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City of Hamilton and Boone Karlberg P.C.*

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 P.C., DR. ROBERT  
BROPHY, TRISTA SMITH, NANSU  
RODDY, JERRY STEELE, STEVE  
SNAVELY, STEVEN BRUNER-  
MURPHY, RYAN OSTER,  
KENNETH S. BELL and JENNIFER  
LINT,

Defendants.

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

**CITY DEFENDANTS'  
STATEMENT OF UNDISPUTED  
FACTS**

Pursuant to Local Rule 56.1(b), United States District Court, District of Montana, Defendants Bitterroot Public Library, City of Hamilton, Dr. Robert Brophy, Trista Smith, Nansu Roddy, Jerry Steele, Steve Snavely, Steven Bruner-Murphy, Ryan Oster, Kenneth S. Bell and Jennifer B. Lint (collectively, “City Defendants”), submit the following Statement of Undisputed Facts in support of their Motion for Summary Judgment on Plaintiff’s Federal Claims and Motion for Summary Judgment on Plaintiff’s State Law Claims.

1. On May 29, 2009, Plaintiff entered the Bitterroot Public Library (“Library”). He attempted to persuade Adult Services Librarian Nansu Roddy to place a letter to President Obama written by another Bitterroot Valley resident in the Library’s reserve collection. The letter alleged corruption by local officials. (Second Amended Complaint, ¶ 31; 5/29/09 Email from Nansu Roddy to Gloria Langstaff, attached as **Exhibit A**; 4/23/09 Letter from Roy Pilkey to President Barack Obama with Plaintiff’s Cover Letter, attached as **Exhibit B**.)

2. Roddy politely explained to Plaintiff the Library was not a depository for personal letters, and tried to brainstorm ideas with him to publicize the article, such as getting it published in a newspaper. Plaintiff became angry. He had already posted on his Internet blog that the letter would be available at the Library. He told Roddy he would come to the next Library Board meeting to complain. He

told Roddy the police and judges in Ravalli County are corrupt and ruined his life.  
(5/29/09 Email from Nansu Roddy to Gloria Langstaff, Ex. A.)

3. Plaintiff scared Roddy. She reported the incident to her supervisor, Library Director Gloria Langstaff. (5/29/09 Email from Nansu Roddy to Gloria Langstaff, Ex. A.)

4. Plaintiff made a similar demand of the North Valley Library in Stevensville, Montana. That library also refused Plaintiff's request. (6/9/09 Email from Renee McGrath to Library Board, Staff, and Subs, attached as **Exhibit C.**)

5. On June 8, 2009, Plaintiff wrote to the Directors of both libraries concerning the refusals. In the letter, he made reference to the Unabomber. (6/8/09 Letter from Plaintiff to Library Directors, attached as **Exhibit D.**)

6. On June 9, 2009, Langstaff wrote to Plaintiff, again denying his request and citing the Library's Collection Management Policy. She welcomed Plaintiff to attend a Library Board meeting concerning his request. She again reiterated that "there are other means for voicing your opinion in our community, e.g., a newspaper editorial." (6/9/09 Letter from Gloria Langstaff to Plaintiff with Collection Management Policy, attached as **Exhibit E.**)

7. The Library's decision not to include the letter in its collection was based on the letter's failure to meet the criteria of the Library Collection

Management Policy. The decision was not based on the viewpoint expressed in the proposed submission. (Affidavit of Dr. Robert Brophy, attached as **Exhibit F.**)

8. On June 11, 2009, Plaintiff again appeared at the Library. He began a rude tirade directed at Jo Frankenforter, a Library staff person. Frankenforter was upset and afraid following the encounter, and had to be allowed to go home to compose herself. The matter was reported to law enforcement. (6/11/09 Jo Frankenforter Incident Report, attached as **Exhibit G**; 6/17/09 Email from Joseph Constantino to Gloria Langstaff, attached as **Exhibit H**; Hamilton Police Department Case Report 209CR0001281, attached as **Exhibit I**; Hamilton Police Department Case Report 209CR0001589, attached as **Exhibit J**; Affidavit of Ryan Oster, attached as **Exhibit K.**)

