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MONTANA TWENTY-FIRST JUDICIAL DISTRICT
RAVALLI COUNTY

MICHAEL E. SPREADBURY

Plaintiff,

vs.

Cause No. DV-10-222

ANGELA B. WETZSTEON and
GEORGE H. CORN,

Defendants.

Taken at the Ravalli County Courthouse
205 Bedford Street, Hamilton, Montana
Friday, August 6, 2010

The Honorable Jeffrey H. Langton Presiding.

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

Plaintiff, MICHAEL E. SPREADBURY, appearing pro .

For the Defendants: MICHAEL R. KING
Special Assistant Attorney General
Risk Management and Tort Defense
Division
1625 11th Avenue, Middle Floor
P.O. Box 200124
Helena, MT 59620-0124

Reported by Tamara Stuckey
Official Court Reporter, State of Montana.

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FRIDAY, AUGUST 6, 2010

THE COURT: The first case we're going to hear this morning is the *Spreadbury v. Wetzsteon and Corn*. That's a motion for summary judgment. Mr. King.

MR. KING: Yes, Your Honor.

THE COURT: This is your motion.

MR. KING: Yes.

THE COURT: And typically, the way I hear motions, this is not what a full-blown argument would be in the Montana Supreme Court or the U.S. Supreme Court. It's more like the Ninth Circuit. I allow about 10 or 15 minutes for each side to mention any point that you think needs mentioning, either it's reemphasizing something in your brief or responding to something in the other briefs. My rules during this hearing, as in all hearings, are that nobody is going to interrupt the party presenting, even if you might have an objection. You can raise that in your argument. It's your motion, Mr. King, so you get to begin and you get to close. Mr. Spreadbury, you are in the middle. And so he has the burden, Mr. King does, and he will argue twice; you will argue once. Mr. King.

MR. KING: Thank you, Your Honor. As this Court may know, this case arises out of Mr. Spreadbury's criminal prosecution on August 8th of 2006 in the

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09:47:35 1 Ravalli County Justice Court. Mr. Spreadbury alleges,
09:47:39 2 as I understand his Amended Complaint, that the Ravalli
09:47:44 3 County Attorney's Office did four things that entitle
09:47:48 4 him to monetary and injunctive relief from and against
09:47:52 5 Angela Wetzsteon and George Corn. All four of those
09:47:57 6 things, those allegations, lack merit.

09:48:00 7 The first allegation, as I understand, in
09:48:03 8 the Amended Complaint is that Mr. Spreadbury alleges
09:48:07 9 that Angela Wetzsteon presented evidence during
09:48:10 10 Mr. Spreadbury's criminal trial that the Ravalli County
09:48:14 11 Attorney's Office did not provide to him prior to trial
09:48:16 12 in a timely basis this. This allegation lacks merit
09:48:22 13 because a prosecutor's alleged failure to provide
09:48:26 14 discovery in a timely manner involves a prosecutorial
09:48:30 15 function for which Miss Wetzsteon and Mr. Corn enjoy
09:48:34 16 prosecutorial immunity. And Mr. Spreadbury in that
09:48:39 17 regard has cited no legal authorities to the contrary.

09:48:42 18 Secondly, Mr. Spreadbury alleges that the
09:48:45 19 Ravalli County Attorney's Office filed a motion to
09:48:47 20 continue his trial to a period of time when he would be
09:48:51 21 out of town, thus in some way causing Justice Bailey or
09:48:56 22 Justice of the Peace Bailey to issue a Warrant for his
09:48:59 23 arrest for his failure to appear at the trial. This
09:49:04 24 allegation lacks merit because filing motions,
09:49:07 25 particularly motions for continuance, again, is a

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09:49:12 1 prosecutorial function for which Mr. Corn and Miss
09:49:17 2 Wetzsteon have prosecutorial immunity. And again,
09:49:21 3 Mr. Spreadbury has cited no legal authorities to the
09:49:24 4 contrary. In addition, Mr. Spreadbury hasn't produced
09:49:30 5 any evidence that -- showing that Angela Wetzsteon or
09:49:35 6 George Corn in any way participated in Judge Bailey's
09:49:38 7 issuance of the Arrest Warrant.

09:49:43 8 And finally, the Arrest Warrant was
09:49:46 9 issued -- it was issued by Judge Bailey. It's facially
09:49:50 10 valid. There's no evidence to the contrary. And in any
09:49:52 11 event, to the extent Mr. Spreadbury is asserting a false
09:49:57 12 arrest charge, it's clearly barred by the two-year
09:49:59 13 statute of limitations.

09:50:02 14 His third allegation alleges that the
09:50:07 15 Ravalli County Attorney's Office misrepresented the
09:50:10 16 spelling of Angela Wetzsteon's last name to
09:50:13 17 Mr. Spreadbury's unspecified detriment. I'm not sure
09:50:16 18 what kind of a claim this is, but the best I could make
09:50:19 19 of it was that it was a misrepresentation claim, and the
09:50:23 20 Affidavits -- the undisputed affidavit testimony of
09:50:27 21 Angela Wetzsteon and George Corn shows that they didn't
09:50:35 22 intend by any such misspelling of Angela Wetzsteon's
09:50:39 23 last name to cause him any harm. Mr. Spreadbury
09:50:43 24 certainly hasn't produced any facts, let alone specific
09:50:46 25 facts, to the contrary.

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09:50:50 1 Fourthly, Mr. Spreadbury alleges that as a
09:50:55 2 result of the first three allegations, Miss Wetzsteon
09:50:57 3 and Mr. Corn intentionally inflicted emotional distress
09:51:01 4 upon him. Obviously, if the first three allegations
09:51:04 5 lack merit, as they do, then his fourth allegation,
09:51:07 6 intentional infliction of emotional distress, lacks
09:51:11 7 merit. But more than that, you can't maintain in
09:51:15 8 Montana a claim for intentional inflection of emotional
09:51:20 9 distress when you are legally entitled to do what you
09:51:23 10 have done, and everything that George Corn and Angela
09:51:27 11 Wetzsteon have done in this case, they are legally
09:51:30 12 entitled to do as prosecutors for the State of Montana.

09:51:34 13 So all four of Mr. Spreadbury's allegations
09:51:38 14 of wrongdoing in this case lack merit. As a result of
09:51:42 15 that, this Court should grant George Corn's and Angela
09:51:48 16 Wetzsteon's Motions For Summary Judgment and dismiss
09:51:51 17 Mr. Spreadbury's Amended Complaint with prejudice.
09:51:57 18 Thank you, Your Honor.

09:51:59 19 THE COURT: Mr. Spreadbury.

09:52:00 20 MR. SPREADBURY: Thank you, Your Honor. If
09:52:02 21 it pleases the Court, I'd also like to thank the judge
09:52:05 22 for coming down to Ravalli County Twenty-First District.
09:52:10 23 I do have a few things I'd like to say. Angela
09:52:14 24 Wetzsteon, on August 8th, 2007 -- not 2006 -- was
09:52:20 25 unauthorized to practice law. She was not licensed.

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09:52:24 1 She was licensed 10/9/08, is the date, so it's
09:52:32 2 October 9th of 2008, which is prior to that date. There
09:52:37 3 is also attorney witnesses, my retained attorney, that
09:52:41 4 Miss Wetzsteon was practicing without supervision, which
09:52:45 5 is in violation of the Student Practice Act issued by
09:52:49 6 the Montana Supreme Court April 30th, 1975. Without
09:52:54 7 those items, a bar license, swearing an oath to the
09:53:00 8 Constitution and the third item that I mentioned,
09:53:03 9 unsupervised, she has no immunity.

09:53:07 10 Just like I stand in front of you here
09:53:09 11 today. I'm not a prosecutor. This is a civil
09:53:11 12 proceeding. I don't want to get off track, but a
09:53:15 13 student, unsupervised, without a bar license has
09:53:20 14 no -- in the words of Mr. King, he used "legally
09:53:24 15 entitled." That's not the case whatsoever. In fact,
09:53:27 16 his office is charged with the duty of protecting the
09:53:31 17 public from unauthorized practice of law, and here he is
09:53:36 18 protecting somebody who did engage in the unauthorized
09:53:40 19 practice of law.

09:53:42 20 I submitted to the Court, and I just gave a
09:53:45 21 copy -- a second copy to opposing counsel. Here is a
09:53:50 22 certified receipt for my Complaint. Would you like to
09:53:52 23 see this, Your Honor? It was within the docket. You
09:53:52 24 may have already see it.

09:53:54 25 THE COURT: It's already in the file.

