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NOV 18 2011  
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

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

MICHAEL E. SPREADBURY )  
 )  
Plaintiff )  
v. )  
BITTERROOT PUBLIC LIBRARY, )  
CITY OF HAMILTON, )  
LEE ENTERPRISES INC., )  
BOONE KARLBERG PC, )  
Defendants )

**FUNDAMENTAL  
OBJECTION TO  
DEFENDANT BOONE  
REQUEST TO STRIKE  
FREE SPEECH**

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Comes now Plaintiff with response to Defendant Boone with respect to striking free speech in published exhibit before this court. Motion, Brief in support presented to the Honorable Court to uphold Plaintiff critical fundamental speech in aforementioned.

Motion:

Spreadbury moves that this honorable court deny, reject, set aside Defendant Boone pleading asking court to deprive fundamental and protected free speech of Spreadbury in this cause of action for 42 USC §1983.

Brief in Support

This honorable court, in the aforementioned allowed information from a November 4, 2009 interaction between Plaintiff, Defendant Roddy on the public lawn of the Bitterroot Public library. Defendant Boone submitted exhibits as did Spreadbury. Spreadbury never admitted wrongdoing to Defendant Roddy or State of Montana. Before this court is a published article as exhibit in support TR. #130 contains speech of the highest public concern: being charged with a felony without probable cause *Dunn & Bradstreet Inc. v. Greenmass Builders Inc. 472 US at 759 (1985)*.

As this honorable court granted information regarding November 4, 2009 for the Defense, it must allow the protected speech of the Plaintiff *Amendment 1 US Constitution, Gertz v. Robert Welch Inc. 418 US 323 (1974)*.

The original date of publication for exhibit B in question was June 19, 2009 as is indicated on Exhibit B (TR# 130). Defendant Boone claim the police report was

sealed under DV-2010-639 in the 21<sup>st</sup> Judicial District; Spreadbury published the speech June 19, 2009 due to having a possession of a copy of Defendant City's Report #1-209CR0002579 not signed by a supervisor and authored by Defendant City of Hamilton Police. Spreadbury took care not to include social security numbers, home phone numbers, or other personal sensitive data, unlike Defendant Boone with respect to Spreadbury's information (e.g. notice of unlawful activity pleading served 11/4/2011 in aforementioned).

Spreadbury pled for, and enjoyed a stay of judgment from DC-09-154 for speaking in public, a Felony crime from approximately April 2011 through August 2011.

The protected speech of TR#130 Exhibit B published during stay of court judgment as no restrictions from any court.

With respect to the unsolicited information given to law enforcement by Defendant Roddy November 4, 2009 in Hamilton Montana, it is defined in ARM 23.12.201(3) ARM 23.12.203 *and* Montana Code MCA§ 44-5-103(13)(i) as an initial offense report, always public information *Sacco v. HMIP 271 Mont. at 241 (1995)*. Defendant City of Hamilton Report #1-209CR0002579 was an initial offense report on the alleged criminal activity of Spreadbury; contained no probable cause for a crime, no supervisor signature. Spreadbury collected documents for November 4, 2009 and asked readers to find probable cause for the criminal charge, naming the article "Find my Threat". Subsequently, editor and

owner of online blog expanded title to “Find My Threat--exposing corruption in Ravalli County Montana”.

As Exhibit article describes November 4, 2009 court paperwork, law enforcement detail, personal email history on November 4, 2009 open to the public for inspection. Since the publication was prior to Judge Haynes June 28, 2010 order, Spreadbury had possession of report: Spreadbury not entitled to criminal justice information per Montana Code Ann. §44-5-103 et. seq. Judge Haynes mentioned at initial appearance to DC-09-154 21<sup>st</sup> Judicial District on or around December 3, 2009 that ex-spouse Roddy was not an issue, parties to case (Spreadbury, Boone) mutually signed agreement to keep Judge Haynes in DV-2010-639; conflict evident as Judge Haynes protects Defendant Roddy, from public disclosure, liability from Spreadbury-Roddy protected speech November 4, 2009.

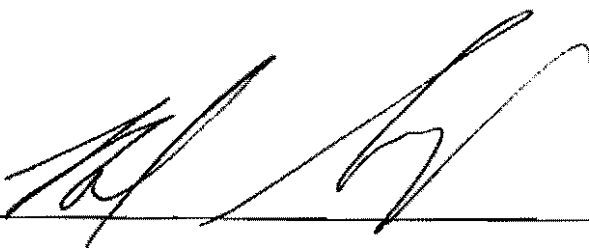
Since Spreadbury was not subject to court restrictions at time of publication, the public mention of Defendant Roddy in forum other than this privileged pleading was not in violation of any restrictions. The Honorable court is encouraged to not play favorites as to which speech to uphold *Renton v. Playtime Theaters Inc* 475 US at 49 (1986) citing *Police Department of Chicago v. Mosley* 408 US at 95 (1972).

Spreadbury respectfully asks that court deny Defendant Boone request to strike fundamental, highest protected under Federal Court authority *Dunn & Bradstreet at 759*. As Honorable court allows November 4, 2009 interaction between Spreadbury and Defendant Roddy, court must uphold Plaintiff speech presented as Exhibit B TR.#130 before 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 672 words excluding title page, this compliance.

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



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Michael E. Spreadbury, Pro Se Plaintiff