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FILED
MAY 04 2011
By PATRICK E. DUFFY, CLERK
DEPUTY CLERK, MISSOULA

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF MONTANA**
8 **MISSOULA DIVISION**

9 -----
10 MICHAEL E. SPREADBURY,)
11 Plaintiff) Cause: 9:2011- CV-11-0064-M-DWM
12 v.)
13 BITTERROOT PUBLIC LIBRARY,) **2nd AMENDED COMPLAINT**
14 CITY OF HAMILTON,)
15 LEE ENTERPRISES INC.,)
16 BOONE KARLBERG P.C.,)
17 Defendants)

18 This cause of action is for defamation, intentional infliction of emotional distress
19 (IIED), negligent infliction of emotional distress (NIED), civil conspiracy to
20 deprive constitutional rights 42 USCA § 1983, negligence in City of Hamilton,
21 Ravalli County, State of Montana. Public fraud is being committed by Defendant
22 Bitterroot Public Library by accepting ineligible funds as a municipality in this
23 cause of action, Defendant Boone Karlberg PC is accepting these funds as counsel.

24

Jurisdiction

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The US District Court for Montana has jurisdiction in this matter since the

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constitutional violations, defamation, negligence occurred within the State of

27

Montana which is within the confines of this courts domain. All parties in this

28

case, described *Id. at 41 paragraphs 1-24* below reside within the Missoula

29

District of The US District Court for Montana. Jurisdiction is described within 28

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USCA §1391 (b) for local issue, 28 USC§ 1391(a)(3) for defamation, 28 USC§

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1332(a) for claim over \$75,000, 28 USC§ 1343 for civil rights, and 28 USC§ 1367

32

for state claims.

33

The Montana District has jurisdiction over constitutional torts as prescribed in 42

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USCA §1983, 42 USCA §1985. The Federal question raised is brought under 28

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USCA §1331, 28 USCA § 1343(3).

36

There are state questions which should be heard in a state court, and proper remand

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is requested for IIED, NIED causes as pled herein. This case was pled in front of

38

the Montana 21st Judicial District due to state issues which do not have jurisdiction

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in a Federal Court. Motions to dismiss by Defendants are improper prior to

40

Plaintiff amending complaint for Federal jurisdiction, court is asked to set aside.

41

PARTIES:

- 42 1. Michael E. Spreadbury (hereafter “Spreadbury”), Plaintiff of 700 S. 4th Street,
43 Hamilton Montana, is a resident of the City of Hamilton, Montana, and is
44 considered a person in the State of Montana.
- 45 2. Dr. Robert Brophy, resident of Montana, acting under individual duties,
46 Bitterroot Public Library Chairman of the Trustee Board, responsible officer
47 of the Bitterroot Public Library, acting in color of law, considered a person in
48 the state of Montana.
- 49 3. Trista Smith, resident of Montana, current director of the Bitterroot Public
50 Library as a replacement for Gloria Langstaff; acting in color of law, in
51 individual duties, is considered a person in Montana.
- 52 4. Nansu Roddy, resident of Montana, assistant director of the Bitterroot Public
53 Library, acting in color of law, in individual duties, is considered a person in
54 the State of Montana.
- 55 5. The Bitterroot Public Library (hereafter “public library”), an independent
56 district, bound by the Interstate Compact as per Montana Code Annotated
57 MCA§ 22-1-601. Under subsection 3(e) of this compact, an independent
58 district can sue and be sued; in this jurisdiction an independent library district
59 is considered a person in the State of Montana.

60 6. Jerry Steele, executive director of the City of Hamilton as elected Mayor,
61 acting in color of law, resident of Montana, is considered a person in the State
62 of Montana.

63 7. Steve Snavely, Sergeant in the Hamilton Police Department, acting in color of
64 law, and in individual duties, resident of Montana, is considered a person in
65 the State of Montana.

66 8. Detective Steven Bruner-Murphy, (hereafter: "Detective Murphy") resident of
67 Montana, employed by Hamilton Police Department, acting in color of law, in
68 individual duties, is considered a person in the State of Montana.

69 9. Hamilton Police Chief Ryan Oster, resident of Montana, acting in color of
70 law, in individual duties, and as official policymaker for the City of Hamilton,
71 Montana; Chief Oster is considered a person in the State of Montana.

72 10. Kenneth S. Bell, Hamilton City Attorney, acting in color of law, in individual
73 duties, and that as official policy maker of the City of Hamilton, resident of
74 Montana, considered a person in the State of Montana.

75 11. Jennifer B. Lint, resident of Montana, Deputy Hamilton City Attorney, acting
76 in color of law, in individual duties is considered a person in the State of
77 Montana.

78 12. City of Hamilton, MT is considered a person in the State of Montana.

79 13. Stacey Mueller, resident of Montana, publisher of The Missoulian newspaper,
80 acting in color of law, in individual duties, is responsible officer for Lee
81 Enterprises Inc., considered a person in the State of Montana.

82 14. Kristen Bounds, resident of Montana, acting in color of law, in individual
83 duties, former publisher of Ravalli Republic newspaper, is considered a
84 person in the state of Montana.

85 15. Perry Backus, former editor Ravalli Republic newspaper, acting in color of
86 law, resident of Montana, is considered a person in the State of Montana.

87 16. The Missoulian Newspaper, an affiliate of Lee Enterprises Inc., a Montana
88 Corporation. As a Montana Corporation, is considered a person in the State of
89 Montana.

90 17. The Ravalli Republic Newspaper, affiliate of Lee Enterprises Inc., a Montana
91 Corporation. As a Montana Corporation, is considered a person in the State of
92 Montana.

93 18. The Billings Gazette, affiliate of Lee Enterprises Inc, a Montana Corporation
94 is considered a person in the State of Montana.

95 19.The Helena Independent Record, affiliate of Lee Enterprises Inc., a Montana
96 Corporation is considered a person in the State of Montana.

97 20.The Great Falls Tribune, affiliate of Lee Enterprises Inc. a Montana
98 Corporation is considered a person in the State of Montana.

99 21.The Montana Standard, affiliate of Lee Enterprises Inc., a Montana
100 Corporation is considered a person in the State of Montana.