9. Later that day, Langstaff wrote to Plaintiff banning him from the Library's premises. Identifying the Library Operations Policy, the letter states that patron behavior that becomes disruptive to library users and staff or is a public nuisance is not allowed and the patron will be asked to leave. It also states that the Library reserves the right to refuse service to anyone who is not complying with library policy. (6/11/09 Letter from Gloria Langstaff to Plaintiff, attached as **Exhibit L**; Second Amended Complaint, ¶ 35.)

10. The Library's decision to prohibit Plaintiff from entering the Library premises was based on the confrontations he instigated with Library staff. The Library deemed the action necessary to protect its staff from intimidation, harassment, and disruption of job duties. The decision was also deemed necessary to ensure the enjoyment of the Library by other patrons and guard against further disruption. The decision was made pursuant to the Library Operations Policy and was not based on the substantive content of Plaintiff's speech or his viewpoint.

(Brophy Aff, Ex. F.)

11. On June 12, 2009, Plaintiff went to City Hall and demanded to speak to a police officer. He spoke to Officer Jake Auch. He told Officer Auch that he had received a letter banning him from the Library, and that he wanted it to be filed as a false report. Officer Auch told Plaintiff he would investigate. Plaintiff became agitated and told Officer Auch in a stern tone that he was running for mayor and might be his boss soon. Plaintiff also proclaimed he was responsible for sending Police Chief Ryan Oster to the FBI Academy for more training.

(Hamilton Police Department Case Report 209CR0001297, attached as **Exhibit M**; Oster Affidavit, Ex. K; 6/12/09 Declaration by witness Jamie Guisinger, attached as **Exhibit N**.)

12. On June 15, 2009, Plaintiff was seen outside the Library requesting library patrons to deliver a message to Langstaff. He had copied references, including a “Library Bill of Rights” and “The Freedom to Read Statement,” for delivery to Langstaff. (6/16/09 Incident Report by Gloria Langstaff, attached as **Exhibit O**.)

13. The next day, June 16, 2009, Plaintiff called the Library and spoke to Langstaff. He asked Langstaff meet him off premises. She refused. Plaintiff said, “okay,” and hung up. (Hamilton Police Department Case Report 209CR0001330, attached as **Exhibit P**; Oster Affidavit, Ex. K.)

14. Less than a half hour after speaking with Langstaff, Plaintiff called the Library reference desk to have “his property” returned to him. Langstaff contacted law enforcement. Hamilton Police Officer J. Reichart said that he would keep Plaintiff’s notebook and have him pick up the notebook at City Hall. (Hamilton Police Department Case Report 209CR0001330, Ex. P; Oster Affidavit, Ex. K.)

15. On June 16, 2009, Plaintiff emailed Library Board member Ellyn Jones. He said Langstaff banned him from Library when he told her that he would present information that would result in her termination. He said Langstaff had committed a crime by giving information to the Hamilton Police Department and

the Board would be an accomplice if they upheld her decision. He attached an affidavit and a copy of his computer “home page which got 500 hits a week.” He advised the home page could be updated about the Library. He also advised that he has eight years of post secondary education and holds a teaching license in Montana. He stated he is the “main impetus” to informing the FBI about the Hamilton Police Department covering up crime. (6/16/09 Email from Plaintiff to Ellyn Jones, attached as **Exhibit Q**.)

16. On July 8, 2009, Plaintiff submitted a Reconsideration Request Form to the Library, again demanding that the letter to President Obama be placed in the reserve collection. The Library read and considered the reconsideration request. (7/8/09 Reconsideration Request Form, attached as **Exhibit R**; Brophy Aff, Ex. F; Second Amended Complaint, ¶ 37.)