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09:53:57 1 MR. SPREADBURY: It is. You can see it if
09:53:59 2 you like.

09:54:07 3 In terms of George Corn as a supervisor or
09:54:11 4 in an administrator function, the Montana Supreme Court,
09:54:14 5 in 1995, in *Kelman v. Losleben*, says that a prosecutor
09:54:21 6 is not entitled to immunity engaged in administrative
09:54:24 7 duties. If he was sitting at his desk right over here
09:54:28 8 and Angela Wetzsteon was downstairs in the Justice
09:54:31 9 Courts, outside of the speedy trial time period, eight
09:54:36 10 months into a trial, I don't see how George Corn is
09:54:41 11 entitled to any immunity whatsoever. He assigned Angela
09:54:46 12 to the case and that's an administrative duty. The
09:54:50 13 Supreme Court has already determined, Your Honor, that
09:54:54 14 there is no immunity. There is no civil liability
09:54:58 15 immunity in that situation.

09:55:02 16 I'll continue. The other thing, is as you
09:55:05 17 said in the beginning, the defense counsel, Michael
09:55:10 18 King, from the attorney General's Office has the burden
09:55:15 19 here -- and I do realize he has a rebuttal to my
09:55:20 20 statement. However it's a well-established fact, in
09:55:22 21 *Morley and Walker* in the Ninth Circuit in 1999 -- I have
09:55:22 22 a printout of it right here -- "an official seeking
09:55:28 23 immunity bears the burden of demonstrating that immunity
09:55:28 24 attaches to a particular function." I haven't seen any
09:55:32 25 segment of this 2007 case where Angela Wetzsteon in

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09:55:38 1 front of a justice of the peace or George Corn, wherever
09:55:42 2 he was, not in the courtroom, how that is entitled to
09:55:46 3 immunity. So I just stated a case. I just read from
09:55:51 4 the case that says that the prosecutors have the burden
09:55:56 5 of showing both reasonableness, sir, Your Honor, and
09:56:00 6 that the specific task is entitled to immunity. And I
09:56:06 7 I'd go ahead and say that George Corn assigning a
09:56:10 8 non-bar-licensed, non-supervised student is not a
09:56:12 9 reasonable decision to be made by a prosecutor. So
09:56:16 10 that's my argument why there isn't immunity -- there's
09:56:19 11 no immunity assigned to this.

09:56:22 12 Mr. King would like the Court to think that
09:56:24 13 none of my claims were intentional -- for intentional
09:56:30 14 distress have any merit. There's a photo that I think
09:56:33 15 he was talking about or some evidence he was talking
09:56:35 16 about. If something is given outside of the Rules of
09:56:39 17 Criminal Procedure, otherwise known as discovery, that
09:56:44 18 is outside of the Rules of Evidence, and so that's not
09:56:50 19 something where a counsel can say this was -- I call it
09:56:55 20 tampered evidence, which is what it was. It was
09:56:59 21 actually altered. Someone scratched their own face. It
09:57:02 22 altered my life to where my career with a very
09:57:07 23 well-established path was purposely and intentionally
09:57:12 24 destroyed, and that's what these IIED cases are all
09:57:17 25 about, is that emotional distress occurred and they were

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09:57:20 1 done intentionally. I would say that assigning a
09:57:24 2 prosecutor, without a license, unsupervised, violating
09:57:29 3 the act of the Supreme Court would be an intentional
09:57:31 4 act. That's an intentional act.

09:57:33 5 Like I said before, that case, October 8th,
09:57:37 6 2008, the appearance was January 5th, so that's outside
09:57:40 7 of speedy trial completely. It's a misdemeanor. Not
09:57:45 8 only that, if I had a retained attorney, Sasha Brownlee,
09:57:49 9 in the courtroom for me, there's no need for a judge to
09:57:51 10 sign a Failure to Appear Warrant, and if Angela
09:57:55 11 Wetzsteon were in the courtroom, there's no -- she has a
09:57:59 12 duty as an officer of the Court, and if she's certified
09:58:03 13 by her dean, which she is, for two years of competent
09:58:06 14 legal school, she would know that that is her duty to
09:58:09 15 say, Your Honor, the Defendant may not be here -- this
09:58:13 16 is a misdemeanor trial. It's a well-established fact in
09:58:15 17 this Court and in this state that there is no crime of
09:58:20 18 failure to appear. There's no need for this Warrant.
09:58:23 19 So by omission, she's claiming in her Affidavit that she
09:58:27 20 didn't hear it. She didn't see it. I'm not quite sure
09:58:30 21 exactly what she's saying. She's trying to get out it.
09:58:33 22 But if she's in a courtroom and it's mentioned that
09:58:35 23 we're going to issue a warrant for failure to appear, as
09:58:39 24 a court officer, even as an assumed court officer with
09:58:43 25 the certification from her Dean, that means she has the

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09:58:47 1 onerous to uphold the rules of the Court, the
09:58:52 2 constitutional rights and the State rights.

09:58:57 3 I'll finish here. The tort issue that
09:59:02 4 Michael King is bringing up says it's only two years for
09:59:06 5 false arrest. It's a well-established fact in this
09:59:09 6 State that it's four years to bring a tort claim in
09:59:15 7 front of a Court. That's why we're standing here today.
09:59:17 8 This was three years ago, 2007, and we're here within
09:59:20 9 the four-year time limit. Perhaps there's some other
09:59:24 10 requirement I'm not aware of for the two years. I know
09:59:27 11 for a fact in a federal court I can bring a tort up to
09:59:30 12 four years, and I believe it's the same in this court.

09:59:35 13 The Affidavits never said anything that she
09:59:37 14 was supervised in the courtroom. I'm referring to
09:59:39 15 Angela Wetzsteon. If a student is not supervised, I'll
09:59:45 16 just say -- I'm not going to say I was a teacher, but I
09:59:49 17 also was student teaching. My teacher was in the
09:59:53 18 courtroom. I had no power to put people in jail. I had
09:59:56 19 no power to do the things that a prosecutor can do, and
10:00:00 20 there's a very important reason to this Student Practice
10:00:03 21 Act. It's clinical instruction. You're not getting
10:00:06 22 clinical instruction when you're standing there alone.
10:00:09 23 You're not being watched. You're not being checked, and
10:00:12 24 that's the problem with this case, and this has caused
10:00:16 25 immeasurable and irreparable damage to my life, to my

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10:00:21 1 future and an unbearable stress to my family. And this
10:00:28 2 is the reason why the case -- the Complaint was filed.

10:00:34 3 I don't think we need to argue on the facts
10:00:36 4 right now. We're talking about immunity. I'm going to
10:00:40 5 end with a case where even if immunity is granted, it
10:00:48 6 still doesn't give them immunity from civil liability.
10:00:54 7 *Smith on behalf of Smith Butte Silver Bow, 1994,*
10:00:58 8 "Prosecutor immunity does not shield a prosecutor from
10:01:00 9 civil liability for all acts or omissions." So, in
10:01:06 10 other words, even if you do find there's immunity,
10:01:08 11 there's still civil liability involved. This hearing is
10:01:11 12 not the end all for this case for a couple of reasons.
10:01:15 13 For this quote right here that they don't end with
10:01:20 14 prosecutorial immunity, but also if it gets appealed up
10:01:24 15 to the Supreme Court, they may send it right back and
10:01:27 16 say it was incorrect to issue immunity because in
10:01:34 17 *Losleben*, like I quoted earlier, the administrative
10:01:37 18 duties of someone like George Corn saying, Hey, Angela
10:01:40 19 go down to Justice Court and prosecute this case, that's
10:01:44 20 an administrative duty. And that was already
10:01:48 21 established by the Supreme Court in the state that that
10:01:51 22 doesn't bring immunity.

10:01:56 23 Also, the last thing is an action that lacks
10:01:59 24 probable cause, it stops all immunity. My attorney --
10:02:03 25 and it's well established, it's in the docket. My

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10:02:05 1 attorney, Sasha Brownlee, was bringing the case for
10:02:09 2 justifiable force and a couple other constitutional
10:02:11 3 rights that are irrelevant here. But the fact that
10:02:15 4 there's probable cause issue where it was justifiable
10:02:19 5 force for this situation would totally erase immunity
10:02:24 6 for the Defendants, George Corn and Angela Wetzsteen.
10:02:28 7 This is found in American Jurisprudence Second Edition
10:02:32 8 in Section 102.

