

*CITY COURT*

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DEBBIE HARMON, CLERK

MAY 20 2010

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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 18<sup>th</sup> day of May, 2010.

18  
19   
20 JOHN W. LARSON, District Judge

21 Copies of the foregoing were sent to:

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

24  
25 Michael E. Spreadbury  
700 South 4<sup>th</sup> Street  
Hamilton, MT 59840  
(406) 363-3877  
26

*City Court*  
Order - Page 2

EXHIBIT HH

1 John W. Larson, District Judge  
2 Fourth Judicial District Dept. 3  
3 Missoula County Courthouse  
4 Missoula, MT 59802  
5 (406) 258-4773

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DEBBIE HARMON, CLERK

JUL 09 2010

*Gary D. ...*  
DEPUTY

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7  
8 MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT,  
9 RAVALLI COUNTY

10 NANSU RODDY,  
11 Plaintiff,

12 v.

13 MICHAEL E. SPREADBURY,  
14 Defendant.

Cause No. DV-10-93 /29

ORDER DENYING MOTION FOR  
RECONSIDERATION OF CITY  
COURT ORDER OF  
PROTECTION

15  
16 On June 11, 2010, Defendant Michael Spreadbury filed a Request  
17 for Reconsideration on Civil Order of Protection. Plaintiff has filed their  
18 objection and Defendant has filed his reply.

19  
20 Defendant has presented no new evidence which would merit  
21 reconsideration pursuant to Rule 59 or 60 of the Mont.R.Civ.P.  
22

23 Defendant's Request for Reconsideration of this Court's Order of May  
24 18, 2010, stating the Permanent Order of Protection remains in effective  
25 consistent with the Hamilton City Court Order of November 20, 2009,  
26

Order - Page 1

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EXHIBIT HH

remains in effect.

DATED this 7<sup>th</sup> day of July, 2010.

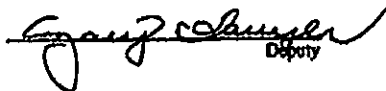
  
JOHN W. LARSON, District Judge

Copies of the foregoing were sent to:

Natasha Prinzing Jones, Esq.  
Boone, Karlberg, P.C.  
201 W. Main, Suite 301  
Missoula, MT 59802,

Michael E. Spreadbury  
700 South 4<sup>th</sup> Street  
Hamilton, MT 59840  
(406) 363-3877

I certify that I forwarded copies of  
this instrument to counsel of record  
by regular mail  
July 7th 2010  
Debbie Harmon, Clerk

  
Deputy

FILED

August 10 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 10-0352

NANSU RODDY,

Petitioner and Appellee,

v.

MICHAEL E. SPREADBURY,

Respondent and Appellant.

FILED

AUG 10 2010

ORDER

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

On July 19, 2010, Michael E. Spreadbury (Spreadbury) filed a Petition for Out of Time Appeal from an order dated May 20, 2010. He contends that this order from the Twenty-first Judicial District Court, Ravalli County Cause No. DV 10-93, was interlocutory in nature, and thereby attempts to justify the untimeliness of his appeal.

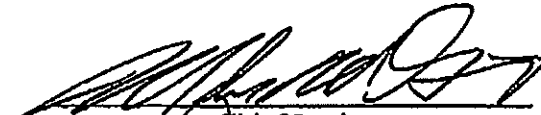
Petitioner Nansu Roddy, by counsel (Roddy), has filed a Motion to Dismiss Appeal and Brief in Support. She argues that the Notice of Appeal was not filed until 57 days after the final judgment was rendered, and that the May 20 District Court order is a final order. She further argues that Spreadbury has not established the existence of any extraordinary circumstances as required by M. R. App. P. 4(6).



Spreadbury has failed to file a verified petition or affidavit as is required by M. R. App. P. 4(6). Characterizing the District Court's Order on Appeal of City Court Order of Protection as an interlocutory order does not change the nature of the order. It is obvious that Spreadbury appealed the Permanent Order of Protection from the Hamilton City Court to the District Court, and that the District Court order affirming the order of protection constitutes a final order. Therefore, the appeal was untimely. Spreadbury has failed to establish extraordinary circumstances justifying the late filing of an appeal. Accordingly,

IT IS ORDERED that Spreadbury's Motion to File an Out of Time Appeal is DENIED. In light of this conclusion, all issues raised by Spreadbury relative to the filing fee are moot as Spreadbury is now not required to pay a filing fee.

The Clerk is directed to serve a copy of this Order upon counsel of record and upon Spreadbury at his last known address.

DATED this 10<sup>th</sup> day of August, 2010.

  
\_\_\_\_\_  
Chief Justice  
Patricia Cotter

\_\_\_\_\_  
  
  
\_\_\_\_\_  
Justices

1 John W. Larson, District Judge  
2 Fourth Judicial District Dept. 3  
3 Missoula County Courthouse  
4 Missoula, MT 59802  
5 (406) 258-4773

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DEC 09 2010

*Angie (Dawyer)*  
DEPUTY

6 MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT,  
7 RAVALLI COUNTY

8 NANSU RODDY,  
9 Plaintiff,

v.

10 MICHAEL E. SPREADBURY,  
11 Defendant.

Cause No. DV-10-93 / 42

ORDER DENYING DEFENDANT'S  
MOTION TO AMEND; AND  
ORDER PLACING FILE IN  
CLOSED STATUS

12  
13 Defendant has filed a Motion to Amend Temporary Order of  
14 Protection. Plaintiff has filed her objection.

15  
16 IT IS HEREBY ORDERED that Defendant's Motion to Amend is  
17 denied. The Permanent Order of Protection remains in full force and effect.

18  
19 IT IS FURTHER ORDERED that this file shall be placed in a closed  
20 status. Defendant shall cease filing pleadings in this case against Plaintiff  
21 by virtue of the criminal Judgment and sentence in Cause No. DC-09-154  
22 and the Permanent Order of Protection affirmed by this Court.

23  
24 DATED this 7<sup>th</sup> day of December, 2010.

25  
26 I certify that I forwarded copies of  
this instrument to counsel of record  
by *spreadbury by regular mail*  
Order - Page 1 *received 13, 2010*  
Debbie Harmon, Clerk

*John W. Larson*  
JOHN W. LARSON, District Judge

*Angie (Dawyer)*  
Deputy

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William L. Crowley, Esq.  
Natasha Prinzing Jones  
Boone Karlberg PC  
P. O. Box 9199  
Missoula, MT 59807

Michael E. Spreadbury  
700 South 4<sup>th</sup> Street  
Hamilton, MT 59840  
(406) 363-3877