

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

FILED
 DEC 22 2011
 PATRICK E. DUFFY, CLERK
 By _____
 DEPUTY CLERK, MISSOULA

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

MICHAEL E. SPREADBURY)	Cause No: CV-11-64-DWM-JCL
Plaintiff)	
v.)	
BITTERROOT PUBLIC LIBRARY,)	OBJECTION TO
CITY OF HAMILTON,)	COURT ORDER OF
LEE ENTERPRISES, INC.,)	DECEMBER 13 2011
BOONE KARLBERG, PC,)	
_____)	

Comes now Spreadbury with respectful objection to order December 13, 2011,
 release of confidential information of Plaintiff.

Brief in Support:

US District Court has not followed US Circuit Court precedent with respect to discovery in aforementioned, lawful controlling authority, or federal statute with respect to the release of confidential information in aforementioned.

This honorable court sites 45 CFR§ 162.514(e) as basis of releasing confidential information. It requires a court order or release of the Plaintiff/patient. A subpoena deuces tecum per *Motion to Quash Invalid Subpoena* served November 28, 2011 does not have the ability to reach into confidential information. Defense does not give compelling reasons, court grants reach into confidential information using false pretext of 45CRF§ 160-164 et. seq. Defense counsel sent Riverfront Counseling October 31, 2011 request, released November 17, 2011 *without* court order, and therefore in violation of HIPPA provisions to protect Plaintiff confidential information.

Plaintiff has established with the court recent permanent mental disability which does not need discovery, or release of confidential health information of Plaintiff records. Rule 45 of the FRCP requires that no confidential information be obtained by subpoena without court order, FRCP 26(e) protects use of confidential information from court which honorable court deprived by allowance of information under seal. Defense counsel issued subpoena deuces tecum for

confidential educational, health information in violation of Federal Rules, controlling authority, disclosed Plaintiff full Social Security Number in violation of 42 USC§ 408(8) *US v. Miller 425 US at 442 (1976)*.

Honorable court has made up rules, given false information in Order December 13, 2011 in attempt to protect unlawful activity of third party actors, in an attempt to make lawful actions protected by Federal statute (Privacy Act 5 USC§552a; HIPPA 45 CFR§ 160-164 et. seq., FERPA 20 USC§ 1232g & 34CFR part 99).

Defense requested unlawful information via subpoena deuces tecum precluded from confidential information. Plaintiff status of mentally disabled not a question before this court, court fails to abide by federal statutes to protect Plaintiff as party.

Plaintiff serves 2nd financial conflict with Article III Judge Malloy concurrent to this pleading in violation of 28 USC§455(b) et. seq. for removal from case.

Honorable court allows Defendant City of Hamilton Police reports ex parte under seal in this case, in violation of Amendment 14 US Constitution as no charges were filed, but example of Joint Function, Public Function Test with Defense actors *Johnson v. Knowles 113 F. 3d 1114 (9th Cir, 1997)*. Plaintiff seeks law, constitution , which interpretation of law, court precedent is being used other than that which protects Montana's last ranking for justice in the United States [USDOJ Nov. 2007].

Since no adherence to law, controlling authority, constitution, is the intention to abuse a disabled pro-se litigant, as court request for counsel served May 20, 2011.

Defense will not be allowed to use any confidential information, nor will any of it help case although Honorable Court bends all controlling authority, law to make all unlawful activity appear appropriate. Defense is looking for diagnosis of Schizophrenia which will not help Defense actor who said Plaintiff is afflicted with such loathsome disease. Assuming *arguendo* confidential information did reveal such information, it remains Slander per Montana Code Annotated MCA § 27-1-801 as a protected health diagnosis under HIPPA, not affirmative defense to defamation.

Confidential education information irrelevant as work history documents currently under discovery. Plaintiff presented National Security Clearance served October 24, 2011 Exhibit A which precludes crime, disciplinary issue in Plaintiff past sought under unlawful confidential information granted by this court. Plaintiff wonders if Defense Counsel is either to arrogant to understand chasing rabbit holes in this case will not improve Defense case, nor hospitalize Plaintiff due to unnecessary trauma. Confidential information sought will only improve Plaintiff case due to no significant disciplinary issues, degree from prestigious university as tortious interference, serial defamation, deprivation of right in aforementioned by Defendants.

Employer FEMA does not release information due to criminal nature of release, lack of reach into confidential information by Defense Subpoena Deuces Tecum, although Defense Counsel is not aware of their blunder due to Honorable court available to alter lawful court authority, federal statutory law.

Court does not solve confidentiality issue by allowing Defense to present confidential information to the court under seal; court ignored unlawful disclosure of full social security number by Defense Counsel in request for confidential information of third party actors such as Lehigh University, FEMA, and Riverfront Counseling (e.g. *Notice of Continuous Unlawful activity by Defendant Boone*; Exhibits A-C served November 4, 2011).

Plaintiff objects to the reveal of confidential information, in violation of federal statutes, controlling authority, not needed in aforementioned due to establishment of full disability, loss of work ability due to defense actors, discovery of confidential information irrelevant. Plaintiff looks forward to Honorable court interpreting federal statute, disallowing US Constitution, abuse without precedent [financial hearing for IFP], law in the aforementioned directed toward disabled Plaintiff.

Judicial notice is made as to the release of confidential information on or around November 17, 2011 by third party Riverfront Counseling Hamilton Montana

without court order, by way of Subpoena deuces tecum unlawfully. Complaint has been filed for appropriate sanctions in violation of HIPPA protections. Order of December 13, 2011 does not cover unlawful actions of Riverfront Counseling.

Plaintiff directs court to 39 Tenn. Bar J. 29 (2003) article "*Can we talk? The rest of the story on why Defense Attorneys should not talk to the Plaintiff Doctors*".

Discovery or information ex parte is not appropriate, protected under federal statute, Defense failed to approach court via hearing on need to release Plaintiff confidential information. Court has attempted to retroactively protect Boone, third party Riverfront Counseling from HIPPA violation effected November 17, 2011 prior to the Order under objection December 13, 2011.

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 946 words excluding title page, this compliance.

Respectfully submitted this ^{December} 19th day of ~~September~~, 2011

BY: _____

Michael E. Spreadbury, Self Represented Plaintiff