

Michael E. Spreadbury  
700 S. 4<sup>th</sup> Street  
Hamilton, MT 59840  
Telephone: (406) 363-3877  
[mspread@hotmail.com](mailto:mspread@hotmail.com)

**FILED**  
NOV 30 2011  
By PATRICK E. DUFFY, CLERK  
DEPUTY CLERK, MISSOULA

*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 FOR ORDER**  
**DEFENSE CONTEMPT**

---

Comes now Plaintiff with Rule 7.1(b) motion for ORDER before court due to Defendant Boone request and acquiring confidential, privileged information *inter alia* in violation of F.R. Civ. P. Rule 26(b), bad faith conduct, abuse of judicial process, contempt of court outside of proceeding.

Motion:

**WHEREFORE**, Plaintiff moves court to adopt proposed order, other relief, hearing as to Defendant Boone conduct knowingly in harassment of Plaintiff, in contempt of Federal Rule 26(b) before this court.

Defense opposes motion.

Brief in Support:

Plaintiff has expectation of privacy, confidential information obtained by Defendant Boone without court approval or release of protected information in violation of F.R.Civ.P. Rule 26(a). The **Privacy Act**: 5 USC§ 552(a)(b); **HIPPA Act**: 45 CFR§ 160-164; **FERPA 1974**: 20 USC§ 1232g & 34CFR part 99 protect Plaintiff from breach of confidential, privileged information. Without lawful subpoena, Defendant issuing unlawful subpoena to third parties to unlawfully obtain confidential information in violation of Plaintiff lawful expectation of privacy.

Plaintiff made court aware September 14, 2011 at time of oral argument that privileged, protected information being sought by Defendants. Plaintiff asked court to uphold federal privacy laws at oral argument. Plaintiff served on court October 14, 2011 *Notice of Continued Unlawful Activity* Exhibits A-C Boone disclosed full Social Security Number (SSN) of Plaintiff as coversheet for unlawful

Subpoena to third parties in violation of Rule 26(a). Plaintiff served leave file motion for sanctions against Defendant Boone after a 21 day safe harbor November 4, 2011 for bad faith litigation for violating order of court, harassing plaintiff. This court has not upheld court rules, protections to Plaintiff.

Court is given notice of ability to levy sanctions on Defendant Boone for activity outside a courtroom *Young 481 US at 798 (1977)*. Plaintiff presents cease and desist proposed order for knowingly seeking privileged, confidential information in violation of FRCP Rule 26(a), court can find Boone in contempt by notice and hearing before this court.

Information secured by adverse party counsel must be judged with care to not violate protected information, court must preclude unwarranted “excursions into the privacy of a man’s work” *Hickman v. Taylor 329 US at 497 (1947)*. On two occasions, Defendant Boone corresponded with Montana Department of Corrections with intent to harass, give bad faith information to put Plaintiff in undue jeopardy with no intention of gathering information for discovery with respect to the aforementioned. Defendant Boone is in violation of 28 USC§ 1927 for vexatious actions to harass, retaliate against Plaintiff for seeking confidential, privileged information, issue harassing information in cause for 42USC§ 1983.

Court has good reason, cause to call hearing, issue cease order for contempt outside court, harassment, retaliation of Plaintiff, in bad faith. Boone sought, obtained Plaintiff privileged information in violation of Rule 26(a), 28 USC§ 1927.

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 436 words excluding title page, this compliance.

Respectfully submitted this 28<sup>th</sup> day of November, 2011



Michael E. Spreadbury, Pro Se Plaintiff