101 22.William L. Crowley, resident of Montana, partner and responsible officer for
102 Boone Karlberg PC law firm, acting in color of law, in individual duties, is
103 considered a person in the State of Montana.

104 23.Natasha Prinzing-Jones (hereafter: “Jones”) resident of Montana, associate at
105 Boone-Karlberg PC law firm, acting in color of law, considered a person in
106 the State of Montana.

107 24.Boone Karlberg PC, as a Montana Corporation is considered a person in
108 Montana.

109 **Prima Facie Evidence, 42 USC §1983; Civil rights**

110 25.The Plaintiff believes, and is prepared to show with a preponderance of the
111 evidence that the Defendants listed, together, individually, and as pairs

112 conspired to deprive the Constitutional rights of Plaintiff. These rights are not
113 limited to the Montana Constitution Article II, s. 4,6,7,17; and US
114 Constitution Amendments I, V, and XIV in actions within Ravalli County,
115 State of Montana, United States of America.

116 26. Under the color of law, two of more Defendants wished to contrive, and
117 execute criminal charges to (1) reap injury to Plaintiff character, and (2) affect
118 Plaintiff employment, and (3) permanently alter public perception of Plaintiff
119 to interfere with an election; keeping Plaintiff out of office, vocational
120 pursuits through the course of action described in this complaint.

121 27. The Defendants conspired to deprive the Plaintiff of his constitutional rights,
122 through one or more unlawful acts, Plaintiff has incurred irreparable,
123 substantial, and actual damages as a result; a property interest.

124 28. No probable cause existed in criminal actions against the Plaintiff, executed
125 by the Defendants. Common law issues are presented to the court, in addition
126 to Defendants filing, contributed to criminal charges without probable cause
127 filed against the Plaintiff, which contained substantial deprivations of Plaintiff
128 fundamental constitutional rights.

129 29. Defendants acted with actual malice, callous indifference, and without equal
130 protection or due process under the law which led to actual damages to the
131 Plaintiff as described herein.

132 **FACTUAL BACKGROUND:**

133 30. Spreadbury resides within City of Hamilton, County of Ravalli, State of
134 Montana.

135 31. Spreadbury met with Ms. Nansu Roddy to admit correspondence to be
136 admitted into public library temporary reserve holdings in May/June 2009.

137 32. Bitterroot public library (hereafter “public library”) employee Roddy, in
138 violation of policy, and public library’s adopted American Library
139 Association policies refused to accept Spreadbury’s submission.

140 33. Spreadbury utilized administrative remedies available per Roddy for
141 Spreadbury to meet with library director of public library on or around June
142 10, 2009.

143 34. Director made appointment, cancelled, and refused to meet with Spreadbury.

144 35. Director of Public library published, distributed letter June 11, 2009 banning
145 Spreadbury from library unlawfully, in violation of Montana Code Ann. MCA

146 22-1-311 for use of library, privileges, Spreadbury's procedural due process,
147 per well accepted Montana statute.

148 36. Spreadbury presented library, Hamilton Police Department with sworn
149 affidavit that Spreadbury had never been asked to leave public library, or
150 made disruption, any willful violation of rules occurred in past 48 hours, 4
151 years dated June 12, 2009.

152 37. Spreadbury submitted Reconsideration Request Form July 8, 2009 for
153 submission request; public library did not respond to own established
154 administrative remedy available to the public, Spreadbury.

155 38. On July 9, 2009 Spreadbury sat in waiting area of Ravalli Republic, as
156 business was conducted, Spreadbury constructed a hand written request to
157 Publisher Bounds not to defame Spreadbury. Ravalli Republic called
158 authorities, said Spreadbury was making threats, a false and defamatory act.

159 39. On July 9, 2009 Chief Ryan Oster informed Spreadbury that the Ravalli
160 Republic did not want Spreadbury to have further entry at the storefront at 232
161 W. Main St. Hamilton, Montana. Ravalli Republic personnel never asked
162 Spreadbury to not return, or that his conduct was not appropriate.

163 40. Spreadbury sent July 15, 2009 letter to public library, Hamilton Police
164 Department (HPD), Public Library board member citing Montana Statute
165 MCA 22-1-311 reinstating privileges to public library; public library Director
166 has no lawful authority to remove privileges of Plaintiff.

167 41. Public library board, public library, HPD did not respond to the July 15, 2009
168 correspondence from Plaintiff.

169 42. Defendant Brophy made known false statements, comments to library staff
170 about Spreadbury which were published in electronic form, communicated in
171 verbal form.

172 43. On August 20, 2009 Spreadbury sat peacefully on public property outside
173 public library owned by the City of Hamilton, MT.

174 44. Sgt. Steve Snavelly, Hamilton Police approached Spreadbury with June 11,
175 2009 letter from public library, accused Spreadbury of trespass on public
176 property on August 20, 2009.

177 45. Sgt. Snavelly intimidated witnesses to photograph where Spreadbury alleged to
178 have stood in park August 20, 2009, attempt to convict Spreadbury, trespass
179 on public property.

180 46. Ken Bell, Hamilton City Attorney on or around September 2, 2009 wrote a
181 sworn complaint that Spreadbury was trespassing on Public Property August
182 20, 2009.

183 47. Spreadbury was not given an opportunity to be heard at public library, lost
184 privileges, due to not being allowed on the public library grounds, facility
185 since early summer of 2009.

186 48. Plaintiff summoned September 9, 2009 with Misdemeanor Criminal Trespass
187 on private property, property is publically owned by the City of Hamilton to
188 which Plaintiff is taxpayer, has property, liberty interests in enjoying library
189 privileges.

190 49. On September 10, 2009 the Ravalli Republic, a Lee Enterprise Inc., published
191 a front page article with Spreadbury's likeness in color photo with full name
192 and headline "Mayoral Candidate charged with Trespass".

193 50. In an online comment published with the September 10, 2009 article, a
194 comment was published on www.ravallirepublic.com stating that Spreadbury
195 "suffers serious psychological problems and needs to seek help."

196 51. A separate comment published by the Ravalli Republic September 10, 2009
197 story said “Spreadbury is ready for Warm Springs (referring to the Montana
198 State Mental Hospital)”.