10:02:35 9 So lastly, Your Honor, I'd like to
10:02:37 10 respectfully object to the assigning of immunity to the
10:02:46 11 Defendants. I'd like that to be in the official record.
10:02:50 12 Because I feel very strongly, in the research that I've
10:02:53 13 done in cases involving -- I couldn't find any with
10:02:58 14 students, but especially with respect to Mr. Corn and
10:03:01 15 administrative duties, it's a well-established fact and
10:03:04 16 precedent in the Montana Supreme Court that no immunity
10:03:07 17 is available. So as a plaintiff here, I'm asking the
10:03:10 18 Court to enter my objection respectfully because I do
10:03:16 19 not believe, very strongly, immunity is available here
10:03:18 20 to the Defendants.

10:03:20 21 THE COURT: Very well.

10:03:22 22 MR. SPREADBURY: Thank you.

10:03:22 23 THE COURT: Mr. King.

10:03:23 24 MR. KING: Very briefly, Your Honor. Just a
10:03:25 25 couple points. First of all, I want to address the

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10:03:33 1 issue of the Student Practice Rule and the argument by
10:03:38 2 Mr. Spreadbury that Miss Wetzsteon wasn't authorized
10:03:43 3 under the Rule. Mr. Spreadbury hasn't produced any
10:03:52 4 evidence that refutes any part of Angela Wetzsteon's
10:03:55 5 Affidavit concerning her qualifications under the
10:04:00 6 Student Practice Rule. It's his burden to come forward
10:04:03 7 with specific facts that refute her Affidavit and he
10:04:07 8 simply hasn't done it. Saying that she isn't authorized
10:04:16 9 is not a substitute for presenting facts that she, in
10:04:20 10 fact, wasn't authorized. So there's no factual basis
10:04:23 11 for the statement that she wasn't authorized under the
10:04:25 12 Rule in the first place.

10:04:27 13 Secondly, the argument that she needed a
10:04:34 14 supervising attorney with her during his criminal trial
10:04:38 15 is mistaken. The Student Practice Rule very clearly
10:04:44 16 states in Paragraph 2 that, quote, "An eligible law
10:04:49 17 student may also appear in any criminal matter on behalf
10:04:51 18 of the State with the written approval of the
10:04:54 19 supervising lawyer and the prosecuting attorney or his
10:04:58 20 authorized representative." And there's no dispute that
10:05:02 21 she was authorized by her boss, Mr. Corn, and
10:05:05 22 Mr. Fulbright, her supervising attorney during that
10:05:10 23 trial, to appear at that trial. The requirement for
10:05:14 24 having supervision appears in Subsection 2(a) of the
10:05:19 25 Rule, not Subsection 2(b), which I just quoted. And

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10:05:24 1 that has to do with criminal defense attorneys
10:05:28 2 representing defendants who have a legal right to legal
10:05:35 3 counsel. Under those circumstances, the Rule requires
10:05:40 4 the presence of a supervising attorney, but not under
10:05:42 5 Subsection (b), which is the subsection of the rule
10:05:45 6 pursuant to which Miss Wetzsteon appeared at
10:05:48 7 Mr. Spreadbury's criminal trial.

10:05:51 8 With respect to Mr. Spreadbury's argument
10:05:55 9 that George Corn isn't entitled to prosecutorial
10:05:59 10 immunity because he's an administrative attorney or
10:06:02 11 supervising attorney, that argument was done away with
10:06:05 12 by the U.S. Supreme Court in *Van de Kamp v. Goldstein*,
10:06:10 13 which I cite on page 5 of the Reply Brief in Support of
10:06:13 14 Summary Judgment. And Mr. Spreadbury, despite all the
10:06:22 15 legal research he purports to have done, hasn't provided
10:06:24 16 this Court with any legal authorities to the contrary.

10:06:29 17 Mr. Spreadbury takes issue with a photograph
10:06:32 18 apparently. He claims it was altered by somebody. What
10:06:38 19 he has failed to do, and it's his burden to do, if he
10:06:42 20 thinks that is an issue in this case, is to present
10:06:44 21 evidence that the two people he sued, George Corn and
10:06:47 22 Angela Wetzsteon, had something to do with any such
10:06:50 23 alteration, and he hasn't produced any such evidence to
10:06:53 24 this Court in that regard.

10:06:57 25 Finally, I've been practicing in the Tort

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10:07:07 1 Claims Division for the State of Montana for almost
10:07:10 2 15 years now, and it's the first I've ever heard that a
10:07:14 3 four-year statute of limitations applies to torts. This
10:07:17 4 Court is well aware there's a three-year general statute
10:07:20 5 of limitations for tort claims. In the case of a false
10:07:25 6 arrest claim, there's a two-year statute. I don't know
10:07:27 7 what legal authorities Mr. Spreadbury is relying on to
10:07:30 8 the contrary, but I do know this: He hasn't presented
10:07:34 9 any to this Court. So this Court should grant summary
10:07:38 10 judgment, and on behalf of George Corn and Angela
10:07:41 11 Wetzsteon, I would request respectfully that the Court
10:07:44 12 do so. Thank you.

10:07:46 13 THE COURT: Very well, the matter is deemed
10:07:48 14 submitted. The Court will issue a written ruling.

15 (Proceedings concluded.)
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C E R T I F I C A T E

STATE OF MONTANA)
) ss.
COUNTY OF RAVALLI)

I, Tamara Stuckey, Official Court Reporter for the State of Montana, do hereby certify:

That I was duly authorized to and did report the proceedings in the above-entitled cause;

That the foregoing pages of this transcript constitute a true and accurate transcription of my stenotype notes.

I further certify that I am not an attorney, nor counsel of any of the parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand on this 19th day of September, 2011.

T. Stuckey
Tamara Stuckey
Official Court Reporter
State of Montana
Twenty-First Judicial District

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MONTANA TWENTY-FIRST JUDICIAL DISTRICT

RAVALLI COUNTY

MICHAEL E. SPREADBURY,

Plaintiff,

vs.

Cause No. DV-10-223

KENNETH S. BELL,

Defendant.

COPY

Taken at the Ravalli County Courthouse
205 Bedford Street, Hamilton, Montana
Friday, August 6, 2010

The Honorable Jeffrey H. Langton Presiding.

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

Plaintiff, Michael E. Spreadbury, appearing pro se.

For the Defendant: NATASHA PRINZING JONES
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Tammy Stuckey ** 375-6783

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FRIDAY, AUGUST 6, 2011

THE COURT: Very well, the matter is deemed submitted. The Court will issue a written ruling.

There's a second case involving different counsel. That's *Spreadbury v. Bell*, DV-10-223. Miss Jones is here on behalf of Mr. Bell, and Mr. Spreadbury again pro se. This is a 12(b)(6) motion on dismissal on such a motion, while argument is not required the way it is required on summary judgment motion, I felt it appropriate in this case to hear legal argument. We'll follow the same format as we just utilized; again, the moving party goes first, the party opposing is in the middle and the moving party with the burden closes. Miss Jones.

MS. JONES: Thank you, Your Honor. And I'll be brief. I don't think that there's much that I can add to the briefing on this issue. I would simply highlight this: That this is a motion to dismiss and so we are bound to the record. However, I provided the Court with the authority that allows the Court to take judicial notice of related proceedings. And those related proceedings, of course, are the criminal cases involving the same person, Mr. Spreadbury. And so this is relevant because Mr. Spreadbury has tried to view what Mr. -- City Attorney Bell's role in the protective

10:09:18 1 order hearing was in a vacuum. And the Court, of
10:09:22 2 course, can take judicial notice, in the context of a
10:09:25 3 motion to dismiss, of the related proceedings so that we
10:09:28 4 have context for his role there. And it becomes clear
10:09:31 5 that his role there was related to the criminal
10:09:33 6 proceedings because Nansu Roddy, who was moving for the
10:09:37 7 protective order at that time, was also a key witness in
10:09:40 8 a criminal matter, the criminal trespass case, and the
10:09:43 9 victim of a crime that was under investigation with the
10:09:45 10 assistance of City Attorney Bell, and that is the felony
10:09:49 11 intimidation charge that was subsequently filed against
10:09:51 12 Mr. Spreadbury for the exact conduct that was at issue
10:09:55 13 in the order of protection hearing. And for those
10:09:58 14 reasons, of course, it was absolutely appropriate for
10:10:03 15 City Attorney Bell to participate in that hearing. And
10:10:06 16 indeed, Mr. Spreadbury himself was represented by his
10:10:09 17 public defender who had been assigned to him in the
10:10:13 18 criminal trespass case.

