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DEC 05 2011

CLERK, U.S. DISTRICT COURT
DISTRICT OF MONTANA
MISSOULA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

MICHAEL E. SPREADBURY) Cause No: 9:11cv-11-64-DWM-JCL
Plaintiff)
v.) **PLAINTIFF OPPOSITION**
BITTERROOT PUBLIC LIBRARY,) **TO PROTECTIVE ORDER**
CITY OF HAMILTON,) **IN RE: INTERROGATORIES**
LEE ENTERPRISES, INC.,)
BOONE KARLBERG, PC,)
_____)

Comes now Spreadbury with motion, supporting brief to move court to deny protective order to Boone Karlberg PC for discovery interrogatories.

Motion:

Plaintiff moves court deny protective order requested by Boone for cause, controlling authority.

Brief in Support:

Defendant Boone not in compliance with FRCP 26(c) to negotiate discovery with opposing party. Sending email message is insufficient in attempt to discuss Discovery interest of aforementioned. Proper criteria of protective order is self incrimination Amendment 5 US Constitution, deprivation of right, US Supreme Court cites the danger of limiting expression citing Amendment 1 US Constitution as interrogatories precluded *Seattle Times v. Rhinehart* 467 US at 29 (1984). Boone failed to disclose name address telephone of all witnesses likely to testify; due within 30 days of service per FRCP 26(a)(1)(A). For a protective order, a party must show attempt to work with a party as electronic message fails this standard in FRCP 26(c)(1).

Boone is not in danger of Plaintiff invading privacy, or retaliation for confidential information, disclose confidential information. A protective order for interrogatories are granted for the "...prevention of abuse, oppression, or injury." *Seattle Times* at 35. Boone cites harassment for answering 14 discovery questions as a party to the aforementioned. Boone details no significant injury, abuse from Plaintiff interrogatories to grant a protective order.

This court is made notice of Plaintiff affidavit October 6, 2011 (*Affidavit of Michael E. Spreadbury In re: Discovery Article, Defense Pleadings* ¶21)

establishes actual malice of Defendant Boone Karlberg in publishing pleadings before Montana courts. The court is reminded of 42 USC§ 1983 as Plaintiff pled in TR.#10 (2nd Amended Complaint) conspiracy to deprive established rights. It was premature for court to dismiss claims against Boone as interrogatories establish facts material to the aforementioned.

FRCP 33(b)(1) indicate that an interrogatory must be answered. Boone not in danger of self incrimination in answering 14 discovery questions *US v. Kordel* 397 *US* 1(1970). Interrogatory questions from Plaintiff need only have probable value to deny a protective order *Hill v. Rolleri* 65 *F. 2d* at 891(9th *Cir.*, 1980).

Evidence errors of the District Court overturned as established right deprived, prejudice of court evident *Coursen v. AH Robins Co. Inc.* 764 *F. 2d* at 1333 (9th *Cir.*, 1985 citing *Haddard v. Lockheed CA corp* 720 *F.2d* at 1459 (9th *Cir.*, 1983). As court violates right of Plaintiff to discovery it sets up abuse of discretion upon appeal *US v. Uarte* 175 *F. 2d* 110 (9th *Cir.*, 1949).

Defendant Boone named as Defendant in conspiracy to deprive rights 42 USC§ 1983, pled Joint Function Test with Defendant City in aforementioned *Johnson v. Knowles* 113 *F. 3d* at 1118-1120 (9th *Cir.*, 1997). It is premature of this court to exclude Boone from discovery in relation to other defendants. Boone fails in pleading before court as to need for protective order, and should be denied by way

of controlling authority, Federal Rules of Civil Procedure, cause before this Honorable Court.

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 490 words excluding title page, this compliance.

Respectfully submitted this 1st day of December, 2011

BY: _____

Michael E. Spreadbury, Self Represented Plaintiff

Certificate of Service

Cause No. 9:11-cv-11-0064-DWM-JCL

I certify as Plaintiff in this action, a copy of the below named pleading was served upon the US District Court Missoula Division and all opposing counsel for parties in this above named cause of action by first class mail. The following addresses were used for service:

Plaintiff Opposition to Protective Order in re: Interrogatories

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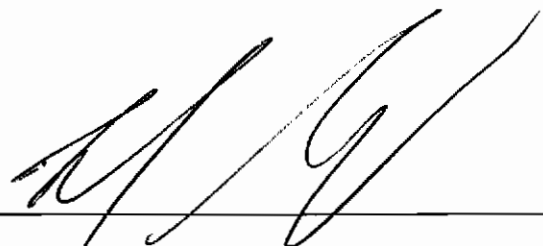
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Dated _____ 12/1/11 _____



Michael E. Spreadbury, Pro Se Plaintiff