199 52. The Trespass on public property was republished in several Lee Enterprise
200 newspapers within the State of Montana, named as parties to this cause of
201 action.

202 53. A photographer from the Ravalli Republic admitted to the Plaintiff that his
203 editor required a picture of Spreadbury for the September 10, 2009 article.

204 54. On October 19, 2009 Detective Murphy, HPD made report of Spreadbury
205 stalking public library director; published sighting of Director former website:
206 www.Bitterroot-rising.org with report # 209CR0001589 a deprivation of
207 Spreadbury’s established right to speak.

208 55. Spreadbury prosecuted for sitting peacefully on public property by Defendant
209 Bell, Defendant Lint City of City of Hamilton in violation of established right.

210 56. Bell contacted NCIC criminal database to unlawfully get criminal history on
211 Plaintiff for protected activity of peaceful assembly on public property.

212 57. Bob Brophy, Chairman BPL Board did send Plaintiff letter dated February 23,
213 2010 stating board was removing Spreadbury’s privileges although never

214 asked to leave public library, or demonstrated willful violation of rules:
215 requirement per Montana Code Ann MCA§ 22-1-311.

216 58.Spreadbury's procedural due process rights deprived by Brophy by not having
217 any ability to be heard, administrative remedy to contest action which
218 deprived Spreadbury liberty interest in entering library as taxpayer in
219 Hamilton, MT in 2009.

220 59.Defendant Boone Karlberg, PC did publish false light information in several
221 published pleadings before the Supreme Court for the State of Montana
222 stating Spreadbury frequently returned to library, although not a crime,
223 published false light of actual events that occurred at the public library with
224 respect to Spreadbury/public library situation.

225 60.Defendant Boone Karlberg PC published several instances of false light
226 information, defamation in re: criminal charge of trespassing with respect to
227 Spreadbury after Boone Karlberg PC knew charge dropped August 16, 2010
228 within court pleadings published in District, Supreme Courts for the State of
229 Montana after criminal charge was dismissed against Plaintiff.

230 61.Defendant Boone Karlberg PC knew or should have known that sitting on
231 public property is not a crime, charge dismissed known as Defendant Bell,

232 client, employees, agents of Defendant Boone Karlberg PC sworn to uphold
233 the Montana, US Constitution as Bar licensed lawyers.

234 62. Defendant Boone Karlberg PC, party to cause of action William L. Crowley
235 *Esq.* did publish in pleading Spreadbury threatened Defendant Bell, when no
236 evidence of threat exists in correspondence to Bell. Crowley, Jones of Boone
237 Karlberg PC engaging in malicious defamation of Spreadbury.

238 63. Defendant Boone Karlberg PC acting in civil conspiracy with client Bell when
239 defaming Spreadbury in published pleadings to courts in State of Montana.

240 64. As Defendants continue to re-publish August 20, 2009 peaceful assembly on
241 public property as criminal act by Spreadbury, causes severe emotional
242 distress per well established standards before the Supreme Court for the State
243 of Montana.

244 65. Defendants knew, should have known that peaceful assembly on public
245 property is never a crime in Montana, United States.

246 66. Defendants knew, should have known that trespass charge was dismissed
247 August 16, 2010 by Honorable John Larson 4th District Court in 21st District
248 Cause No. DC-10-26 with Plaintiff as Defendant.

249 67. Every re-publication of false information is considered a new case for libel
250 against the Defendants.

251 68. Defendant Perry Backus, Lee Enterprises on or around August 20, 2010
252 created four (4) different versions of a story pertaining to criminal trespass
253 charges against Spreadbury originating from Defendant Ravalli Republic
254 Newspaper in Hamilton, Montana.

255 69. Defendant Perry Backus, Lee Enterprises made two Associated Press (AP)
256 stories of the 4 created articles pertaining to Spreadbury and criminal trespass
257 on public property.

258 70. Defendant Perry Backus, Lee Enterprises Inc. published false light: Supreme
259 Court “upheld” library ban, decision in Supreme Court for Montana in re:
260 order of protection out of time appeal, order of protection, not trespassing, or
261 unlawful ban from library of Spreadbury.

262 71. A national newspaper published Spreadbury’s name and criminal trespass
263 charge based upon the Ravalli Republic, Lee Enterprises Inc. AP submissions.
264 Distribution is 1.8 million readers daily, national, international distribution.

265 72. Six (6) Lee Enterprise affiliates, party to this case in the State of Montana
266 published a version of 4 articles on or around August 20, 2010 origin from the

267 Ravalli Republic Newspaper, each affiliate has ability to publish defamatory
268 comments about Plaintiff.

269 73. Due to AP coverage, TV, radio, newspaper, and other news outlets throughout
270 the State of Montana covered Spreadbury criminal trespass charge on or
271 around August 20, 2010. Re-publication, defamation of Spreadbury's alleged
272 criminal act, protected activity of peaceful assembly from August 20, 2009 is
273 in-calculable damage to character, not reversible.

274 74. Spreadbury was no longer considered a public official at 20:00hours
275 November 3, 2009 as election for City of Hamilton mayor completed.

276 75. Defendants act in concert to devastate Spreadbury's character, "shocks
277 conscience" that protected act would be criminalized, used to defame, destroy
278 Spreadbury's character to the extent Defendants propagated false issue.

279 76. Spreadbury was running for office at time of peaceful assembly August 20,
280 2009 yet that does not allow for actual, malicious malice of Defendants
281 defamation pled herein during and after Plaintiff was candidate for office.

282 77. The truth can be actual malice in libel, defamation cases.

283 78. Spreadbury had permanent injury to character to such an extent that severe
284 and certain economic loss ensued from unlawful prosecution of peaceful
285 assembly on public property in City of Hamilton, MT by Defendants.

286 79. The acts of the Defendants described in paragraph 1 through 94 of this
287 Complaint were done willfully, maliciously, outrageously, deliberately, and
288 purposely with the intention to inflict emotional distress upon Plaintiff and
289 were done in reckless disregard of the probability of causing Plaintiff
290 emotional distress, these acts did in fact result in severe and extreme
291 emotional distress to Spreadbury.

