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

MICHAEL E. SPREADBURY) Cause No: 9:11cv-0064-DWM-JCL
Plaintiff)
v.) OBJECTION TO COURT
CITY OF HAMILTON,) FINDINGS IN RE: Doc.# 210
LEE ENTERPRISES, INC.,) LEE ENTERPRISES INC.
BOONE KARLBERG, PC,) SUMMARY JUDGMENT
_____)

Comes now Plaintiff with respectful objection to findings and recommendations (TR. #210) with respect to Defendant Lee Enterprises Inc. summary judgment.

Motion:

WHEREFORE, Plaintiff moves court to reject summary judgment as premature; new discovery information, withheld by Defendant Lee precludes court judgment .

Defendant opposes motion.

Brief in Support

A material fact before this tribunal is the lawful incorporation of the City of Hamilton, *inter alia*. The implication of non-incorporated status has impacts to all parties to this case, and to the appropriate adjudication by this Honorable Court.

Court has previously granted privilege to Lee

This court has granted Defendant Lee privilege under Montana Code Ann. MCA §27-1-804 as Plaintiff criminal trespass case was heard before Defendant City Judge Michael J. Reardon February 18, 2010 prosecuted by Defendant Ken Bell former city attorney.

At issue before this court is the material issue of the lawful incorporation of Defendant City per required documents available for public inspection, yet not available by Montana Code Ann. MCA§ 7-2-4101 to 4105. Of significance is Defendant Jerry Steele's admission in official public meeting August 2009 of no incorporation documents available for public inspection; Plaintiff was witness to this meeting, captured on video admitting no incorporation documents for City.

Implication of Non-incorporation

Defendant Lee Enterprises cannot claim privilege MCA§ 27-1-804 to Defendant City court proceeding against Plaintiff for Criminal Trespass on public property as Hamilton known by Defendant Mayor Steele invalid, non-incorporation as required by Montana Code Ann. Witnesses, evidence are required to establish fact of incorporated or unincorporated Status for Defendant City of Hamilton.

Negligence and Joint Function of Defendant Lee

As criminal charge of trespass was dismissed, Lee used all resources available to give false light of Supreme Court for State of Montana, or properly vindicate Plaintiff as charge was dismissed August 16, 2010 [PLA 088].

Lee knew or should have known that peaceful assembly on public property is a protected activity, not subject to publicity prior to an election for negative impact on Plaintiff's public figure as joint, public Function with defendants *Johnson v. Knowles* 113 F. 3d at 1118-1120 (9th Cir., 1997).

Plaintiff as taxpayer is a joint owner of 306 State St. site of Bitterroot Public Library public property [PLA 031-032]. Lee's grant of privilege under Montana Code is broken as malice is introduced into the reporting by Defendant Lee.

As question of Defendant City lawful incorporation is material to this case, it has implications to Defendant Lee, and the other Defendants in the aforementioned.

Lee fails to answer Discovery FRCP 26 asks for Summary Judgment

On January 31 2012 Defendant Lee swore to discovery answers that consisted of deny, or object: Defendant Lee fails to answer discovery yet asks this Honorable Court for summary judgment renewed in violation of controlling authority *Harlow v. Fitzgerald 457 US 800 (1982)*. As Defendant Lee fails to provide discovery, asks court for summary judgment as material facts remain, prior order of trial preclude granting Defendant Lee summary Judgment.

Pleadings before this court are complete March 9, 2012 by order of this court.

Plaintiff gives judicial notice of material fact of incorporation, others; precludes premature decision by court. It is proper to reject summary judgment anew, or grant summary judgment as order for trial no new information by Lee.

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 544 words excluding title page, this compliance.

Respectfully submitted this 3rd day of February, 2012

BY: _____

Michael E. Spreadbury, Self Represented Plaintiff