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Attorneys for City Defendants

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

**AFFIDAVIT OF DR. ROBERT
 BROPHY**

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 Spreadbury's speech.

5. At no point did the Library seek to chill or deter Spreadbury's speech. In fact, on more than one occasion Library staff suggested alternative ways to Spreadbury to publicize his opinions.

6. Prior to being banned from the Library, Spreadbury was invited to attend a Library board meeting regarding his proposed submission. However, once the ban was put into effect, he could not enter Library property. Because the proposed submission failed to comply with the Collection Management Policy criteria, the Library's decision not to include it in its collection would not have changed.

7. Spreadbury submitted letters and a "reconsideration form" to the Library and spoke to Library staff regarding the denial of his proposed submission and his banning from the premises. These submissions were considered by the Library, but did not change its position on either front.

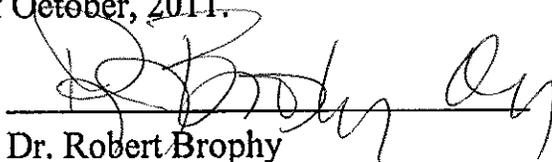
8. Given Spreadbury's disruptive and intimidating behavior toward Library staff, nothing Spreadbury could have presented would have altered the Library's decision to prohibit his entry onto the property.

9. 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.

10. I am aware that Spreadbury's pleadings in this lawsuit reference a February 23, 2010 letter, apparently from me, removing his library privileges. To the best of my knowledge and recollection, there was no such letter. I sent one letter to Spreadbury stating the Library Board supported Gloria Langstaff's decision to prohibit his entry onto Library property. That letter was dated August 20, 2009.

11. Further affiant sayeth naught.

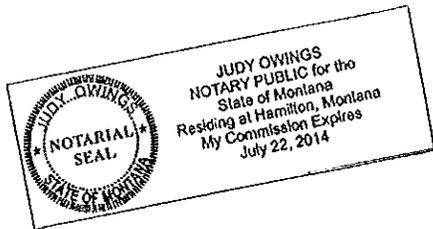
DATED this 13th day of October, 2011.



Dr. Robert Brophy

SUBSCRIBED AND SWORN TO before me this 13th day of October, 2011,

by Dr. Robert Brophy.



Judy Owings
Printed Name: Judy Owings
Notary Public for the State of Montana
Residing at Hamilton, Montana
My commission expires: July 22, 2011