292 80. As a direct and proximate result of the Defendant's acts alleged herein,
293 Spreadbury was caused to incur severe and grievous mental and emotional
294 suffering, fright, anguish, shock, nervousness, and anxiety. Plaintiff continues
295 to be fearful, anxious, and nervous, specifically but not exclusively regarding
296 the future possibility of wrongful defamation, summons without crime, and
297 prosecution for criminal act without due cause.

298 81. As a proximate result of the Defendant's actions alleged herein, Spreadbury
299 has had his capacity to pursue an established course of life permanently
300 destroyed by Defendants. Spreadbury has suffered permanent damage to
301 lifestyle and professional life as a result of Defendant activity described in

302 paragraph 1 through 94. Plaintiff suffered severe emotional distress inflicted
303 by actual malice of the named Defendants.

304 82. This severe emotional distress was a reasonably foreseeable consequence of
305 actions by Defendants on or about June 11, 2009 and ongoing. Defendants
306 did not take reasonable care to avoid wrongful prosecution of Spreadbury,
307 appeared to have contrived the criminal action against Spreadbury giving no
308 conscience to their duties as officers of the court, in color of law.

309 Spreadbury's peaceful assembly on public property was outrageously
310 exaggerated, manipulated, and exacerbated by the Defendants with actual
311 malice with intent to defame, destroy Spreadbury's character causing severe
312 and permanent emotional distress.

313 83. Defendants had position of authority over Spreadbury, or in position to affect
314 Spreadbury's established interests.

315 84. Defendants conduct was an abuse of power, position, even without authority
316 over Spreadbury, had position to affect Spreadbury.

317 85. Defendants certain of infliction on Spreadbury, acted recklessly, outrageously
318 with deliberate disregard of high degree of probability of emotional distress to
319 Spreadbury.

320 86. Defendants acted with heatless, flagrant, and outrageous acts; extreme liability
321 arises for Defendants with respect to emotional distress in the State of
322 Montana.

323 87. Mayor Jerry Steele, within office of executive of Hamilton, MT did convey
324 that he had knowledge that Plaintiff is Schizophrenic, a slanderous statement.

325 88. Plaintiff has not ever been diagnosed with Schizophrenia.

326 89. In a Ravalli Republic article dated August 9, 2010 false statements are made
327 about criminal behavior, prior lawsuits filed, and comments made by Plaintiff
328 in oral arguments before Judge Larson, in the 21st Judicial district court.

329 90. Plaintiff asked for correction of Ravalli Republic and then editor Perry
330 Backus.

331 91. Defamation by Defendant Lee Enterprises on August 24, 2010 “correction”
332 of August 9, 2010 article by then Editor Perry Backus publishing false light
333 that Supreme Court order “upheld” Ban by Defendant Bitterroot Public
334 Library, actual denial of out of time appeal, after August 9th article was
335 written. False Light by Defendant Lee Enterprises, and defamation.

336 92. Defendant Boone Karlberg defames Plaintiff in Defendants April 26, 2011
337 Answer to this court pg. 9 ¶ 26 referred sentence is stayed, under appeal, false

338 light due to August 16, 2010 dismissal of trespass charge and 60 day lapse to
339 October 15, 2010 sentencing in DC-09-154 in the 21st Judicial District.

340 93. Defendant Boone Karlberg PC alleges false information of crime in writing
341 Defendants answer April 26, 2011 pg. 9 ¶27 as written Plaintiff “suggested he
342 is current or past member of the FBI....” Defendant alleging criminal behavior
343 by Plaintiff (impersonating Federal law enforcement).

344 94. The continued defamatory falsehoods, malicious prosecution for protected
345 right, and conspiracy between Defendants has caused irreparable reputational,
346 and vocation harm to Plaintiff who seeks relief in this honorable court.

347 **Negligence—Brophy/public library--Count 1**

348 95. Plaintiff repeats and realleges paragraphs 1-94 of this complaint as if fully set
349 herein.

350 96. Library Board chairman Brophy, acting in official duties in color of law,
351 wrote letter of February 23, 2010 removing Spreadbury’s library privileges
352 without cause.

353 97. Brophy/public library knew or should have known that Spreadbury was never
354 asked to leave public library, willfully violated any rules of the public library.

355 98. Brophy/public library did not allow Spreadbury administrative remedy to the
356 allegations of misconduct, allowed arbitrary removal of privileges, did not
357 proceed to administrative remedy for submission to library, ignored
358 Spreadbury's written reconsideration request.

359 99. Brophy's actions constituted negligence as chairman of public library Board.

360 100. As a result of Brophy's/ public library's negligence, Spreadbury had actual
361 damages.

362 **Abuse of Process/ Brophy—public library--Count 2**

363 101. Plaintiff repeats, realleges paragraphs 1-100 of this complaint as if fully set
364 herein.

365 102. Board Chairman Brophy in his administrative duties as chairman of BPL
366 board wrote letter to remove Plaintiffs library privileges on February 23,
367 2010.

368 103. The proceeding was regular act on the part of Brophy, but not proper in the
369 regular conduct of library board chairmen abiding by all laws to remove
370 privileges of patrons.

371 104. Due to Brophy's abuse of process at the public library, Plaintiff incurred
372 actual damages.

373 **Procedural Due Process/14th Amendment—Brophy/ public library—Count 3**

374 105. Plaintiff repeats and realleges paragraphs 1-104 as if fully set in this
375 complaint herein.

376 106. Brophy, as chairman of Library board wrote Feb. 23, 2010 letter to Plaintiff
377 which did not allow a remedy for Plaintiff to speak to the allegations of
378 misconduct at the Library.

379 107. Brophy upheld Director's June 11, 2009 letter which unlawfully took
380 Plaintiff library privileges without remedy to answer the allegations of
381 misconduct at library.

382 108. Public library did not respond to Spreadbury's July 8, 2009 "Request for
383 Reconsideration" form, nor administrative process for Spreadbury's
384 submission.

385 109. Since Brophy did not allow an administrative remedy for Plaintiff to address
386 Board of library, other remedy, it violated Plaintiffs right to administrative
387 remedy, procedural due process, or be heard on alleged deprivations of rights
388 from the public library.