17. Following a number of confrontations with employees at the *Ravalli Republic* – including an incident during which Plaintiff told employees the paper was “over” and “done” – Hamilton police were called to respond to the newspaper’s offices on July 9, 2009. *Ravalli Republic* Editor John Cramer informed Plaintiff, in the presence of Hamilton police officers, that he was no longer permitted to enter the newspaper’s place of business. (Hamilton Police Department Case Report 208CR0002941, attached as **Exhibit S**; Hamilton Police

Department Case Report 209CR0001529, attached as **Exhibit T**; Oster Affidavit, Ex. K.)

18. On July 10, 2009, the *Ravalli Republic* sent a follow-up letter to Plaintiff: “Given the past interaction you have had with members of the Ravalli Republic team, we will no longer allow you to enter our physical premises located at 232 Main Street, Hamilton, MT 59840.” (7/10/09 Letter from Kristen Bounds to Plaintiff, attached as **Exhibit U**.)

19. On July 15, 2009, Plaintiff confronted a Library patron outside the Library. He asked that a letter be delivered to Langstaff. In the letter, Plaintiff alleged Langstaff had no authority to ban him from Library. He informed her that she had committed a crime by providing information to the Hamilton Police Department. He also informed her in bold typeface that he was reinstating his own library privileges. (7/15/09 Letter from Plaintiff to Gloria Langstaff, attached as **Exhibit V**; Hamilton Police Department Case Report 209CR0001589, Ex. F; Oster Affidavit, Ex. K; Second Amended Complaint, ¶ 40.)

20. After reviewing the letter, Langstaff again met with law enforcement. It was suggested she file for a temporary order of protection. On July 23, 2009, the Library Board of Trustees voted unanimously to support Langstaff if she should seek an order of protection. (8/3/09 Memo from Gloria Langstaff, attached



as **Exhibit W**; Hamilton Police Department Case Report 209CR0001589, Ex. F; Oster Affidavit, Ex. K.)

21. On August 20, 2009, Plaintiff was observed on Library grounds in the Library gazebo. Langstaff called law enforcement. Officer Snavely spoke with Plaintiff and took a report. Plaintiff left the library grounds. (Hamilton Police Department Case Report 209CR0001932, attached as **Exhibit X**; Oster Affidavit, Ex. K; 8/20/09 Memo and Notes by Gloria Langstaff, attached as **Exhibit Y**; Amended Complaint, ¶¶ 43, 44)

22. Officer Snavely later met with Plaintiff at City Hall. Officer Snavely warned Plaintiff not to go back to the Library. Officer Snavely told him that if he returned, he would be charged with trespassing. (Hamilton Police Department Case Report 209CR0001932, Ex. X; Oster Affidavit, Ex. K.)

23. Plaintiff returned to the Library that same afternoon. He confronted a female patron, Kay Cassens, who had been sitting with him in the gazebo before police arrived earlier that day. He asked if she had talked to the police and demanded her name and phone number. When she declined, Plaintiff left. However, he soon returned with a video camera and began filming Cassens. When she looked up and saw him, Plaintiff fled. (Hamilton Police Department

Case Report 209CR0001937, attached hereto as **Exhibit Z**; Oster Affidavit, Ex. K; 8/20/09 Memo and Notes by Gloria Langstaff, Ex. Y.)

24. Cassens went into the Library and reported the incident. She was upset. Ms. Langstaff called law enforcement. Two officers responded and made a report. (Hamilton Police Department Case Report 209CR0001937, Ex. Z; Oster Affidavit, Ex. K; 8/20/09 Memo and Notes by Gloria Langstaff, Ex. Y.)

25. That same day, Dr. Robert Brophy, on behalf of the Library Board, sent Plaintiff a letter. It stated the Board supported the Director's decision to ban Plaintiff from the Library. (8/20/09 Letter from Robert Brophy to Plaintiff, attached as **Exhibit AA**.)

