

# BOONE KARLBERG P.C.

ATTORNEYS AT LAW

October 4, 2011

Michael E. Spreadbury  
P.O. Box 416  
Hamilton, MT 59840

RE: *Spreadbury v. Bitterroot Public Library, et. al.*

W.T. BOONE (1919-1984)  
KARL R. KARLBERG (1923-1988)  
JAMES J. BENN (1944-1992)  
THOMAS H. BOONE  
WILLIAM L. CROWLEY  
RANDY J. COX  
ROBERT J. SULLIVAN  
DEAN A. STENSLAND  
CYNTHIA K. TIBEL  
ROSS D. TILLMAN  
JAMES A. BOWDITCH  
MATTHEW B. HAYLURST  
SCOTT M. STEARNS  
NATASHA PRINZING JONES  
THOMAS J. LEONARD  
JULIE R. SIRRS

Dear Mr. Spreadbury:

I am writing today to make one final attempt to resolve issues relating to your failure to respond to discovery. As I outlined at the recent hearing, the discovery responses you served just before the hearing were not only late, they violated the Court's instruction to "responsively answer Defendants' discovery requests. . . ." (Doc. 100, p. 3 (emphasis added).) The Court expressly warned you that if you failed to comply with its order, 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.)

Perhaps most glaringly, there is an absolute failure to provide any meaningful information regarding your alleged damages. In this regard, you seek millions of dollars in compensatory damages. (Doc. 62.) But when asked to state the nature and amount of those damages (Oster Interrogatory No. 5), you responded that "[c]ompensatory damages against Defendants are consistent with court precedent for IIED, NIED cases in Montana, and §1983 cases previously tried." That is not sufficient and amounts to a failure to respond.

Similarly, you were asked to describe the injury to your character and the emotional distress alleged in your complaint. You were asked to provide information on health care professionals and counselors. (Library Interrogatories Nos. 4-7.) These requests were met with a flat "no." As I understand it, your position is that the information is irrelevant, and that it's protected from disclosure by privacy rights. This amounts to a failure to respond.

Along similar lines, you were asked to provide your work history for the past 10 years, including names of employers, dates of employment, job positions and duties. (Snavelly Interrogatory No. 6.) This information is directly relevant because you are seeking \$2.2 million in lost earnings. And yet, you 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." This, too, amounts to a failure to respond.

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Apart from damages, your responses to the liability contention interrogatories are generally not responsive. For the most part, they are formulaic recitations of the elements of claims or your own conclusions about the violations of particular rights. As just one example, Defendant Roddy asked you to identify the specific acts or omissions by her that allegedly violated your constitutional rights. (Roddy Interrogatory No. 2.) You did not identify a single act or omission. You did not identify a single person with knowledge, or a single supporting document. Instead, you simply presented a list of rights that Roddy allegedly violated. This is not sufficient. Most of the other defendants' interrogatories were "answered" in similar fashion, and amount to a failure to respond.

As the Court explained at the recent hearing, no one disputes your right to disagree with the Court and to file an appeal when appropriate. But you do not have the right to simply disregard the Court's orders and the applicable rules of procedure.

Please provide your supplemental discovery responses by October 12, 2011. If I do not receive responsive answers on or before that date, I will move the Court to impose the sanction of dismissal with prejudice, pursuant to Fed. R. Civ. P. 37(b)(2).

On a separate note, please let me know as soon as possible when we can expect your payment of the attorney fee sanctions award. Please note that failure to pay a sanctions award may also serve as the basis for dismissal. *See Moon v. Newsome*, 863 F.2d 835, 837-38 (11th Cir. 1989) (concerning IFP plaintiff's refusal to pay court-ordered sanctions.) Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas J. Leonard', with a large, stylized flourish at the end.

Thomas J. Leonard

TJL/me