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Pro Se Plaintiff

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)

**MOTION TO QUASH
INVALID SUBPOENAS**

Comes now Plaintiff with motion to move court to quash invalid subpoena deuces tecum issued by Defendant Boone Karlberg PC on behalf of Defendants served upon several third parties in violation of Plaintiff expectation of privacy.

Motion:

WHEREFORE, Plaintiff moves court to quash unlawful subpoena deuces tecum requests from Defendants that violate Plaintiff expectation of privacy, without court approval, lacks release by Plaintiff, and in violation of federal statute that protects confidential information.

Brief in Support:

Plaintiff has expectation of privacy, Defendant Boone did not establish with court approval of release of protected information **Privacy Act**: 5 USC§ 552(a)(b);

HIPPA Act: 45 CFR§ 160-164; **FERPA 1974**: 20 USC§ 1232g & 34CFR part 99.

Without lawful subpoena, Defendant issuing unlawful requests to third parties with respect to this case in violation of Plaintiff lawful expectation of privacy.

Plaintiff has expectation of privacy from unlawful subpoena *US v. Miller 425 US at 442 (1976)*. The issuance of subpoenas by Defendant Boone is controlled by existing legal process *Calif. Bankers Assn. v. Shultz 416 US 21 (1974)*. Plaintiff right to be free from government search and seizure violated as Defendant City of Hamilton Montana seeks information unreasonably with unlawful subpoena; government objectives violate privacy of Plaintiff which he justifiably relies *Katz v. US 389 US at 353 (1967)*. Information sought on behalf of government protected by aforementioned federal laws with authority in this Honorable Court.

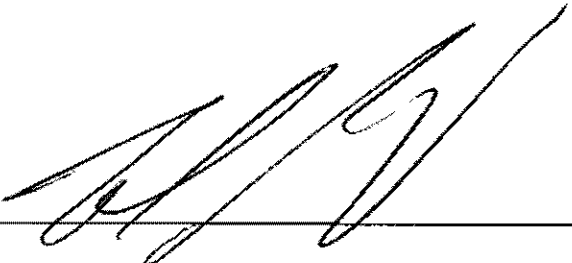
Defense intruded into Plaintiff zone of privacy in violation of 4th Amendment US Constitution as Defendants in this cause of action 42 USC§ 1983 for civil rights *Hoffa v. US 385 US at 301-302 (1966) citing Boyd v. US 116 US 616 (1886)*. The nature of the documents needs to be examined for legitimacy, protecting Plaintiff expectation of privacy concerning contents *Couch v. US 400 US at 335 (1973)*.

Court is asked to quash all Defendant unlawful subpoena deuces tecum for violation of expectation of Plaintiff privacy without court signature, release by Plaintiff, or applicable order. Information sought by Defendants violate Plaintiff expectation of privacy, right to be free from government search, seizure of such records protected by federal statute, US Constitution Amendment 4.

Certificate of Compliance

From LR 7(d)(2)(E) US District Court Rules Montana, I certify that this brief conforms with 14 point font, New Times Roman typeface, is double spaced, contains 356 words excluding title page, this compliance.

Respectfully submitted this 28th day of November, 2011



Michael E. Spreadbury, Pro Se Plaintiff