10:10:16 19 Then, of course, it is that immunity
10:10:22 20 applies. And with that I'll leave it to the briefs on
10:10:24 21 immunity, as that's been the issue of multiple legal
10:10:30 22 briefs by Mr. Spreadbury and myself, as well as in
10:10:33 23 related cases on that issue, so I don't think I can add
10:10:36 24 anything to that.

10:10:37 25 THE COURT: Thank you. Mr. Spreadbury.

Tammy Stuckey ** 375-6783

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10:10:39 1 MR. SPREADBURY: Yes, Your Honor. Thank
10:10:46 2 you. If it pleases the Court, I just have a few
10:10:50 3 comments. We can say all we want to that Ken Bell was
10:10:54 4 acting within his authority and there's all these
10:10:58 5 criminal charges. Well, if you think that sitting on a
10:11:02 6 public park owned by the City of Hamilton in a public
10:11:06 7 place with, I don't know what you'd call it, liberty,
10:11:10 8 freedom of access, definitely freedom of assembly, which
10:11:15 9 is in both constitutions of the flags on either side of
10:11:18 10 you, and if you think asking a librarian for help is a
10:11:22 11 felony, then, you know, let's talk about the criminal
10:11:25 12 matter.

10:11:26 13 In fact, Ken Bell was in a civil proceeding
10:11:29 14 like we are right now and there was no criminal stuff
10:11:33 15 going on. I hate to use the word "stuff." But it's
10:11:37 16 very clear in MCA 7-4-4604, which are the duties of a
10:11:45 17 city attorney. None of them listed, and I have that in
10:11:50 18 my pleadings, Your Honor, none of them listed include
10:11:56 19 representing an employee who is not a city employee or
10:12:00 20 even entering a civil courtroom like we're here right
10:12:04 21 now. None of those duties. They are -- the duties are
10:12:08 22 to prosecutor for the city, to draft ordinances for the
10:12:12 23 city, and do whatever other services that the City
10:12:17 24 Council, upon a vote, deems the city attorney should do.
10:12:20 25 And I might be missing one there, but it's definitely

Tammy Stuckey ** 375-6783

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10:12:23 1 not being in a civil courtroom.

10:12:25 2 I'm going to go on to the conflict of
10:12:29 3 interest that Mr. Bell engaged in. He sat in a criminal
10:12:36 4 courtroom, as I was being arraigned, as a stand-in
10:12:40 5 prosecutor on November 10th in Justice Clute's
10:12:46 6 courtroom, and then on November 20th he was in this
10:12:52 7 aforementioned civil hearing on behalf of Nansu Roddy,
10:12:56 8 which she is not a city employee. She is an employee of
10:13:00 9 the Bitterroot Public Library, which is an independent
10:13:03 10 library district who gets funding from the City,
10:13:05 11 however, she is not an employee of the City of Hamilton.
10:13:10 12 So he prosecuted one party ten days prior, and then came
10:13:14 13 in to, I guess you'd call it defended or represented
10:13:20 14 non-city business on November 20th, 2009, in Municipal
10:13:25 15 Court in Hamilton. Just as a layman, that appears to
10:13:30 16 me -- oh, and then we have the sitting on the library
10:13:36 17 lawn prosecution. I believe there was a date sometime
10:13:38 18 in November. I can't quite remember, but he was also
10:13:41 19 the prosecutor on that case. The trial, I know, was
10:13:43 20 February 18, 2010. November -- it doesn't matter, so
10:14:02 21 I'm going to move on.

10:14:02 22 So Ken Bell acted outside of the duties, so
10:14:02 23 if you act outside of the duties, that's one of the
10:14:02 24 requirements for emotional distress is to be outrageous.
10:14:02 25 It's outrageous for Ken Bell to be in a civil courtroom

Tammy Stuckey ** 375-6783

PLA 232

10:14:05 1 as a city attorney without including any city business.
10:14:11 2 So that's one of the requirements for emotional distress
10:14:15 3 cases. I've already talked about the conflict of
10:14:19 4 interest.

10:14:23 5 It's a well-established fact that
10:14:25 6 prosecutors have no immunity in civil courtrooms.
10:14:29 7 Mr. Corn is sitting right here. He has no immunity in
10:14:32 8 this civil courtroom. He's the prosecutor for Ravalli
10:14:35 9 County. If he were to say something to me or anything
10:14:40 10 else, that could be used as defamation. That could be
10:14:43 11 used as misrepresentation. You know, one of his
10:14:47 12 deputies could say, which they have, if this were
10:14:51 13 anybody else but Mike Spreadbury, we would have dropped
10:14:55 14 this case. So when they say something like that, they
10:14:58 15 only have qualified immunity, if anything. So there's
10:15:01 16 certain stages of immunity. And in a civil courtroom,
10:15:06 17 there's no immunity. So Ken Bell, it's a
10:15:09 18 well-established fact and observed, in a civil
10:15:12 19 courtroom, no immunity.

10:15:17 20 The other thing I'll get into is the fact
10:15:19 21 that there is a burden of proof. And respectfully, I'm
10:15:24 22 getting from the defense counsel that, it's just in her
10:15:28 23 pleadings, that there is immunity. I don't see any
10:15:34 24 burden there. I don't see any proof that, okay, he was
10:15:37 25 in a civil courtroom, here's how he has immunity right

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10:15:41 1 there in that courtroom. If he's outside of his duties
10:15:44 2 and he's also in a civil courtroom, he's lost in space,
10:15:49 3 Your Honor. He has no immunity.

10:15:55 4 Again, Smith on behalf of Smith Butte-Silver
10:15:58 5 Bow, 1994, "Prosecutorial immunity does not shield
10:16:01 6 prosecutor from civil liability for all facts or
10:16:04 7 omissions." Definitely with probable cause here -- I'm
10:16:08 8 standing on public property. Maybe Mr. Bell would like
10:16:12 9 to charge me with trespassing today. I don't know. It
10:16:14 10 would be another year of fun. I don't know. But if
10:16:19 11 there's no probable cause, immunity stops dead. Just
10:16:22 12 stops.

10:16:26 13 And in a situation where Bell is in a
10:16:34 14 November 20th hearing for an order of protection, there
10:16:38 15 is an argument that could be made that there's no
10:16:41 16 probable cause for that because there is already
10:16:45 17 indiscrepancies (sic) with the testimony of the
10:16:52 18 detention of Nansu Roddy, what she made with the police
10:16:54 19 and what she did with -- sworn to a judge. So there's a
10:17:01 20 lot of things going on here where there's some
10:17:02 21 improprieties. I've already asked for official
10:17:06 22 misconduct of Mr. Bell to this Court. I don't get an
10:17:12 23 answer. I have in the docket because I believe it
10:17:14 24 happened.

10:17:15 25 I'll kind of end with the fact that there is

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10:17:17 1 no criminal case involved here. November 20th, 2009 was
10:17:21 2 a civil proceeding. I was not allowed to speak. I was
10:17:26 3 advised by my counsel, who had just showed up at that
10:17:29 4 time that he wasn't prepared. We have another criminal
10:17:32 5 case involving this same incident. So I wasn't allowed
10:17:36 6 to speak to the fact that there was no danger involved.
10:17:41 7 There was no danger at all. So this wasn't a criminal
10:17:44 8 case. Trespassing is not a crime on public property if
10:17:50 9 you're sitting peacefully and it's open access to the
10:17:53 10 public. And I'll just end with the fact that this is
10:17:58 11 probably the easiest decision to make because Ken Bell
10:18:01 12 was in a civil courtroom. There's no immunity to
10:18:07 13 prosecutors, Your Honor, in a civil courtroom. It
10:18:09 14 doesn't get any clearer than that. And I'd like to
10:18:13 15 respect the Court and I hope we move forward with this
10:18:16 16 case.

10:18:16 17 If there is immunity assigned or dismissal
10:18:18 18 assigned, I'm going to ask the higher court to look at
10:18:21 19 this because I feel strongly that the immunity is
10:18:26 20 something that isn't assigned in a civil courtroom and
10:18:29 21 it should be established in this court. And I thank you
10:18:31 22 for your time.

10:18:33 23 THE COURT: Very well, Miss Jones, you may
10:18:34 24 conclude.