389 110. Due to Brophy's, public library lack of procedural due process with respect
390 to public library privileges, request for material submission, it violated
391 Plaintiff established right to Procedural Due Process, Plaintiff incurred actual
392 damages.

393 **Defamation/Defamation Per Se—Brophy/public library--Count 4**

394 111. Plaintiff repeats and realleges paragraphs 1-110 as if fully set in this
395 complaint herein.

396 112. Brophy communicated a statement about Plaintiff, in writing, orally in
397 official meeting, which was distributed throughout library staff.

398 113. Communication of false information unprivileged, altered perception of
399 library staff as they interacted with Plaintiff, and constituted Defamation and
400 Defamation Per Se.

401 114. As a result of Brophy's Defamation and Defamation per se as officer of
402 public library, Plaintiff had actual damages.

403 **Misrepresentation—Brophy—public library--Count 5**

404 115. Plaintiff repeats, realleges paragraphs 1-114 as if fully set forth in this
405 complaint.

406 116. In February 23, 2010 letter to Plaintiff, Brophy misrepresented authority of
407 Library Board, Library director to abridge peaceful assembly in a publically
408 owned park, and to remove a patrons privilege to use a public library
409 respectively.

410 117. A Library Board only has the authority to remove a privilege of a patron
411 who willfully violates the rules of the library under MCA §22-1-311(Use of
412 Library—Privileges).

413 118. Plaintiff was never asked to leave the library by staff, director, or law
414 enforcement.

415 119. Due to Brophy's misrepresentation, Plaintiff incurred actual damages.

416 **1st Amendment—Roddy/public library--Count 6**

417 120. Plaintiff repeats, realleges paragraphs 1-119 as if fully set forth in this
418 complaint.

419 121. Public Library staff Roddy did refuse Spreadbury's submission to the public
420 library.

421 122. Public library policy requires no rejection of written material by "right to
422 read", freedom of speech requires acceptance of material not profane, illicit.

423 123. By refusing Spreadbury's submission, accepted in a member Library in
424 Montana, Public Library/Roddy violated Spreadbury's right to speak, petition
425 government as protected in Amendment 1, US Constitution, as a result
426 Spreadbury suffered actual damages.

427 **Malicious Prosecution—Public Library, City of Hamilton--Count 7**

428 124. Plaintiff repeats, realleges paragraphs 1-124 as if fully set forth in this
429 complaint.

430 125. A judicial proceeding was commenced and prosecuted against Spreadbury.

431 126. The public library, City of Hamilton responsible for instigating, prosecuting,
432 and/or continuing the proceeding.

433 127. Public library, City of Hamilton acted without probable cause.

434 128. Public library, City of Hamilton actuated by actual malice.

435 129. The judicial proceedings terminated favorably for Spreadbury.

436 130. As a result of the Defendant public library, City of Hamilton actions,
437 Spreadbury sustained actual damages.

438 **Tortious interference with prospective Economic Advantage—**

439 **Defendants--Count 8**

440 131. Plaintiff repeats, realleges paragraphs 1-130 as if fully set forth in this
441 complaint.

442 132. Defendants committed intentional and willful acts calculated to cause
443 damage to Spreadbury's reputation, and prospective economic advantage.

444 133. Defendant acts were done with actual malice, willful purpose of causing
445 damage or loss to Spreadbury without right or justifiable cause on the part
446 of the actors.

447 134. Due to Defendant's tortious interference, Spreadbury has suffered actual
448 damages.

449 **"Policy or Custom" Policymaker Bell, 1st,14th Amendments---Count 9**

450 135. Plaintiff repeats, realleges paragraphs 1-135 as if fully set forth in this
451 complaint.

452 136. Defendant Bell, department head and official policymaker made new policy
453 for City of Hamilton by deciding Spreadbury's peaceful assembly on public
454 property manifested misdemeanor criminal trespass on August 20, 2009 by
455 way of sworn complaint to court.

456 137. Due to official policy of Defendant Bell by sworn information to the court
457 September 2, 2009, Spreadbury's right to peaceful assembly, protected Art. II
458 s. 6 Montana Constitution, 1st Amendment US Constitution deprived by
459 official policy of City of Hamilton, Montana.

460 138. As a result of Bell's official policy, Spreadbury would not enjoy equal
461 protection of the laws as protected in Art. II s. 4 Montana Constitution, 14th
462 Amendment, US Constitution.

463 139. As a result of official policy created by Policymaker Bell, City of Hamilton,
464 Spreadbury suffered actual damages by deprivation of established right.

465 **Policy of Custom-Amendment 5, 14--City of Hamilton--Oster—Count 10**

466 140. Plaintiff repeats, realleges paragraphs 1-139 as if fully set forth in this
467 complaint.

468 141. HPD Chief Oster, official policymaker, City of Hamilton made new policy:
469 asked Spreadbury to not enter storefront when no adverse or criminal behavior
470 occurred at the Ravalli Republic business, 232 W. Main St Hamilton,
471 Montana on July 9, 2009.

472 142. By asking Spreadbury to not enter Ravalli Republic business without cause,
473 Oster deprived Spreadbury liberty interest, equal protection, protected in
474 Amendment 5,14 US Constitution.

475 143. As a result of official policy of City of Hamilton by policymaker Oster,
476 Spreadbury sustained actual damages.

477 **Negligence—City of Hamilton/Bell---Count 11**

478 144. Plaintiff repeats, realleges paragraphs 1-143 as if fully set forth in this
479 complaint.

480 145. Defendant Bell knew or should have known sitting on public property is not
481 a crime.

482 146. Defendant Bell, knowing peaceful assembly, sitting at library not a crime
483 contacted national crime database, NCIC; adversely affects professional
484 employment for Spreadbury.

485 147. Citing Spreadbury for a crime for sitting on public property constitutes
486 negligence on the part of Bell, deprives Spreadbury right to peaceful
487 assembly, equal protection.

488 148. As a result of Bell's negligence Spreadbury suffered actual damages.

489

Negligence, City of Hamilton/Snavely—Count 12

490

149. Plaintiff repeats, realleges paragraphs 1-148 as if fully set forth in this

491

complaint.