26. On August 25, 2009, Plaintiff wrote the Library Board complaining of the ban. He argued Langstaff was not qualified for her position and should be replaced by Roddy. He advised that he is highly educated and holds national security clearance due to his working as a federal officer with "Homeland Security-FEMA" for two years. He also advised that Library employees had a criminal relationship with the police, and he had no desire to enter the Library. (8/25/09 Letter from Plaintiff to Dr. Brophy, attached as **Exhibit BB**.)

27. That same day, Plaintiff wrote on the "Bitterroot Rising" website that Langstaff was violating the law and the Library was working with the Hamilton

Police to commit crimes and to violate his rights. He complained that embezzlement was occurring at the Library, and it would be featured in a documentary due out in September. He said the Library “was toast.” He also said Langstaff “looks like one mean bat” and no terrorist would want to see Langstaff again after one look at her. Finally, he asked that the ACLU vacate Montana because of false advertising in claiming to stand up for First Amendment rights. (8/25/09 Posting by Plaintiff on bitterroot-rising.org, attached as **Exhibit CC.**)

28. Plaintiff was charged with criminal trespass for the incidents on August 20, 2009. On September 9, 2009, the City Court issued its Conditions of Release. In part, Plaintiff was precluded from entering the Library premises. He was also precluded from contacting any witnesses or victims. (*See* Second Amended Complaint, ¶ 46; 2/18/10 City Court Verdict and 2/18/10 City Sentencing Order, attached as **Exhibit DD.**)

29. Plaintiff was represented by an attorney in connection with the misdemeanor trespass charge. Plaintiff moved to dismiss the charge on the ground of insufficient evidence to support it. The motion was denied. (Relevant Pleadings and Orders from *State v. Spreadbury*, DC-10-26 (trespassing case), attached as **Exhibit EE.**)

30. On February 18, 2010, a city court jury found Plaintiff guilty beyond a reasonable doubt of the crime. Plaintiff was sentenced, and he appealed to the Ravalli County District Court. (See 2/18/10 City Court Verdict and 2/18/10 City Sentencing Order, Ex. DD.)

31. On November 4, 2009, one day after being defeated in the election for Mayor of Hamilton, Plaintiff confronted Nansu Roddy outside the Library. As Roddy stepped off the curb in front of the Library, Plaintiff pulled his vehicle to a stop and jumped out. He was agitated. He came at Roddy, demanding she get the criminal charges against him dismissed and cancel the criminal trial. Roddy was intimidated. She told Plaintiff she was not in a position to respond to his request. Plaintiff raised his fists at Roddy several times. She ran to her vehicle and tried to lock herself in the vehicle. When a truck stopped, Plaintiff got in his truck and fled. A man who had witnessed the incident came out of his office. He was concerned for Roddy. (Hamilton Police Department Case Report 209CR0002579, attached as **Exhibit FF**; Oster Affidavit, Ex. K; 11/4/09 Incident Report by Nansu Roddy, attached as **Exhibit GG**.)

32. Roddy applied for a temporary order of protection. The incident also led to Plaintiff being investigated and later charged with felony intimidation. Plaintiff was arrested on November 6, 2009. (Hamilton Police Department Case

Report 209CR0002579, Ex. FF; Oster Affidavit, Ex. K; Relevant Pleadings and Orders from *Roddy v. Spreadbury*, DV-10-93 (protection order case), attached as **Exhibit HH**; Relevant Pleadings and Orders from *State v. Spreadbury* (felony intimidation case), DC-09-154, attached as **Exhibit II.**)

33. At the order of protection hearing on November 20, 2009, where Plaintiff was represented by an attorney, the City Court made the Order of Protection permanent for five (5) years through November 14, 2014. In addition, the Protective Order was extended to protect the entire Library staff. In part, Plaintiff was not to come within 600 feet of Ms. Roddy's place of employment. (Relevant Pleadings and Orders from *Roddy v. Spreadbury*, DV-10-93 (protection order case), Ex. HH.)