10:18:35 25 MS. JONES: I've already briefed the scope

10:18:41 1 of the duties of the city attorney, which includes
10:18:44 2 appearances in civil matters. There is no limitation on
10:18:47 3 immunity or the duties of a prosecutor to purely
10:18:50 4 criminal matters. There is no case or statute that says
10:18:53 5 that. This was a city business case because the moving
10:19:00 6 party for the protective order was the victim of a crime
10:19:03 7 and was a key witness in another crime, and so it was
10:19:07 8 clearly related to city business. And we can take it as
10:19:12 9 true his allegation that she wasn't a city employee. We
10:19:15 10 can take all of his allegations as true. The fact
10:19:17 11 remains that given judicial notice of related
10:19:21 12 proceedings, that Mr. Bell was acting in his scope as
10:19:24 13 city attorney; that he was entitled to -- is entitled to
10:19:28 14 immunity for his actions in that regard. Thank you.

10:19:31 15 THE COURT: The matter is deemed submitted.
10:19:33 16 The Court will issue a written ruling in that matter.

17 (Proceedings concluded.)
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C E R T I F I C A T E

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STATE OF MONTANA)
) ss.
COUNTY OF RAVALLI)

I, Tamara Stuckey, Official Court Reporter for the State of Montana, do hereby certify:

That I was duly authorized to and did report the proceedings in the above-entitled cause;

That the foregoing pages of this transcript constitute a true and accurate transcription of my stenotype notes.

I further certify that I am not an attorney, nor counsel of any of the parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand on this 2nd day of September, 2011.

T. Stuckey

Tamara Stuckey
Official Court Reporter
State of Montana
Twenty-First Judicial District

PLA 237

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MONTANA TWENTY-FIRST JUDICIAL DISTRICT
RAVALLI COUNTY

MICHAEL E. SPREADBURY,
Plaintiff,

COPY

vs. Cause No. DV-10-224

NANSU RODDY,
Defendant.

Taken at the Ravalli County Courthouse
205 Bedford Street, Hamilton, Montana
Friday, August 6, 2010

The Honorable John W. Larson Presiding.

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

Plaintiff, MICHAEL E. SPREADBURY, appearing pro se.

For the Defendant: NATASHA PRINZING JONES
Boone Karlberg P.C.
201 West Main Street, Suite 300
Missoula, MT 59802

Tammy Stuckey, RPR ** 375-6783

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1 FRIDAY, AUGUST 6, 2011

2 THE COURT: There was, I believe, another
3 case where I indicated there would be some opportunity
4 to discuss scheduling, the *Spreadbury v. Roddy* case,
5 DV-10-224. We don't have a scheduling -- we do have a
6 Scheduling Order.

7 MS. JONES: Your Honor, I brought with me
8 today a Proposed Scheduling Order. I presented that to
9 Mr. Spreadbury. We have agreed to the deadlines. We
10 have not set forth a date for a settlement master. We
11 would ask the Court's permission to consult by the
12 deadline, which is in December, and then add that
13 information later.

14 THE COURT: That's agreeable to you,
15 Mr. Spreadbury, to work out the date and time for a
16 settlement master by the deadline in December?

17 MR. SPREADBURY: Yes, Your Honor. I did
18 speak with Ms. Jones and I do feel the settlement time
19 is something we need to work out. I'm noticing now that
20 the September 3rd might be a little bit early for me. I
21 originally thought everything would be fine. I would
22 like to get everything accomplished within six months,
23 and it appears that that -- this would be very close to
24 doing that, but then the last date that I saw was
25 February something. Here it is, February 11th. I would

Tammy Stuckey, RPR ** 375-6783

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1 ask that the September date be moved back by a week, to
2 September 10th.

3 THE COURT: Any objection Ms. Jones?

4 MS. JONES: No objection.

5 THE COURT: So I'll interlineate three and
6 putting in ten.

7 MR. SPREADBURY: Yes, sir.

8 THE COURT: So I'll order that at this time
9 and allow you, then, up until the December date
10 hopefully -- I mean, you do need to schedule these
11 settlement conferences with the settlement masters
12 because their schedules are just like everyone else's
13 and the more lead time they have, the more flexibility
14 there is. And certainly, if your settlement master
15 isn't quite available within that time frame, I
16 regularly amended Orders to meet the scheduling issues
17 that the settlement master might have. So there's
18 always a little flexibility built in, and just as you
19 did today, Mr. Spreadbury, if you have an issue,
20 certainly try to work it out with opposing counsel. If
21 you can't, then you need to file a written motion.

22 MR. SPREADBURY: Thank you, Your Honor.

23 THE COURT: Thank you. So I think we have
24 handled all matters this morning that we were going to
25 handle, and I've handled other matters in chambers. We

1 are adjourned.

2 (Proceedings concluded.)

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Tammy Stuckey, RPR ** 375-6783

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C E R T I F I C A T E

STATE OF MONTANA)
) ss.
COUNTY OF RAVALLI)

I, Tamara Stuckey, Official Court Reporter for the State of Montana, do hereby certify:

That I was duly authorized to and did report the proceedings in the above-entitled cause;

That the foregoing pages of this transcript constitute a true and accurate transcription of my stenotype notes.

I further certify that I am not an attorney, nor counsel of any of the parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand on this 19th day of September, 2011.

Tamara Stuckey
Tamara Stuckey
Official Court Reporter
State of Montana
Twenty-First Judicial District

1 Pro Per
2 Michael E. Spreadbury
3 700 South Fourth St.
4 Hamilton, MT 59840
5 Tel. (406) 363-3877

FILED
DEBBIE HARMON, CLERK

MAY 07 2010

Michael Spreadbury
DEPUTY

6 MONTANA 21ST JUDICIAL DISTRICT COURT
7 RAVALLI COUNTY

8 _____
9
10 MICHAEL E. SPREADBURY) Cause No: DV-10-223 / 4
11 Plaintiff)
12 v.) AMENDED COMPLAINT
13 KENNETH S. BELL)
14 Defendant)
15 _____

15 **Cause of action:**

16 This case is for relief for the intentional infliction of emotional distress.

17 **Factual Background:**

18 Plaintiff, acting on his own behalf, pleads and alleges as follows:

- 19 1. Plaintiff Michael Spreadbury is an individual and resides at 700 South 4th Street in the
20 City of Hamilton, County of Ravalli, State of Montana.
- 21 2. Defendant Kenneth S. Bell is an individual and is employed at 210 South 3rd Street, in the
22 City of Hamilton, County of Ravalli, State of Montana.
- 23 3. On or about November 20, 2009, Plaintiff was in court for a civil order of protection
24 hearing (CV-2009-168) in Hamilton, MT. The appearance of Defendant Kenneth S. Bell
25 at this hearing was not part of his duties as City Attorney. Defendant Bell was allowed
26 by the court to examine the witness. Defendant Bell proceeded in leading the witness
27 through gestures, to give false testimony on the interaction between Plaintiff and

28 Petitioner which occurred Nov 4 2009. The false information illicited by Defendant Bell
29 put Plaintiff in unnecessary jeopardy. Defendant Bell actions defamed Plaintiff without
30 due cause, or in good faith.

31 4. Based upon Defendant borne information in the civil hearing, Plaintiff continues to be in
32 undue future harm by Defendant's actions for four (4) years by order of protection
33 information.

34 5. The acts of the Defendant described in paragraph 3 and 4 of this Amended Complaint
35 were done willfully, maliciously, outrageously, deliberately, and purposely with the
36 intention to inflict emotional distress upon Plaintiff and were done in reckless disregard
37 of the probability of causing Plaintiff emotional distress, and these acts did in fact result
38 in severe and extreme emotional distress.

39 6. As a direct and proximate result of the Defendant's acts alleges herein, Plaintiff was
40 caused to incur severe and grievous mental and emotional suffering, fright, anguish,
41 shock, nervousness, and anxiety. Plaintiff continues to be fearful, anxious, and nervous
42 specifically but not exclusively regarding the future possibility of wrongful arrest and
43 prosecution. For this harm, Plaintiff requests compensatory damages in the amount of
44 \$250,000.00

45 7. As a proximate result of the Defendant's actions alleged herein, Plaintiff has had his
46 capacity to pursue an established course of life destroyed by the Defendant. Plaintiff has
47 suffered permanent damage to lifestyle and professional life as a result of Defendant
48 activity described in paragraph 3 through 5. Severe emotional distress has inflicted
49 Plaintiff as a result.

50 8. This severe emotional distress was reasonable and foreseeable consequence of actions by
51 Defendant on November 20, 2009. Defendant did not take reasonable care to avoid
52 permanent damage to Plaintiff's person, or defamation to Plaintiff. Defense actions on this
53 date were outrageous. Defendant Bell acted as Hamilton City Attorney for non city business
54 or city interest in a city court against Plaintiff. Defense actions were deliberate.