492

150. Sgt. Snavely HPD knew, or should have known peaceful assembly on public

493

property is a protected right in Montana, US Constitution, not a crime.

494

151. Sgt. Snavely negligent in his actions August 20, 2009, ongoing in accusing

495

Spreadbury of criminal trespass while peacefully assembled on public

496

property in Hamilton, MT.

497

152. As a result of Snavely's negligence, Spreadbury suffered actual damages.

498

Negligence, City of Hamilton—Murphy—Count 13

499

153. Plaintiff repeats, realleges paragraphs 1-152 as if fully set forth in this

500

complaint.

501

154. Detective Murphy, knowingly sent several written police reports to City

502

Attorney Bell for consideration of charges when no crime occurred, reports

503

“cleared” by HPD.

504 155. Detective Murphy knew, or should have known Spreadbury did not commit
505 a criminal act with respect to the public library, especially when HPD officers,
506 Murphy cleared reports.

507 156. Detective Murphy knowingly did a domain search to on a website owned by
508 Spreadbury obtain personal information on Spreadbury when no crime was
509 committed.

510 157. As a result of Detective Murphy's negligence, Spreadbury suffered actual
511 damages.

512 **Freedom to Speak/1st Amendment, Abuse of Power/14th Amendment—**

513 **HPD Det. Murphy—Count 14**

514 158. Plaintiff repeats, realleges paragraphs 1-157 as if fully set forth in this
515 complaint.

516 159. Defendant HPD Detective Murphy investigated, published police report,
517 investigated Spreadbury for stalking for mentioning a "sighting" of public
518 library director on a website.

519 160. Spreadbury is free to speak in Hamilton, Montana, has a compact to the
520 United States.

521 161. Detective Murphy sent information to City Attorney Bell to consider charges
522 on Spreadbury when it was known by HPD that no criminal acts transpired.

523 162. Actions of Detective Murphy demonstrate actual malice toward Spreadbury,
524 an example of abuse of power, oppressive government as protected in
525 Amendment 14 US Constitution.

526 163. Due to Murphy's deprivation of protected free speech, abuse of power:
527 recommending charges, investigating stalking on protected right, Spreadbury
528 had actual damages.

529 **Negligence—Crowley/Jones/Boone Karlberg—Count 15**

530 164. Plaintiff repeats, realleges paragraphs 1-163 as if fully set forth in this
531 complaint.

532 165. Defendant Crowley, Jones knew or should have known that trespass charge
533 was dropped on August 16, 2010 against Spreadbury by the City of Hamilton,
534 Montana.

535 166. Defendant Crowley, Jones knew or should have known that Spreadbury did
536 not threaten Attorney Bell in regular written correspondence requesting public
537 information in 2010.

538 167. Defendant Crowley, Jones knew or should have known that Spreadbury
539 made Alfred plea of no contest to felony charge, under appeal as DC-09-154,
540 not convicted.

541 168. The publication of information in paragraphs #157-159 constitutes
542 negligence by Defendants Crowley, Jones, Boone Karlberg.

543 169. As a result of negligence by Crowley, Jones, Boone Karlberg, Spreadbury
544 suffered actual damages.

545 **Defamation—Crowley, Jones, Boone Karlberg—Count 16**

546 170. Plaintiff repeats, realleges paragraphs 1-169 as if fully set forth in this
547 complaint.

548 171. Defendant Boone Karlberg, Crowley, Jones published, republished false
549 information about Spreadbury being charged with a criminal trespass in court
550 documents in the State of Montana after case was properly dismissed, not
551 relevant to fact, background of pled case.

552 172. Defendant Boone Karlberg, Crowley, Jones published, republished false
553 light information concerning Spreadbury's actions with respect to the public
554 library.

555 173. Defendant Boone Karlberg, Crowley, Jones published false information that
556 Spreadbury threatened City Attorney Bell in regular requests for public
557 information in 2010.

558 174. The publishing of false, false light information is defined as defamation in
559 Montana.

560 175. As a result of defamation by Defendant Boone Karlberg, Crowley, Jones,
561 Spreadbury suffered actual damages.

562 **Defamation/Defamation per se—City of Hamilton—Count 17**

563 176. Plaintiff repeats, realleges paragraphs 1-175 as if fully set forth in this
564 complaint.

565 177. Defendant Bell served upon court sworn complaint September 2, 2009
566 Spreadbury was trespassing on public property August 20, 2009 on written
567 public document before court.

568 178. The Hamilton Police Department published several unprivileged reports,
569 DVD, CD of interviews in re: alleged trespassing on public property,
570 unfounded harassment, and false light concerning Spreadbury interactions
571 with library, Hamilton Police.

572 179. By publishing false light, false information, hearsay in HPD report is
573 defamation per se.

574 180. Bell put false information about Spreadbury into court documents, available
575 to public is considered defamation in the State of Montana.

576 181. As a result of defamation, defamation per se by City of Hamilton, Bell,
577 Spreadbury incurred actual damages.

578 **Negligence/Negligence per se— Lee Enterprises Inc.—Count 18**

579 182. Plaintiff repeats, realleges paragraphs 1-181 as if fully set forth in this
580 complaint.

581 183. Defendant Lee Enterprises Inc. knew or should have known sitting on public
582 property is a protected right, Art. II section 6 Montana Constitution,
583 Amendment 1 US Constitution.

584 184. Defendant Lee Enterprises knew or should have known that publishing
585 comments about a person's psychiatric health constitutes negligence per se.

586 185. Lee Enterprises published several comments about Spreadbury's psychiatric
587 health.

588 186. Lee Enterprises knew, or should have known re-publishing material relating
589 to criminal trespass on public property establishes negligence.

590 187. Lee Enterprises knew or should have known that publishing false light
591 information such as Spreadbury “repeatedly” returning to public library,
592 Supreme Court “upholding” ban on public library for Spreadbury considered
593 defamation in the State of Montana.

594 188. Due to negligent and negligent per se activity by Lee Enterprises Inc.
595 Spreadbury suffered actual damages.

596 **Defamation, Defamation per se, Lee Enterprises Inc.—Count 19**

597 189. Plaintiff repeats, realleges paragraphs 1-188 as if fully set forth in this
598 complaint.