34. On December 31, 2009, Plaintiff filed a motion to reconsider the Order of Protection. He alleged, inter alia, that Ms. Roddy gave false information in her application for the protective order, and that the order violated his right to peaceful assembly under the state and federal constitutions. He complained that the Court "had propagated a crime." The motion was denied. (Relevant Pleadings and Orders from *Roddy v. Spreadbury*, DV-10-93 (protection order case), Ex. HH.)

35. Plaintiff filed a motion to dismiss the intimidation charge on January 15, 2010, for a failure to establish probable cause for the offense. The motion was denied. (Relevant Pleadings and Orders from *State v. Spreadbury* (felony intimidation case), DC-09-154, Ex. II.)

36. On February 17, 2010, Plaintiff requested the Ravalli County District Court review and dissolve the Order of Protection. Plaintiff's request was denied. Plaintiff appealed the matter to the Montana Supreme Court, which dismissed his appeal on August 10, 2010 and upheld the Order of Protection. (Relevant Pleadings and Orders from *Roddy v. Spreadbury*, DV-10-93 (protection order case), Ex. HH.)

37. On August 16, 2010, the Hamilton City Attorney filed a motion to voluntarily dismiss the trespass charge against Spreadbury, which was pending on appeal to the District Court following the City Court jury's guilty verdict:

In light of the Montana Supreme Court's Order of August 10, 2010, upholding an Order of the District Court in Cause No. DV 10-93; the Order of Protection issued to Ms. Nansu Roddy has been confirmed, and the Defendant is restrained from entering the Bitterroot Public Library ("BPL") premises for five (5) years from May 20, 2010. Thus, the goal of both the City and the BPL, to protect BPL's staff and patrons, has been fulfilled, and neither the City nor the BPL see anything to be accomplished by continuing this prosecution.

(8/16/10 Motion To Dismiss in City of Hamilton v. Spreadbury and 8/16/10 Order of Dismissal, DC 2010-0026, attached as **Exhibit JJ.**)

38. On February 18, 2011, Plaintiff filed a petition for rehearing again challenging the order of protection. The petition was denied on March 15, 2011, and the Montana Supreme Court expressly warned Plaintiff that further legal filings against Roddy “may be sanctioned by the imposition of costs, attorney’s fees and/or other monetary or non-monetary penalties under M.R.App.P. 19(5).” (Relevant Pleadings and Orders from *Roddy v. Spreadbury*, DV-10-93 (protection order case), Ex. HH.)

39. On April 20, 2010, Plaintiff issued a written statement to the public that alleged misconduct by City Attorney Ken Bell at the order of protection hearing. The statement concluded with the following: “Get Ready for a constant pummeling in the courts. The hunters will become the hunted. Destroying lives for ego is pricey on budgets.” (4/20/10 Spreadbury Statement, attached as **Exhibit KK.**)

40. Plaintiff filed a civil complaint against Ms. Roddy in the Ravalli County District Court. However, on October 5, 2010, the Court entered its Order awarding summary judgment to Ms. Roddy. According to the District Court, Plaintiff had failed to establish his claim for infliction of emotional distress, and

his claims were barred by res judicata and collateral estoppel. Judgment was entered on October 18, 2010. Plaintiff did not appeal. (Relevant Pleadings and Orders from *Spreadbury v. Roddy*, DV-10-224, attached as **Exhibit LL**.)

41. Plaintiff filed another civil action against Bell in the Ravalli County District Court. Plaintiff alleged Bell led Roddy with gestures at the protective order hearing. He also alleged Bell elicited false testimony and defamed Plaintiff. Further, Plaintiff alleged the infliction of emotional distress. However, on August 9, 2010, the District Court granted Mr. Bell's motion to dismiss on the basis of prosecutorial immunity. (Relevant Pleadings and Orders from *Spreadbury v. Bell*, DV-10-223, attached as **Exhibit MM**.)