55 9. Plaintiff respectfully asks the court for a jury trial to resolve this matter.

56 WHEREFORE, Plaintiff Michael E. Spreadbury prays for judgment against Defendant Kenneth
57 S. Bell as follows:

58 1. Compensatory Damages in the amount of \$ 250,000.00

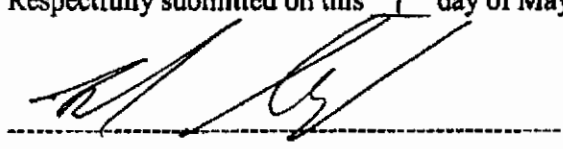
59 2. Punitive Damages in the amount of \$25,000.00

60 3. Costs associated with the suit and such other relief as the Court deems proper.

61 Respectfully submitted on this ^{7th} day of May, 2010.

62

63



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

64 Michael E. Spreadbury, Pro Se Plaintiff Attorney

1 Pro Per
2 Michael E. Spreadbury
3 700 South Fourth St.
4 Hamilton, MT 59840
5 Tel. (406) 363-3877

FILED
DEBBIE HARMON, CLERK

MAY 07 2010

myself changed
DEPUTY

6 MONTANA 21ST JUDICIAL DISTRICT COURT
7 RAVALLI COUNTY

9
10 MICHAEL E. SPREADBURY) Cause No: DV-10-222 /4
11 Plaintiff)
12 v.) AMENDED COMPLAINT
13 ANGELA B. WETZSTEON)
14 GEORGE H. CORN)
15 Defendants)

16
17 This case is for the intentional infliction of emotional distress.

18 Factual Background

19 Plaintiff, acting on his own behalf, pleads and alleges as follows:

- 20 1. Plaintiff Michael Spreadbury is an individual and resides at 700 South 4th Street in the
21 City of Hamilton, County of Ravalli, State of Montana.
- 22 2. Defendants Angela Wetzsteon and George Corn are individuals with business address of
23 205 Bedford St. Suite C in the City of Hamilton, County of Ravalli, State of Montana.
- 24 3. On or about August 8, 2007 Defendants Wetzsteon and Corn obtained an arrest warrant
25 from Judge Bailey of Justice Court of Ravalli County for Plaintiff's failure to appear on
26 TK 2006-3068. Plaintiff appeared through retained attorney for misdemeanor in Justice
27 Court, Ravalli County on this date. It is a well established appearance in misdemeanor

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28 court that a defendant can appear through an attorney as it is established in Montana Code
29 as MCA 46-16-122. It should be a well known practice for officiating Judge and a
30 practicing attorney in a Montana Courtroom.

31 4. Defendant Wetzsteon was a law student, however, Wetzsteon as a paid student intern at
32 The Ravalli County Attorney Office (RCAO) and had a duty to be aware of Montana
33 Code and practices, as did George H. Corn. Wetzsteon was not licensed to practice law
34 in August 2007. By way of respondeat superior, George H. Corn is accountable for
35 Defendant Wetzsteon in an administrative and supervisory capacity. Wetzsteon appeared
36 at plaintiff trial on behalf of the RCAO on August 8, 2007 when arrest warrant was
37 obtained.

38 5. Defendant Wetzsteon asked Judge Bailey of Ravalli Justice Court to grant evidence
39 outside of discovery for Plaintiff's August 8, 2007 trial. This evidence was contrived,
40 and intended to convict Plaintiff outside rules of criminal procedure. An officer of the
41 court, or a representative of the court as with the case of Defendant Wetzsteon should
42 know the rules of the court, and the bounds of discovery in a Montana Courtroom.

43 6. Prosecutors George H. Corn, Bill Fullbright, and T. Geoff Mahar originally participated
44 in the prosecution of Plaintiff for TK-2006-3068. In Fulbright's motion to continue of
45 July 30, 2007 he mentions Plaintiff's speedy trial would be violated, yet asked for a
46 continuance. Corn's motion to reconsider of the same date would place Defendant Corn
47 as knowing that Plaintiff's right would be violated. Original date of trial was July 31,
48 2007 and RCAO continued trial for only 8 days knowing Defendant would be out of
49 state, setting up the platform for the false arrest warrant. Corn assigned, or knew of the
50 assignment of Angela Wetzsteon as representative from the Ravalli County Attorney
51 office acting as "State's attorney" yet a student intern at Plaintiff trial on August 8, 2007.

52 7. From August 8, 2007 to May 5, 2010 the Ravalli County Attorney office did misrepresent
53 the correct spelling of Defendant Angela Wetzsteon's name, in an effort to misrepresent
54 information to the Plaintiff in this case, and hide the identity of a public court officer in
55 the State of Montana. This misrepresentation of the Defendant's identity does show
56 evidence of wrongdoing on the part of the Ravalli County Attorney Office.

57 8. The acts of the Defendants described in paragraph 3 through 7 of this Complaint were
58 done willfully, maliciously, outrageously, deliberately, and purposely with the intention
59 to inflict emotional distress upon Plaintiff and were done in reckless disregard of the
60 probability of causing Plaintiff emotional distress, and these acts did in fact result in
61 severe and extreme emotional distress.

62 9. As a direct and proximate result of the Defendant's acts alleged herein, Plaintiff was
63 caused to incur severe and grievous mental and emotional suffering, fright, anguish,

64 shock, nervousness, and anxiety. Plaintiff continues to be fearful, anxious, and nervous,
65 specifically but not exclusively regarding the future possibility of wrongful arrest and
66 prosecution. For this harm, Plaintiff requests compensatory damages in the amount of
67 \$350,000.00

68 10. As a proximate result of the Defendant's actions alleged herein, Plaintiff has had his
69 capacity to pursue an established course of life destroyed by Defendants. Plaintiff has
70 suffered permanent damage to lifestyle and professional life as a result of Defendant
71 activity described in paragraph 3 through 5. Plaintiff suffered severe emotional distress
72 has inflicted as a result.

73 11. This severe emotional distress was a reasonably foreseeable consequence of actions by
74 Defendants on or about August 8, 2007. Defendants did not take reasonable care to avoid
75 wrongful arrest of Plaintiff, and appeared to have contrived the arrest of the Plaintiff
76 giving no conscience to their duties as officers of the court, or in the case of Defendant
77 Wetzsteon acting agent of the court. Warrant from Judge Bailey from court on August 8,
78 2007 cited Title 3 in Montana Code which is not a crime, and Plaintiff appeared through
79 retained attorney on August 8, 2007 in Ravalli Justice Court.

80 WHEREFORE, Plaintiff Michael E. Spreadbury prays for judgment against Defendants
81 Angela Wetzsteon, and George H. Corn as follows:

- 82 1. Compensatory Damages in the amount of \$ 350,000.00
83 2. Punitive Damages in the amount of \$50,000.00
84 3. Preventative relief through the court in the form of injunctive relief:

85 Defendants are to cease and desist malicious attack on Plaintiff's person to the
86 satisfaction of the Honorable Court. Plaintiff is entitled to equal protection and due
87 process in the courts, and as a citizen. The malicious destruction of Plaintiff by
88 Defendants is recognized by the Court, and it will intervene on behalf of Plaintiff.

- 89 4. Costs associated with the suit and such other relief as the Court deems proper.

90

91 Respectfully submitted on this 7th day of May, 2010

92

93

94 Michael E. Spreadbury, Pro Se Plaintiff Attorney

1 Pro Per
2 Michael E. Spreadbury
3 700 South Fourth St.
4 Hamilton, MT 59840

FILED
DEBBIE HARMON, CLERK

MAY 07 2010
Angie Sawyer
DEPUTY

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6 MONTANA 21ST JUDICIAL DISTRICT COURT
7 RAVALLI COUNTY

8 -----
9 MICHAEL E. SPREADBURY) Cause No: DV-10-224 / 4
10 Plaintiff)
11 v.) AMENDED COMPLAINT
12 NANSU RODDY)
13 Defendant)

14 Cause of Action:

15 This case involves relief for intentional infliction of emotional distress.

16 Factual Background:

17 Plaintiff, acting on his own behalf, pleads and alleges as follows:

- 18 1. Plaintiff Michael Spreadbury is an individual and resides at 700 South 4th Street in the
19 City of Hamilton, County of Ravalli, State of Montana.
- 20 2. Defendant Nansu Roddy is an individual and resides at 419 South 4th Street, is employed
21 at 306 State Street in the City of Hamilton, County of Ravalli, State of Montana.
- 22 3. On or about November 4, 2009 Defendant Nansu Roddy gave false information to a
23 police officer and a Municipal Judge regarding a civil conversation with the Plaintiff at
24 306 State Street, City of Hamilton, County of Ravalli, State of Montana November 4,
25 2009. Defendant did intentionally distort the known facts, and dangers present to the
26 Defendant on this date. False information from the Defendant has placed Plaintiff in
27 undue jeopardy.