599 190. Lee Enterprises Inc. published known false information with actual malice
600 against Spreadbury making case that sitting peacefully on public property was
601 criminal trespass.

602 191. Lee Enterprises Inc. re-published, encouraged the mass-re-publication of
603 criminal trespass with respect to Spreadbury to statewide, national, and
604 international audience.

605 192. Lee Enterprises Inc. published comments about Spreadbury's psychiatric
606 health which constitutes defamation per se.

607 193. Lee Enterprises Inc. published, mass republished false light information with
608 respect to Spreadbury and the public library in Hamilton, Montana.

609 194. Lee Enterprises Inc. encouraged all statewide media outlets to publish
610 criminal trespass concerning Spreadbury peacefully assembled on public
611 property in Hamilton, MT.

612 195. Lee Enterprises Inc. officials received several written requests from
613 Spreadbury not to defame his character by publishing false information.

614 196. Due to publication, mass publication of known false information, false light
615 information by Lee Enterprises Inc considered defamation and defamation per
616 se with actual malice.

617 197. As a result of the defamation, defamation per se by Lee Enterprises Inc. with
618 actual malice, Spreadbury suffered actual damages.

619 **Intentional Infliction of Emotional Distress (IIED)-Defendants-Count 20**

620 198. Plaintiff repeats, realleges paragraphs 1-197 as if fully set forth in this
621 complaint.

622 199. Defendants were in a position to affect Spreadbury's protected interest.

623 200. Defendants unlawfully conspired to charge Spreadbury with a crime, re-
624 published defamation, false light, false information about Spreadbury
625 committing a crime, caused severe emotional distress, violated Spreadbury's
626 established constitutional right.

627 201. Due to willful acts with actual malice on the part of the Defendants known
628 to cause emotional distress, Spreadbury actually suffered severe emotional
629 distress.

630 202. Due to the intentional infliction of emotional distress by the Defendants,
631 Spreadbury suffered actual damages.

632 **Negligent Infliction of Emotional Distress (NIED) Defendants—Count 21**

633 203. Plaintiff repeats, realleges paragraphs 1-202 as if fully set forth in this
634 complaint.

635 204. Defendants were in a position to affects Spreadbury's protected interest.

636 205. Defendants negligently conspired to unlawfully charge Spreadbury with a
637 crime for peaceful assembly on public property, a protected right. Defendants
638 encouraged Lee Enterprises Inc. to publish with actual malice intra-state,

639 interstate, and internationally the false notion that Spreadbury committed a
640 crime by peaceful assembly in Hamilton, MT.

641 206. The negligent and unlawful charge of criminal trespass on public property,
642 intra-state publication, international publication caused Spreadbury severe
643 emotional stress.

644 207. Defendants negligent actions were willful, with actual malice, knowingly
645 executed to cause emotional distress, expected outcome: harm, injury to
646 Spreadbury.

647 208. Due to the negligent infliction of emotional distress by the Defendants, with
648 position to affect Spreadbury, Spreadbury suffered actual damages.

649 **Injunctive Relief—Boone Karlberg PC—Count 22**

650 209. Plaintiff repeats, realleges paragraphs 1-208 as if fully set forth in this
651 complaint.

652 210. Spreadbury seeks an order from this Honorable Court to enjoin Boone
653 Karlberg PC from further defamatory statements in reference to Plaintiff.

654 211. Spreadbury never made threat to Ken Bell, trespass on public property at
655 public library dismissed, Boone Karlberg published known false information
656 about Spreadbury.

657 212. It is highly improper, unethical, and defamatory to make published
658 comments about a criminal behavior that never existed by Boone Karlberg
659 PC.

660 213. Spreadbury seeks a Cease and Desist **ORDER** from the court, and if
661 violated, sanctions on William L. Crowley esq. and/or Natasha Prinzing-Jones
662 esq. of Boone Karlberg PC.

663 214. Spreadbury seeks injunctive relief from court due to belief of future harm,
664 specifically defamation through the courts, which is malicious, calculated,
665 unprofessional, and causes undue harm and injury to Spreadbury's character.

666 215. Emotional distress, defamation should not be manipulated by lawyers at
667 Boone-Karlberg.

668 216. Spreadbury reserves the right to request civil **ARREST** of associates at
669 Boone Karlberg PC for cause if future harm, or other sanctions this honorable
670 court feels appropriate.

671 **Injunctive Relief—Lee Enterprises Inc.—Count 23**

672 217. Plaintiff repeats, realleges paragraphs 1-216 as if fully set forth in this
673 complaint.

674 218. Spreadbury seeks a Cease and Desist **ORDER** from the court to stop any
675 malicious comment, defamatory material from publication in re: Spreadbury.

676 219. Lee Enterprises has published known false information, defamatory
677 comments damaging to Spreadbury since 2007 in more than 30 articles from
678 the Ravalli Republic, parties herein.

679 220. Spreadbury seeks civil **ARREST** of Perry Backus, per MCA§ 27-16-102(2)
680 former editor, author of at least 20 articles defamatory to Spreadbury, gave
681 permission to publish highly defamatory comments in re: Spreadbury's
682 character by the Ravalli Republic. Affidavit for this arrest will be in docket of
683 the aforementioned.

684 221. Spreadbury seeks injunctive relief due to belief that capability of future harm
685 by Lee Enterprises is likely. Spreadbury will yield to Honorable Court for an
686 additional remedies to stop malicious behavior of Lee Enterprises Inc.
687 ongoing since 2007.

688 222. Spreadbury seeks proper court order to stop future harm by Lee Enterprises
689 Inc. that attacks the good character of Spreadbury, before this court for relief.

690

Injunctive Relief—Bitterroot Public Library—Count 24

691

223. Plaintiff repeats, realleges paragraphs 1-222 as if fully set forth in this

692

complaint.

693

224. Plaintiff respectfully requests Honorable Court find lawful privilege of

694

library use was removed improperly: no willful violation of rules per Montana

695

statute, sworn testimony of former library director in Hamilton Municipal

696

Court. Plaintiff requests Honorable Court enjoin Bitterroot Public Library to

697

reinstate Plaintiff privileges per Montana Statute, appropriate administrative

698

remedy therein.