42. Plaintiff appealed the decision to the Montana Supreme Court, which affirmed the District Court. The Supreme Court determined that Mr. Bell was protected by immunity. (Relevant Pleadings and Orders from *Spreadbury v. Bell*, DV-10-223, Ex. LL.)

43. Plaintiff sought to file a petition for rehearing. He argued that the adherence to the law escaped the Montana Supreme Court. He questioned the Court's ability to understand English. He also stated the Supreme Court had "enveloped" municipal fraud. Plaintiff's petition for rehearing was rejected as



untimely. (Relevant Pleadings and Orders from *Spreadbury v. Bell*, DV-10-223, Ex. LL.)

44. Plaintiff entered into a plea agreement regarding the felony intimidation charge. The District Court accepted Plaintiff's plea of *nolo contendere* on October 15, 2010. (Relevant Pleadings and Orders from *State v. Spreadbury* (felony intimidation case), DC-09-154, Ex. II.)

45. Despite his plea, Plaintiff appealed the criminal judgment to the Montana Supreme Court. He argued the District Court did not have jurisdiction over the intimidation offense because there was no probable cause to support it. The Montana Supreme Court determined that he waived this argument by entering the plea. (Relevant Pleadings and Orders from *State v. Spreadbury* (felony intimidation case), DC-09-154, Ex. II.)

46. On August 18, 2010, the *Ravalli Republic* in Hamilton reported to law enforcement that Plaintiff was calling the office and other executives of Lee Enterprises demanding the *Ravalli Republic* print an apology for past reports that Plaintiff viewed as unfavorable. Since being banned from the property, Spreadbury would often sit outside and pay children to bring letters in, or would convince individuals entering the office to deliver them for him. Officer Niemer called Plaintiff and told him he was still trespassed from the *Ravalli Republic*

premises. (Hamilton Police Department Case Report 210CR0001938, attached as **Exhibit NN**; Oster Affidavit, Ex. K.)

47. In December 2010, Plaintiff began contacting the Montana Library Commission and the Montana State Library. He alleged Roddy had lied to a judge and to law enforcement. He alleged he had been improperly banned from Library. When Plaintiff was advised that the Montana Library Commission had no authority to withhold funding from the Library as Plaintiff requested, Plaintiff began attacking the Commission. He alleged the Commission and the State Library were covering up crimes, and demanded the resignation of Montana State Librarian Darlene Staffeldt. (Correspondence between Plaintiff and Darlene Staffeldt, attached as **Exhibit OO**.)

48. On April 22, 2011, Plaintiff emailed the Department of Justice. He stated that the State Library was condoning a crime by a member library, the fraudulent use of public funds. Plaintiff wrote, "These scumbags and white collar criminals are covering up for each other." (4/22/11 Email from Plaintiff to DOJ, attached as **Exhibit PP**.)

49. Plaintiff also attacked the Montana Supreme Court. He announced on the Internet that one Justice had been implicated in taking improper funds from lawyer groups for favorable decisions. Other Justices were described as having no

backbone, being an empty suit, and being a burden on public funds. Finally, he described one Justice as “a shifty bastard who can’t even sit still for a photograph.” (Plaintiff’s Website Posting, attached as **Exhibit QQ.**)

50. On April 25, 2011, under the heading “We The People Of Montana,” Plaintiff issued a written statement “for immediate release” to the public entitled “Hamilton Library To Open Pedophilia Room With Public Funds.” Plaintiff stated the room was inspired by Michael Jackson, was referred to by Library staff as “Neverland,” and was equipped with mood lights. Ms. Roddy was alleged to have said the lighting was to help the “children feel more comfortable.” It also stated that Dr. Brophy approved all of the improvements and is assured that MMIA would cover any mishaps or complaints. (4/25/11 Plaintiff Statement, attached as **Exhibit RR.**)

51. On November 16, 2010, Plaintiff sued the City and Ken Bell for an alleged failure to provide police reports to Plaintiff in violation of his public right to know. In response to Plaintiff’s request for injunctive relief, the District Court determined the reports involved confidential criminal justice information, and following a balancing of privacy interests, the Court made redacted copies available to Plaintiff under seal. Subsequently, Plaintiff announced that he had a

copy of one of the reports when he filed suit. (Relevant Pleadings and Orders from *Spreadbury v. City, et al*, DV-10-639, attached as **Exhibit SS**.)

