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Attorneys for City and Library Defendants

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

MICHAEL E. SPREADBURY,

Plaintiff,

v.

BITTERROOT PUBLIC LIBRARY,
CITY OF HAMILTON, LEE
ENTERPRISES, INC., BOONE
KARLBERG P.C., DR. ROBERT
BROPHY, TRISTA SMITH, NANSU
RODDY, JERRY STEELE, STEVE
SNAVELY, STEVEN BRUNER-
MURPHY, RYAN OSTER,
KENNETH S. BELL, and JENNIFER
LINT,

Defendants.

Cause No. CV-11-064-M-DWM-JCL

SUBPOENA DUCES TECUM

**TO: Riverfront Mental Health Center
209 N. 10th St., Suite A
Hamilton, MT 59840**

- YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.**

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

- YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.**

PLACE OF DEPOSITION	DATE AND TIME
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- YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):**

Any and all documents or tangible things; including but not limited to your entire file relating to Michael E. Spreadbury. Mr. Spreadbury's date of birth is [REDACTED] his social security number is [REDACTED]. The purpose for the disclosure is litigation involving Mr. Spreadbury. This request includes, but is not limited to, medication reports, mental health providers' reports or notes, pharmacists' records, medical bills, etc. Moreover, this request applies to all records maintained by your for any and all treatment provided to Mr. Spreadbury in the past ten (10) years.

Pursuant to the Health Insurance Portability and Accountability Act of 1996, 45 C.F.R. 164.508(c)(1) and (c)(2) ("HIPAA") and Health Care Information Certification under Montana Code Annotated § 50-16-812, this Subpoena Duces Tecum seeks "health care" information of Michael E. Spreadbury in the above-entitled matter. The undersigned hereby certifies that the Defendants are entitled to obtain, and are hereby seeking, the health care information by compulsory process under Montana Code Annotated § 50-16-811(1)(c), because Mr. Spreadbury has placed his physical or mental condition at issue in these proceedings.

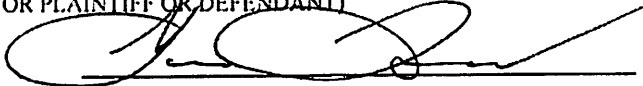
PLACE	DATE AND TIME
Boone Karlberg P.C. 201 West Main, Suite 300 P. O. Box 9199 Missoula, MT 59807-9199	By <u>November 18, 2011</u>

- YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.**

PREMISES	DATE AND TIME
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¹ If action is pending in district other than district of issuance, state district under case number.

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Thomas J. Leonard Boone Karlberg P.C. 201 West Main, Suite 300 P. O. Box 9199 Missoula, MT 59807-9199 (406) 543-6646 <i>Attorneys for Defendants City and Library Defendants</i>	DATE October 31, 2011
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(See Rule 45, Federal Rules of Civil Procedure, Parts (c) & (d) attached)

PROOF OF SERVICE

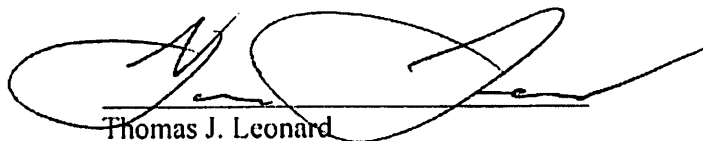
SERVED	DATE	PLACE
BY U.S. MAIL	October 31, 2011	SEE ADDRESS OF PARTY SERVED BELOW
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
Riverfront Mental Health Center 209 N. 10th St., Suite A Hamilton, MT 59840	Personal by U.S. Mail	
SERVED BY (PRINT NAME)	TITLE	
Thomas J. Leonard Boone Karlberg P.C. P.O. Box 9199 Missoula, MT 59807-9199 (406) 543-6646	Attorney	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on October 31, 2011

Signature of Server

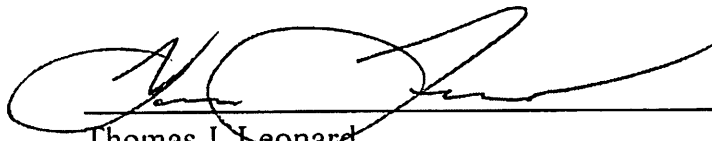
A handwritten signature in black ink, appearing to read 'Thomas J. Leonard', written over a horizontal line.

Address of Server: Thomas J. Leonard
Boone Karlberg P.C.
P.O. Box 9199
Missoula, MT 59807-9199

CERTIFICATE OF SERVICE

I hereby certify that, on the 31st day of October, 2011, a copy of the foregoing document was served on the following by U.S. Mail:

Michael E. Spreadbury
700 South Fourth Street
Hamilton, MT 59840

A handwritten signature in black ink, appearing to read 'Thomas J. Leonard', is written over a solid horizontal line. The signature is stylized with large loops and a long tail.

Thomas J. Leonard
BOONE KARLBERG P.C.
Attorneys for City and Library Defendants

Rule 45(c) and (e), Fed. R. Civ. P.

(e) Protection of persons subject to or affected by subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing or sampling, or any person affected thereby, may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing of any or all of the designated materials or inspection of the premises, or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample, the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, and to any affected person who has served written objection, move at any time for an order to compel the production, inspection, copying, testing or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing or sampling commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance; or

(ii) requires in the case of a deposition or production prior to hearing or trial, a person to travel beyond the 100 mile radius provided in subparagraph (b)(2) of this rule; or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information; or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in responding to subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it, or in a form or forms that are reasonably usable.

A person responding to a subpoena need not produce the same electronically stored information in more than one form.

A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations or Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) When information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Disobedience of this order may be deemed a contempt of the court.