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28 4. Defendant told Plaintiff that she "thought she knew how to help him", and intentionally
29 distorted facts, protected speech, and situation to put Plaintiff in undue jeopardy.

30 5. The acts of the Defendant described in Paragraph 3 and 4 of this Amended Complaint
31 were done willfully, maliciously, outrageously, deliberately, and purposely with the
32 intention to inflict emotional distress upon Plaintiff and were done in reckless disregard
33 of the probability of causing Plaintiff emotional distress, and these acts did in fact result
34 in severe and extreme emotional distress.

35 6. As a direct and proximate result of the Defendant's acts alleged herein, Plaintiff was
36 caused to incur severe and grievous mental and emotional suffering, fright, anguish,
37 shock, nervousness, and anxiety. Plaintiff continues to be fearful, anxious, and nervous
38 specifically by not exclusively regarding the future possibility of wrongful arrest and
39 prosecution. For this harm, Plaintiff requests compensatory damages in the amount of
40 \$500,000.00

41 7. As a proximate result of the Defendant's actions alleged herein, Plaintiff has had his
42 capacity to pursue an established course of life destroyed by the Defendant. Plaintiff has
43 suffered permanent damage to lifestyle and professional life as a result of Defendant
44 activity described in Paragraphs 3 and 4. Severe emotional distress has inflicted Plaintiff
45 as a result.

46 8. This severe emotional distress was reasonable and foreseeable consequence of actions by
47 Defendant on or about November 4, 2009. Defendant did not take reasonable care to
48 avoid arrest and defamation of Plaintiff. Plaintiff used status as former spouse of State
49 Judge to intentionally inflict emotional distress on Plaintiff.

50 WHEREFORE, Plaintiff Michael E. Spreadbury prays for judgment against Defendant
51 Nansu Roddy as follows:

- 52 1. Compensatory Damages in the amount of \$ 500,000.00
53 2. Punitive Damages in the amount of \$35,000.00
54 3. Costs associated with the suit and such other relief as the Court deems proper.

55 Respectfully submitted on this 7 day of May, 2010

56

57

58

Michael E. Spreadbury, Pro Se Plaintiff Attorney

Under the Montana Student Practice Rule, Angela B. Wetzstein will
Student's Name
George Corn of 205 Bedford St. Suite C Hamilton MT 59801
Supervising Attorney Supervising Attorney's mailing address city zip

FILED
DEBBIE HARMON, CLERK
SB-07-25
JUN 20 2007
Debbie Harmon

DEAN'S CERTIFICATION
OF STUDENT'S MORAL CHARACTER AND LEGAL
COMPETENCE -

SUBJECT TO SUCCESSFUL COMPLETION OF
SPRING SEMESTER COURSES

I hereby certify that, to the best of my knowledge, Angela B. Wetzstein
is duly enrolled in the University of Montana School of Law, which is approved
by the American Bar Association; has completed legal studies amounting to at
least two-thirds (2/3) of the total credit hours required for graduation (or is within
five credit hours of meeting this requirement) **subject to successful completion of
all spring 2007 semester courses**; is of good character; has competent legal
ability; and is adequately trained to perform as a legal intern.

E. Edwin Eck

E. Edwin Eck, Dean
School of Law
The University of Montana

April 29, 2007

Date

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Montana Student Practice Rule

May 1, 1975

The following order was issued by the Montana Supreme Court on April 30, 1975:

**IN THE MATTER OF THE ESTABLISHMENT
OF A
MONTANA STUDENT PRACTICE RULE**

PER CURIAM:

Dean Robert E. Sullivan of the University of Montana Law School, and Ronald F. Waterman, Esq., Chairman of Liaison Committee of the Montana Bar Association (now the State Bar of Montana) and the Student Bar Association of the Law School, petitioned this Court to adopt a rule permitting and governing student practice.

A hearing was had on said petition and the proposed rule was also submitted to our local Bar Associations throughout Montana and received many endorsements, and the Court having now considered the matter and being advised in the premises.

IT IS HEREBY ORDERED that the following rule permitting and governing law student practice be adopted:

MONTANA STUDENT PRACTICE RULE

I. Purpose

The bench and the bar are responsible for providing competent legal services. This rule is adopted as one means of providing assistance to practicing lawyers in providing such services and to encourage law schools to provide clinical instruction in trial work of varying kinds.

II. Activities

A. An eligible law student may appear in any court or before any administrative tribunal in this state on behalf of any person if the person on whose behalf he is appearing has indicated in writing his consent to that appearance and the supervising lawyer has also indicated in writing approval of that appearance, in the following matters:

1. Any civil matter. In such cases the supervising lawyer is not required to be personally present in court unless directed to be present by the judge, magistrate, or referee before whom the matter is pending.
2. Any criminal matter in which the defendant does not have the right to the assignment of counsel under any constitutional provision, statute, or rule of this court. In such cases the supervising lawyer is not required to be personally present in court.
3. Any criminal matter in which the defendant has the right to the assignment of counsel under any constitutional provision, statute, or rule of this court. In such cases the supervising lawyer must be personally present throughout the proceedings and shall be fully responsible for the manner in which they are conducted.

B. An eligible law student may also appear in any criminal matter on behalf of the State with the written approval of the supervising lawyer and the prosecuting attorney or his authorized representative.

C. In each case the written consent and approval referred to above shall be filed in the record of the case and shall be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal.

D. A judge may exclude a law student from active participation in proceedings before the court, in the interest of orderly administration of justice or for the protection of a client or witness, and shall thereupon grant a continuance to secure the attendance of the supervising lawyer.

E. Under the general supervision of a member of the State Bar of Montana, but outside the personal presence of that lawyer, an eligible law student may engage in other activities, including:

1. Preparation of pleadings and other documents to be filed in any matter in which the student is eligible to appear, but such pleadings or documents must be signed by the supervising lawyer.
2. Preparation of briefs, abstracts, and other documents to be filed in appellate courts of this state, but such documents must be signed by the supervising lawyer.
3. Advising, negotiating, and performing other appropriate legal services, but only after prior consultation with and obtaining the express consent of the supervising lawyer. Negotiations are subject to final approval of the supervising lawyer.

F. An eligible law student may participate in oral argument in the Supreme Court of Montana, but only in the presence of the supervising lawyer.

III. Requirements and Limitations [Please see 1991 amendment to this section]

In order to make an appearance pursuant to this rule, the law student must:

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State Bar of Montana

- A. Be duly enrolled in a law school approved by the American Bar Association.
- B. Have completed legal studies amounting to at least two-thirds (2/3) of the total credit hours required for graduation.
- C. Be certified by the dean of the law school as being of good character and competent legal ability and as being adequately trained to perform as a legal intern.
- D. Be introduced to the court in which he is appearing by an attorney admitted to practice in that court.
- E. Neither ask for nor receive any compensation or remuneration of any kind for his services from the person on whose behalf he renders services; but this shall not prevent a lawyer, legal aid bureau, law school, public defender agency, or the state from paying compensation to the eligible law student, nor shall it prevent any agency from making such charges for its services as it may otherwise properly require.
- F. Certify in writing that he has read and is familiar with and will abide by the Code of Professional Responsibility.

IV. Certification

The certification of a student by the law school dean;

- A. Shall be filed with the clerk of the court; and, unless it is sooner withdrawn, it shall remain in effect until the expiration of twelve (12) months after it is filed, or admission to the bar, whichever occurs first. Upon exceptional circumstances shown, the dean may renew the certification for one more twelve (12) month period. Law school graduates who must take the bar examination are eligible until the results are announced of the first bar examination after their certification under this rule.
- B. May be withdrawn by the dean at any time by mailing a notice to that effect to the clerk of the court, who shall forthwith mail copies thereof to the student and the supervising lawyer.
- C. May be terminated by the court at any time without notice or hearing and without any showing of cause.