52. On April 11, 2011, Plaintiff requested the City provide him with a motor vehicle accident report in a matter to which Plaintiff was not a party. The report was determined to be confidential under MCA § 61-7-114(2), and its production to Plaintiff was refused. In response, Plaintiff advised that he was a licensed physics teacher and he needed the report for research purposes. The request was again refused. Plaintiff filed a Petition for Writ of Mandamus against the Hamilton City Attorney, City of Hamilton, and Boone Karlberg. Once the City moved the district court to declare Plaintiff a vexatious litigant, however, Plaintiff voluntarily dismissed his case. (Relevant Pleadings and Orders in *Spreadbury v. Mahar*, DV-11-535, attached as **Exhibit TT**.)

53. Plaintiff's allegations against Mayor Jerry Steele are based on a conversation Steele had in his office with two private citizens, Lorraine Crotty and Dick White. These individuals are believed to be friends or acquaintances of Plaintiff Michael Spreadbury. (Affidavit of Jerry Steele, attached as **Exhibit UU**.)

54. Steele recalls Crotty and White came to his office to discuss a proposed agreement between the Hamilton Police Department and County Sheriff. The conversation later turned to Spreadbury. Crotty and/or White commented that

they had observed Spreadbury during a court hearing and that he handled himself well. Steele made a comment that, in his experience, Spreadbury's behavior is inconsistent, and that sometimes "he acts like a schizophrenic." (Steele Aff., Ex. UU.)

55. Steele has no personal knowledge regarding Spreadbury's medical or emotional condition, and it was not his intention to imply or suggest he had any such knowledge, or to comment on Spreadbury's medical or emotional condition. Rather, he was merely expressing an opinion about Spreadbury's inconsistent behavior, based upon his personal experience, in a private conversation. (Steele Aff., Ex. UU.)

56. At all times pertinent to this litigation, Gloria Langstaff was the Library Director. Trista Smith, who is the current Library Director, was not employed at the Library and did not participate in any fashion with the Library's decisions regarding Spreadbury. (Brophy Aff., Ex. F.)

57. In this lawsuit, because the factual bases for Plaintiff's conclusory allegations are far from clear, the City Defendants have been trying for months to obtain meaningful discovery responses from Plaintiff. On April 29, 2011, the City Defendants served their first and only set of interrogatories on Plaintiff. The interrogatories were basic contention-type interrogatories, asking Plaintiff to set

forth the facts, people and documents supporting his claims for damages. (*See* Defendants' Interrogatories, attached as **Exhibit VV**.)

58. Plaintiff's answers to the discovery requests were due June 1, 2011. That date came and went. Plaintiff refused to answer the requests. The City Defendants were forced to file a motion to compel, which Plaintiff opposed. However, on July 25, 2011, the Court granted the motion to compel. (Docs. 55, 60, 61, 68.)

59. Despite being expressly ordered to respond to the discovery, and despite the Court's having rejected his arguments to the contrary, Plaintiff persisted in his refusal to answer the requests. The City Defendants were then forced to file a second motion to compel, which the Court granted on August 25, 2011. (Docs. 83, 100.)

60. In the second order compelling discovery, the Court ordered Plaintiff to "responsively answer Defendants' discovery requests on or before September 6, 2011." The Court expressly warned Plaintiff that if he failed to comply, the Court could impose more severe sanctions: "Plaintiff is cautioned that if he fails to comply with this order, the Court may dismiss his case in whole or in part, or prohibit him from supporting or opposing certain claims or allegations." (Doc. 100, p. 3.)