699

225. Plaintiff respectfully requests that honorable court finds that Bitterroot

700

Public Library violated in-house policies for patron submissions,

701

constitutional protections in State of Montana, United States for speech of

702

Plaintiff, enjoin Plaintiff's submission as permanent entry into Bitterroot

703

Public Library collection.

704

226. Plaintiff will suffer future harm of liberty interest if honorable court does not

705

impose injunctive relief on Bitterroot Public Library per well established state

706

statute, right.

707

Injunctive Relief—City of Hamilton—Count 25

708 227. Plaintiff repeats, realleges paragraphs 1-226 as if fully set forth in this
709 complaint.

710 228. Defendant City of Hamilton, prosecuted Spreadbury for established right.

711 229. Hamilton Police Officers did not uphold Plaintiff right under Montana
712 statute to freely use public library. HPD attempted to cite/arrest Plaintiff for
713 established right. HPD investigated Plaintiff for separate established right.
714 HPD wrote several criminal reports defamatory to Spreadbury when
715 Spreadbury has liberty interest, protected right.

716 230. City Attorney Bell acted with malice prosecuting a protected act, previously
717 entered a civil courtroom in violation of state statute MCA§ 7-4-4604 to act
718 against Spreadbury.

719 231. Hamilton Municipal Judge Reardon did not write findings of fact,
720 conclusions of law for permanent order or protection, ordered jail time for
721 peaceful assembly on public property.

722 232. For fear of future harm, Spreadbury asks court to enjoin City of Hamilton
723 from knowingly, or unknowingly violating Spreadbury's established right.

724 **Punitive Damages—Defendants—Count 26**

725 233. Plaintiff repeats, realleges paragraphs 1-232 as if fully set forth in this
726 complaint.

727 234. Actions of defendants, acting in actual malice, with willful intent to deprive
728 right, defame Spreadbury, and intentionally cause severe emotional distress
729 entitle Plaintiff to seek punitive damages in this cause of action.

730 235. Defendant actions that have callous indifference to Spreadbury's protected
731 rights, or are willfully executed to injure or harm are those eligible for
732 punitive damages.

733 236. Punitive damages are intended to stop future behavior of the Defendants.

734 237. Decisions of official policymakers subject municipal government to punitive
735 damages, as Bell, Oster enacted in this cause of action for the City of
736 Hamilton, Montana.

737 238. Defendants Murphy, Snavelly, Brophy, Roddy, Lee Enterprises Inc., City of
738 Hamilton, Bell, Lint, Crowley, Prinzing-Jones, Boone Karlberg PC, public
739 library acted in callous indifference, actual malice towards Spreadbury, allows
740 the grant of punitive damages under applicable statute in Montana, 42 USC§
741 1983.

742 **Relief Sought by Plaintiff**

743 I. Plaintiff respectfully requests that the court find against the Defendants:

744 i. Plaintiff suffered *special damages of lost earnings* in the amount\$2.2M

745 ii. Plaintiff suffered *general damages for pain, suffering* of..... \$2M

746 iii. Plaintiff seeks Compensatory damages for **IIED** of\$535,000.00

747 iv. Plaintiff seeks Compensatory damages for **NIED** of\$ 475,000.00

748 v. Plaintiff seeks Compensatory damages for **defamation** of..... \$6M

749 vi. Plaintiff seeks Compensatory damages for **§1983** of..... \$2M

750 vii. Plaintiff seeks Punitive damages for **IIED** of.....\$200,000.00

751 viii. Plaintiff seeks Punitive damages for **§1983** of.....\$ 645,000.00

752 ix. Plaintiff seeks punitive damages for **defamation** of..... \$16M

753 Total Compensatory damages.....**\$ 10.21M**

754 Total Punitive damages.....**\$ 16.845M**

755 **Total damages sought from Defendants.....\$ 27,055,000.00 US**

756 II. Plaintiff seeks permanent injunctive relief:

757 Boone Karlberg PC.....line 655

758 Lee Enterprises Inc.....line 677

759 Bitterroot Public Library.....line 696

760 City of Hamilton.....line 713

761 III. Plaintiff respectfully requests a jury trial to hear this case.

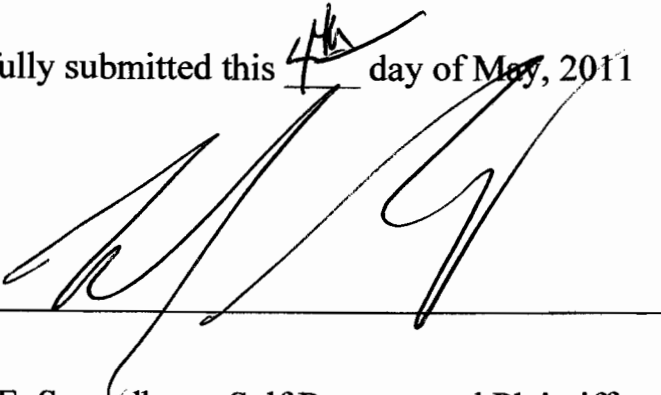
762 End of Complaint.

763

764 Respectfully submitted this ^{4th}~~4~~ day of ~~May~~, 2011

765

766

A handwritten signature in black ink, appearing to read "Michael E. Spreadbury", is written over a horizontal line. The signature is stylized and somewhat cursive.

767 Michael E. Spreadbury, Self Represented Plaintiff

Certificate of Service

Cause No. CV-11-0064-DWM

I certify as Plaintiff in this action, a copy of the below named motion 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, or hand delivered. The following addresses were used for service:

2nd Amended Complaint

Russell Smith Federal Courthouse

Clerk of Court

200 E. Broadway

Missoula, MT 59803

Defendant Counsel:

William L. Crowley

Boone Karlberg PC

PO Box 9199

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Garlington, Lohn, & Robinson PLLP

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Plaintiff Counsel:


Michael E. Spreadbury

PO Box 416

Hamilton, MT 59840

(self-represented)

Dated _____ 5/4/11 _____



Michael E. Spreadbury, Pro Se Plaintiff