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CLERK, U.S. DISTRICT COURT  
DISTRICT OF MONTANA  
MISSOULA

*Pro Se Plaintiff*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

MICHAEL E. SPREADBURY	)	Cause No: CV-11-64-DWM-JCL
Plaintiff	)	
v.	)	<b>RESPONSE TO BOONE</b>
BITTERROOT PUBLIC LIBRARY,	)	<b>CONTEMPT CLAIM;</b>
CITY OF HAMILTON,	)	<b>CROSS-CLAIM, BRIEF</b>
LEE ENTERPRISES, INC.,	)	<b>IN SUPPORT</b>
BOONE KARLBERG, PC,	)	
_____	)	

Comes now Spreadbury with response to Defendant Boone, unfounded claim of contempt; cross-claim presented in favor of criminal contempt provided herein.

Motion:

Spreadbury moves Honorable court imposes criminal contempt on Defendant Boone for knowingly violating court order before this Honorable court.

Brief in Support

Defendant Boone Karlberg PC (hereafter: Boone) acts with malice towards Spreadbury, continued harassment, as Defendant Boone attempts contempt on a lower court without factual or lawful basis as Spreadbury sought FRCP Rule 11 sanctions *Chambers v. Nasco 501 US 32 (1991)*. US District Court for Montana Missoula Division cannot interfere where proceedings pending in a state court *Taylor v. Taintor 16 Wall 366 (US Supra 1873) citing Harkrader v. Wodley 172 US at 162 (1898)*.

The fundamental right to speak about issues of public concern is the “highest rung” of protection in US District courts *Dunn & Bradstreet Inc. v. Greenmass Builders Inc. 472 US at 759 (1985)*. Asking the Honorable Court to find Spreadbury in civil contempt of a State Court order is asking the Honorable Court to act outside their jurisdictional “sandbox” *In 5 pg. 2 Defendant Boone Brief to find Plaintiff in contempt; Taylor, Harkrader*. Simply put, the US District Court cannot interfere with a pending state case due to federalist issues *Mitchum v. Foster 407 US at 229 (1972)*. Further, the Due Process Clause of the 14<sup>th</sup> Amendment prohibits the enforcement of MCA§ 3-1-503 or any Montana Law that abridges Spreadbury’s fundamental right to speak, protected *Amendment 1 US Constitution* about issues of public concern *Dunn & Bradstreet*.

Lawful Speech

Spreadbury engages in free speech without restrictions as June 19, 2010 publication of blog post “find my threat” Exhibit B originally created prior to the June 28, 2010 State Court order (in violation of MCA§ 44-5-103 *et. seq.*, *Sacco v. HMIP 271 Mont. at 241 (1995)*). At time of publication, Spreadbury enjoyed stay on judgment for Montana 21<sup>st</sup> Judicial District DC-09-154; speaking to Defendant Roddy in public, a Felony Crime in Montana. Spreadbury had possession of Defendant Police Report #1-209CR0002579 authored by Defendant City of Hamilton; makes report public criminal justice information Montana Code Ann. MCA§44-5-103(13)(i). Initial offense reports are those where suspected initial criminal activity are taken by police, and are open to the inspection of the public, as unsolicited information, and due to no privilege *Sacco v. HMIP 271 Mont. at 241(1995); ARM 23.12.203, MCA§44-5-103 (13)(i)*. Spreadbury took great care to redact personal privacy information such as home phone numbers, social security numbers, and other personal private information prior to publication. Defendant Roddy did not ask Defendant City Police to be kept confidential at time of interview with Defendant City of Hamilton November 4, 2009; no privacy can be afforded although Defendant Roddy’s Ex Spouse Judge Haynes made a valiant attempt, violating State precedent, Montana State Law to protect Roddy in his June 28, 2011 order. Spreadbury is merely offering protected speech of account: within

Exhibit B felony charges against him, allowed as relevant by this honorable court in the aforementioned had no probable cause. The relation of a November 4<sup>th</sup> 2009 conversation to sitting on the public property of the Bitterroot Public August 20, 2009 as gravamen to the aforementioned escapes Spreadbury; attempted to strike before this court. As Defendant Boone submits documents of the November 4, 2009 conversation between Roddy and Spreadbury, court cannot pick favorites as to allowable speech *Renton v. Playtime Theaters Inc. 475 US at 49 (1986) citing Police Department of Chicago v. Mosley 408 US at 95 (1972)*.

It is ironic that Defendant Boone in this cause of action 42 USC§1983 for civil rights would ask a US District Judge to further violate Plaintiff fundamental rights. This honorable District court refuses Plaintiff injunctive relief although unlawful entry of Defendants within Plaintiff residence, unlawful distribution and disclosure of Plaintiff SSN, and now request to chill fundamental speech *O'Keefe v. Van Boening 82 F. 3d at 325 (9<sup>th</sup> Cir., 1998)*.

#### Cross-claim against Boone: Criminal Contempt

On October 20, 2011 this honorable court ordered sealed police reports would not be accepted from Defendant Boone. On October 31, 2011(TR# 134), not two weeks later, Defendant Boone submitted police reports, without leave, and under seal. Defendant Boone's actions are in contempt of this court. Spreadbury filed

notice of unlawful activity as Defendant Boone disclosed, distributed Spreadbury's full Social Security number interstate in furtherance of a public fraud; unlawfully defending the Bitterroot Public Library: an ineligible entity to be receiving funds from the Montana Municipal Interlocal Authority (MMIA). Notice of Boone unlawful activity served upon this honorable court November 4, 2011.

By willfully violating a lawful process, and order of this US District Court within TR.# 125, Defendant Boone is in criminal contempt of this court by way of Montana Code Ann. MCA§45-7-309(c):

**45-7-309. Criminal contempt.** (1) A person commits the offense of criminal contempt when the person knowingly engages in any of the following conduct:

- (a) disorderly, contemptuous, or insolent behavior committed during the sitting of a court in its immediate view and presence and directly tending to interrupt its proceedings or to impair the respect due to its authority;
  - (b) breach of the peace, noise, or other disturbance directly tending to interrupt a court's proceeding;
  - (c) **purposely disobeying or refusing any lawful process or other mandate of a court;**
  - (d) unlawfully refusing to be sworn as a witness in any court proceeding or, after being sworn, refusing to answer any legal and proper interrogatory;
  - (e) purposely publishing a false or grossly inaccurate report of a court's proceeding;
  - (f) purposely failing to obey any mandate, process, or notice relative to juries issued pursuant to Title 3, chapter 15; or
  - (g) purposely failing to comply with the requirements of the sobriety program provided for in Title 44, chapter 4, part 12, if ordered by a court to participate in the program.
- (2) A person convicted of the offense of criminal contempt shall be fined not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

**History:** En. 94-7-309 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-7-309; amd. Sec. 1690, Ch. 56, L. 2009; amd. Sec. 7, Ch. 318, L. 2011.

Spreadbury presents evidence before this court of Defendant Boone criminal contempt as described in MCA§ 45-7-309(c) above for submitting sealed police

reports to this court in the aforementioned. In accordance with Local Rule 103(a) Spreadbury requests finding of cross-claim of criminal contempt MCA§45-7-309 on Defendant Boone done willfully: in disobedience of an Order given October 20, 2011 before this court, in the aforementioned and other disorderly, unlawful actions.

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 1,021 words excluding title page, this compliance.

Respectfully submitted this 8<sup>th</sup> day of November, 2011

BY: \_\_\_\_\_

Michael E. Spreadbury, Self Represented Plaintiff