61. Plaintiff did not comply. The deadline set by the Court came and went. The day before the hearing on fees – approximately one week after the Court’s deadline for responding – Plaintiff began to fax what he calls “discovery responses” to the City Defendants. The last sets of responses were received just hours before the hearing. (See 9/13/11 Fax from Spreadbury, attached as **Exhibit WW**; 9/14/11 Fax from Spreadbury, attached as **Exhibit XX**.)

62. Most of Plaintiff’s responses amount to no responses at all. Perhaps most glaringly, there is an absolute and complete failure by Plaintiff to provide any information regarding his alleged damages. (See 9/13/11 Fax from Mr. Spreadbury, Ex. XX; 9/14/11 Fax from Mr. Spreadbury, Ex. YY.)

63. Plaintiff was asked to describe the injury to his character and the emotional distress alleged in his complaint. He was asked to provide information on health care professionals and counselors. These requests were met with a flat “no.” Curiously, after placing his condition squarely at issue in this case, Plaintiff claims the information is irrelevant, and that it’s protected from disclosure by his privacy rights. (See 9/13/11 Fax from Mr. Spreadbury, Ex. XX; 9/14/11 Fax from Mr. Spreadbury, Ex. YY.)

64. Plaintiff was asked to provide his work history for the past 10 years, including names of employers, dates of employment, job positions and duties.

This information is directly relevant because Plaintiff is seeking \$2.2 million in lost earnings. But Plaintiff refused to answer, stating: “I am redressing injury caused by Defendants including Defendant Law Firm Boone Karlberg.

Information is irrelevant to this case: if the Defense can establish relevancy with respect to sitting on public property I will discover the information.” (See 9/13/11 Fax from Spreadbury, Ex. XX; 9/14/11 Fax from Spreadbury, Ex. YY.)

65. On October 4, 2011, the undersigned wrote to Spreadbury regarding the responses. The letter detailed the responses’ deficiencies and requested supplementation by October 12, 2011. The letter advised the City Defendants would move for the sanction of dismissal if meaningful responses were not provided. (10/4/11 Letter from Tom Leonard to Plaintiff, attached as **Exhibit YY**.)

66. Plaintiff responded to the letter on October 11, 2011. The letter is primarily a tirade against the judicial system and contains personal attacks directed at the Court, the undersigned, and others. Also, attached to the letter is a list of colleges from the Internet entitled “What’s Your College Degree Worth?”, and what appears to be an offer of employment letter to Plaintiff from FEMA, dated September 29, 2006. As such, Plaintiff continues in his refusal to provide any



meaningful discovery. (10/11/11 Letter from Plaintiff to Tom Leonard, attached as **Exhibit ZZ.**)

67. Plaintiff has recently raised new allegations regarding an alleged “unlawful entry” into his home. The subject incident occurred on October 4, 2011. Hamilton police were called by Plaintiff’s probation officers for assistance. According to the probation officers, they sought assistance because Spreadbury was uncooperative and very agitated during their routine visit to his home. The police officers responded to Spreadbury’s residence and stood in the doorway while the probation officers finished their business with Spreadbury. They then left. Spreadbury filmed the officers with a digital camera, and has since posted the video on the Internet. (Hamilton Police Department Case Report 211CR0002216, attached as **Exhibit AAA.**)

DATED this 17<sup>th</sup> day of November, 2011.

/s/Thomas J. Leonard  
Thomas J. Leonard  
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 17<sup>th</sup> day of November, 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/ Thomas J. Leonard  
Thomas J. Leonard  
BOONE KARLBERG P.C.  
*Attorneys for Defendants Bitterroot Public  
Library, City of Hamilton,  
and Boone Karlberg P.C.*