

Michael E. Spreadbury
700 S. 4th Street
Hamilton, MT 59840
Telephone: (406) 363-3877
mspread@hotmail.com

Pro Se Plaintiff

FILED

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PATRICK E. DUFFY, CLERK
By _____
DEPUTY CLERK, MISSOULA

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)

PLAINTIFF STATEMENT

OF DISPUTED FACTS

TO DENY DEFENDANT

SUMMARY JUDGMENT

Comes now Plaintiff with list of disputed material facts to deny Defendant City,
Public Library motion for summary judgment before this Honorable Court.

Statement of Disputed Facts

1. Bitterroot Public Library owns no private property (AKA “Library Property”) at 306 State St. Hamilton MT site of Plaintiff peaceful assembly August 20, 2009.
2. Plaintiff never committed a crime at, in, near, or around Bitterroot Public Library in 2009 (e.g. see affidavit 11/21/11; #6)
3. Bitterroot Public Library violated policy with respect to Plaintiff submission with verbal denial May 29, 2009, written denial July 9, 2009.
4. Bitterroot Public Library violated procedure as Plaintiff submitted “Reconsideration Request Form” dated July 8, 2009 and library ignored.
5. Plaintiff letter of July 15, 2009 indicated to public library, City law enforcement that Plaintiff library privileges removed unlawfully.
6. Peaceful assembly August 20, 2009 by Plaintiff on public property at 306 State St. Hamilton Montana constitutes criminal trespass to Defendants.
7. Bitterroot Public Library violated right to liberty, equal protection by unlawfully removing privileges without Plaintiff knowingly in violation of rules as cause.
8. Plaintiff was never asked to leave Bitterroot Public Library, or notified behavior was not appropriate by any staff of the public library.

9. Trespass charge by City of Hamilton later dismissed is malicious prosecution.
10. Defense actors never pled functional analysis for qualified or other immunity, merely claimed actors were “entitled” to immunity.
11. Bitterroot Public Library never provided administrative remedy for Plaintiff to be heard in re: removal of library privileges.
12. Defense in motion for summary judgment did not address or dispel conspiracy to deprive rights, 42 USC§1983; cause in aforementioned.
13. Parties to this case dispute prima facie case for IIED, NIED established.
14. Account in Defense version of Mayor describing Plaintiff as schizophrenic in Hamilton City Hall differs than version relayed to Plaintiff.
15. Imputing loathsome disease, or “like” someone with loathsome disease qualifies as slander in Montana.
16. Defendant Brophy negligent in removing plaintiff library privileges as he knew, should have known Plaintiff was never asked to leave library, or approached about behavior.
17. Parties to this case are in dispute as to immunity of public library defendants.
18. Defendant City Police officers knew, should have known depriving rights of peaceful assembly, speech bring law enforcement liability.

19. Parties to this case are in dispute as to Policymaker liability to the City of Hamilton; several instances occurred, if liable bring punitive damages.
20. Defendant Brophy abuse of process as 2nd denial of library privileges February 23, 2010 as Brophy knew, should have known Plaintiff did not willfully violate the rules, nor was told by library staff, others of violations.
21. Parties dispute severe and intentional action in Joint Function brought tortious interference manifested in Plaintiff full disability due to stress, anxiety, defamation knowingly applied, unlawfully applied to Plaintiff.
22. Probation officers without reasonable suspicion October 4, 2011 entered plaintiff residence called off Defendant Police officers Oster, Murphy, but Defendant officers executed unlawful entry, trespass, violation of Plaintiff liberty, equal protection.
23. John Cramer, witness to Defendant Ravalli Republic July 9, 2009 entry by Plaintiff never told Plaintiff to not enter Lee place of business at 232 W. Main Hamilton, MT; Defendant and Official policymaker Oster did.
24. Defendant Lee called in threats to Ravalli County Dispatch July 9, 2009, Defendant City Police responded, Witness John Cramer said it was Plaintiff behavior not threats that caused problem.
25. Ravalli Republic newspaper conducted business as Plaintiff hand wrote note July 9, 2009 in small waiting area at 232 W. Main St. Hamilton MT.

26. Official policymaker Oster violated Plaintiff's 5th Amendment right to liberty, 14th Amendment right to equal protection to enter a business open to the public at 232 W. Main St. Hamilton, MT by asking Plaintiff not to return without cause to do so on July 9, 2009.
27. Plaintiff never returned to the Bitterroot Public Library since July 10, 2009.
28. Bitterroot Public Library policy for patron submissions with verbal denial May 29, 2009 by Defendant Roddy, July 9, 2011 with Defendant Langstaff written correspondence.
29. Promise of library policy as attachment to Langstaff letter July 9, 2009 was reason for Plaintiff entry into public library prior to unlawful "ban".
30. Plaintiff asked for omitted library policy of Jo Frankfurter who refused to release public library policy or indicate any problem with Plaintiff's behavior.
31. Plaintiff left July 9, 2009 letter authored by Defendant Langstaff unlawfully denying submission request to facilitate distribution of public library policy to Plaintiff.
32. Plaintiff was expecting public library policy on or around July 11, 2009 and received unlawful ban from Defendant Langstaff by certified mail.
33. Defendant Roddy was not threatened November 4, 2009 by Plaintiff.

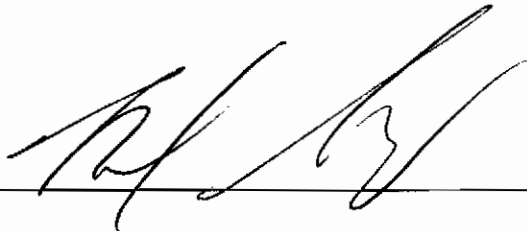
34. Roddy gave unsolicited, defamatory information to Defendant City Police November 4, 2009 about Plaintiff without probable cause of a felony crime.
35. Defendant Langstaff, Director of public library in 2009 attempted on several occasions to impute crime on Plaintiff in Joint Function with Defendant City, seen in Defendant City police reports under seal.
36. Defendant Snavelly did not uphold Plaintiff right under Montana Code to use library, violating liberty interest (Amendment 5) of Plaintiff.
37. Plaintiff has affiant no crime committed in Ravalli Co. Montana including in, around, or on public property of Bitterroot Public Library, and has submitted public trust national security clearance (exhibit A TR. #130).
38. City of Hamilton Montana is not lawfully incorporated by requirements in Montana Code, admitted by Defendant Mayor Steele in 2009 Public meeting captured on video.
39. The charge of trespass on public property published by Defendant Lee as front page headline identifying Plaintiff, and likeness September 10, 2009 altered Plaintiff election November 3, 2009 for Hamilton MT mayor.
40. The alleged 13 contacts with Defendant Hamilton Police; published by Defendant Lee, entered via seal is ex parte communication via City Defense counsel. Action violates Plaintiff due process, demonstrated conspiracy to deprive Plaintiff established right, is defamation, joint function, and also

interfered with Plaintiff election (Public Function Test) for Mayor of Hamilton.

41. Bitterroot Public Library as independent publically funded entity can not own private property at 306 State Street Hamilton, MT, site of Plaintiff peaceful assembly August 20, 2009.

42. Defense litigation for Bitterroot Public Library is being paid by municipal "insurance" paid by fraud of City of Hamilton taxpayers; public library is not eligible for municipal coverage as independent entity defined in the library compact in Montana Code Ann. MCA§ 22-1-611 et. seq.

Respectfully submitted this 23rd day of November, 2011



Michael E. Spreadbury, Pro Se Plaintiff