Box 210
Hamilton, MT 59840
(406) 363-2101 x21

25 Michael E. Spreadbury
700 South 4th Street
Hamilton, MT 59840
26 (406) 363-3877

FILED

February 8 2011

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 11-0017

FILED

FEB 08 2011

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

NANSU RODDY,

Plaintiff and Appellee,

v.

ORDER

MICHAEL E. SPREADBURY,

Defendant and Appellant.

Appellant Michael E. Spreadbury, pro se, has filed a motion for an out-of-time appeal. Appellee Nansu Roddy opposes the motion by requesting that this appeal be dismissed as *res judicata*.

Roddy is a senior librarian at the Bitterroot Public Library in Hamilton. Spreadbury unsuccessfully attempted to persuade Roddy to accept a document into the library's collection and was eventually barred from the library due to his actions. He was later charged with misdemeanor criminal trespass for returning to the library and felony intimidation for approaching Roddy outside of the library. He eventually entered a no contest plea to the felony charge. Roddy sought an order of protection based upon these incidents, which initiated this litigation. After a hearing at which Spreadbury was represented by the public defender, the Hamilton City Court issued a permanent order of protection which was affirmed upon Spreadbury's appeal to the Twenty-First Judicial District Court in Cause No. DV-10-93, in an order filed on May 20, 2010. Spreadbury filed a petition for out-of-time appeal of this order on July 19, 2010, which we denied for his failure to establish extraordinary circumstances justifying the request. He filed a civil suit against Roddy which was dismissed on summary judgment on October 18, 2010.

On November 17, 2010, Spreadbury filed a motion with the District Court to

amend the order of protection, which was denied on December 9, 2010. The District Court ordered that Spreadbury cease from filing further pleadings in the matter. On January 7, 2011, within the time for appealing from the December 9, 2010 order, Spreadbury filed a notice of appeal which stated as follows:

NOTICE is given that MICHAEL E. SPREADBURY, the Appellant above named who is the Respondent that [sic] cause of action filed in the 21st Judicial District, in and for the County of Ravalli, as cause No. DV-10-93 hereby appeals to the Supreme Court for the State of Montana *from judgment or interlocutory order entered in such action on the 20 day of May, 2010.* (emphasis added)

Spreadbury then filed his current request for an out-of-time appeal on January 20, 2011, perhaps in response to a notice issued from the Clerk's office on January 11 advising him of deficiencies in his notice of appeal. Spreadbury's pleadings allege "criminal activity on [Roddy's] counsel, in effort to violate [Spreadbury's] due process," that Roddy has obtained counsel by fraudulently representing that she is a municipal employee, when she is not, and that he has been advised by the Federal Bureau of Investigation to "contact the tribunal." He asserts that his due process was violated during a hearing on November 20, 2009. Though confusing, Spreadbury's request for an out-of-time appeal is a second attempt to obtain appellate review of the District Court's order of May 20, 2010 affirming the permanent order of protection, consistent with the language of his notice of appeal taking issue with that order. His apparent position is that his allegations of criminal activity establish the necessary grounds for an out-of-time appeal.

We denied Spreadbury's request for an out-of-time appeal of this order on August 10, 2010, in Cause No. 10-0352. His new allegations do not establish extraordinary circumstances necessary to rehear the determination we made at that time, and we reaffirm the denial of that request, under both the doctrine of *res judicata* and the appellate rules. Therefore,

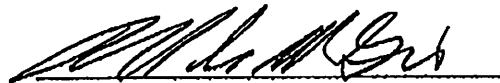
IT IS HEREBY ORDERED:

1. The petition for an out-of-time appeal is DENIED.

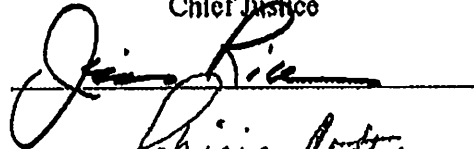
2. The motion to dismiss appeal is GRANTED.

The Clerk is directed to provide a copy to counsel of record and to Spreadbury.

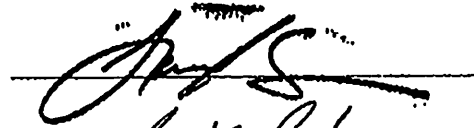
DATED this 8th day of February, 2011.



Chief Justice



Patricia Cotton



Justice

Justices

FILED

March 16 2011

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 11-0017

FILED

MAR 16 2011

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

NANSU RODDY,

Plaintiff and Appellee,

v.

ORDER

MICHAEL E. SPREADBURY,

Defendant and Appellant.

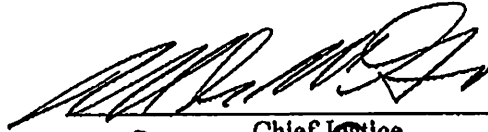
Appellant Michael E. Spreadbury has filed a petition for rehearing. Appellee Nansu Roddy has filed an objection. Based upon the Montana Rules of Appellate Procedure and the doctrine of *res judicata*, we denied Spreadbury's petition for an out-of-time appeal and dismissed the appeal in our order of February 8, 2011. This was the second time we had denied Spreadbury's request for an out-of-time appeal of an order of protection issued against Spreadbury in favor of Roddy. The District Court has restricted Spreadbury from filing further pleadings regarding the order of protection. Roddy asserts that Michael has used the order of protection as an impetus to harass her and asks that we deny the petition for rehearing and order Michael to cease all litigation relating to the order of protection. Upon review,

IT IS ORDERED:

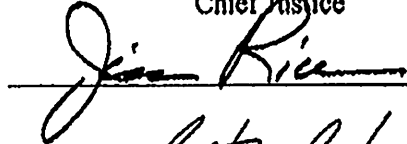
1. The petition for rehearing is DENIED.
2. We caution Michael from using this matter as a means of harassing Roddy. Further pleadings filed before this Court in this matter without good cause may be sanctioned by the imposition of costs, attorney fees, and/or other monetary or nonmonetary penalties under M. R. App. P. 19(5).

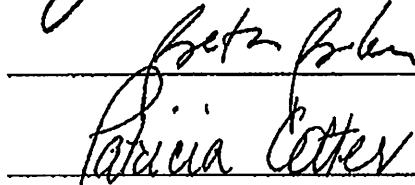
The Clerk is directed to provide a copy of this Order to counsel of record and to Michael Spreadbury.

DATED this 15th day of March, 2011.



Chief Justice







Justices