V. Supervision

The lawyer under whose supervision an eligible law student participates in any of the activities permitted by this rule shall:

- A. Be a member in good standing of the State Bar of Montana whose service as a supervising lawyer for this program is approved by a judge of the court in which the student must appear.
- B. Assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work.
- C. Assist and counsel the law student in the activities mentioned in these rules and review such activities with such student, all to the extent required for the proper practical training of the student and the protection of the client.
- D. No supervising lawyer shall have supervision over more than one (1) law student at any one time; however, in the case of recognized legal aid, legal assistance, public defender, and similar programs furnishing legal assistance to indigents, or of state, county, or municipal legal departments, the supervising lawyer may supervise two (2) law students at one time. This restriction shall not apply to any clinical legal education program conducted as a part of the curriculum of any law school in this state.


VI. Miscellaneous

- A. Nothing contained in this rule shall affect the right of any person who is not admitted to practice law to do anything that he might lawfully do prior to the adoption of this rule.
- B. This rule shall not restrict any previous court orders concerning student practice.

IT IS FURTHER ORDERED that this rule shall be effective May 1, 1975.

DATED this 30th day of April, 1975.

[Go to 1991 amendment to the Student Practice Rules]

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Justice Court, Dept. 2

205 Bedford Street, Suite F
Hamilton, Montana 59840
Phone: 406-375-6766

Jim Bailey, Justice of the Peace

SUMMARY OF FACTS

STATE OF MONTANA vs MIKE SPREADBURY

Ravalli County Justice Court Case No. TK-2006-3068

On October 10, 2006 at approximately 10:30 PM, Mike Spreadbury received a citation for assault, allegedly to have occurred at 285 Cooper Lane, Hamilton, Montana.

On October 18, 2006, Defense Attorney Sasha Brownlee filed a Notice of Appearance to represent Mike Spreadbury.

On January 5, 2007, Mike Spreadbury appeared in Justice Court, Dept. 2, with his attorney. He was advised of the charge against him and advised of his rights. He pled not guilty. An Omnibus Hearing was scheduled for March 1, 2007. He was released on his own recognizance. Mr. Spreadbury was advised by the Court that he had to personally appear in Court each and every time his appearance was required unless specifically exempted by the Court. Mr. Spreadbury was also advised to stay in contact with his attorney at all times and to contact his attorney at least once a week (see Conditions of Release).

This Court schedules all Omnibus hearings once a month, and this case was originally set for March 1, 2007. Defendant's attorney, Sasha Brownlee, failed to appear at the hearing. She did not file anything with the Court indicating she could not attend. She did not contact the Court, either in person or by phone, to indicate she could not appear at the hearing.

Because Defendant's attorney, Sasha Brownlee, failed to appear at the Omnibus hearing, it was necessary to reschedule it for the following session, April 5, 2007 at 3:30 PM. Ms. Brownlee's failure to appear at the originally scheduled Omnibus delayed the Defendant's speedy trial by approximately 36 days.

On April 5, 2007, the Defendant's attorney appeared for the Omnibus hearing. At that time, a jury trial was requested and, subsequently, scheduled for July 31, 2007 at 9:00 AM.

On the morning of July 30, 2007, the State filed a Motion for Continuance. Shortly after the Motion was filed, my Court Administrator, Jennifer Ray, personally contacted Defendant's

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attorney and advised her that the Judge was considering the State's Motion to Continue and asked if she would like to respond. Ms. Brownlee said she was at a family affair and did not have the time to respond.

On July 30, 2007, the Court denied the State's Motion, finding there was no good cause for a continuance. Within a very short time, the State filed a Motion to Reconsider. It provided more detail and explanation than the Motion to Continue. The Court did reconsider and granted the Motion to Continue.

On July 30, 2007, my Court Administrator again contacted Defendant's attorney and advised her that the Motion to Continue had been granted. After some discussion, Sasha Brownlee said that August 8, 2007 "will work" for the jury trial.

On July 30, 2007, my Court Administrator followed-up the conversation with Sasha Brownlee by providing her with a letter, detailing the new trial date and time. A copy of the letter was provided to the County Attorney's office.

On August 6, 2007, Defendant's attorney, Sasha Brownlee, filed a Motion to Dismiss, based on speedy trial and discovery issues. In her Motion, it states "*counsel informed Mr. Spreadbury that the trial had been continued. Spreadbury informed counsel that he was scheduled to fly out for his job with FEMA on August 1, 2007.*" The Court denied the Motion on August 6, 2007.

On August 7, 2007, one day before the trial, Defendant Mike Spreadbury attorney, Sasha Brownlee, filed a "Motion for Writ of Supervisory Control" with the Ravalli County District Court. The "Writ of Supervisory Control" sought to reverse the Justice Court's denial of the Defendant's Motion to Dismiss filed a day earlier.

On August 7, 2007, Ravalli County District Court Judge James Haynes denied Defendant's application for "Writ of Supervisory Control".

The following took place on the morning of August 8, 2007, prior to commencement of the trial:

1. Sasha Brownlee advised the Court that Defendant Mike Spreadbury was not present.
2. Defendant's attorney and the State's attorney, Angela Wetzstone, met with Judge Bailey in chambers. When asked where her client was, Sasha Brownlee replied that he had flown out of the State to his job with FEMA
3. Ms. Brownlee was advised that a warrant would be issued for Defendant's failure to appear. At this point, Sasha Brownlee told the Court that she had not informed her client of the date of trial. Judge Bailey then referred to Ms. Brownlee's Motion to Dismiss which was filed on August 6, 2007, in which she specifically stated that she had informed Mr. Spreadbury that the trial had been continued. and that he had informed her that he would be flying out on August 1, 2007 for employment.

4. Sasha Brownlee then informed Judge Bailey that she had told the Defendant the trial had been continued, but had not told him the 8/8/07 date. Judge Bailey informed Ms. Brownlee that he did not believe she could have talked to her client on July 30, 2007, with full knowledge the trial had been continued to August 8, 2007, and not have told him the new trial date, especially when on the same day Mr. Spreadbury told her he was flying out of State on August 1, 2007.
5. Sasha Brownlee then informed the Court that I must "hate" her, that I was prejudice against her client, and that I should recuse myself from the case. I informed Sasha Brownlee that I did not know Mr. Spreadbury and had only seen him once during the arraignment. She was advised that I would not recuse myself because of her failure to get her client to Court.
6. I asked Ms. Brownlee to leave my office and go into the Courtroom. She refused and was asked a second time. When that request failed, she was advised that if she did not leave my office, she would be held in contempt. I was later advised that she hit the wall with her fist after leaving my chambers.

As the trial proceeded, Defendant's attorney, Sasha Brownlee, called three witnesses to the stand. One of those witnesses was Mary Miller, who identified herself as a live-in partner with Mike Spreadbury. It was clear to the Court that if Mike Spreadbury's live-in partner knew the date of trial, surely, Mr. Spreadbury was aware of it as well.

Defendant was found guilty of assault by a jury of his peers.

A warrant for the arrest of the Defendant was issued on the afternoon of August 8, 2007 for his failure to appear and contempt under Section 3-10-401 MCA for failing to comply with Court Orders.

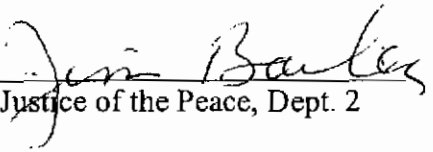
On August 13, 2007, Sasha Brownlee filed a Motion to Withdraw as the Defendant's attorney of record, stating a conflict of interest between herself and Mike Spreadbury. The Motion was granted on August 15, 2007.

On August 15, 2007, a paralegal from the law firm of Stevenson, Judnich & Associates contacted my Court Administrator and stated they would be filing a Notice of Appearance for Mike Spreadbury. The paralegal indicated that the firm was not aware that Mr. Spreadbury had been found guilty in-absentia of assault, and she was advised that a warrant had been issued for Defendant. She was further advised that a sentencing date would be scheduled when a Notice of Appearance was filed. Later that day, a Notice of Appearance was faxed by Mathew M. Stevenson of that law firm.

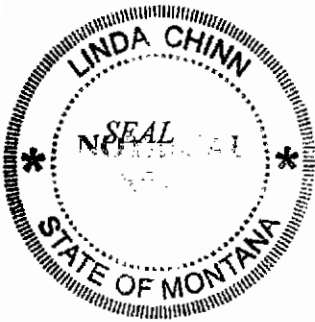
On August 16, 2007, Mike Spreadbury was arrested and then bonded. When he contacts the Court, he will be advised to call the Court of Hamilton City Judge Mike Reardon, who will rule on the matter contempt pursuant to Section 3-10-401 MCA.

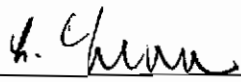
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Dated August 17, 2007


Jim Bailey, Justice of the Peace, Dept. 2

Subscribed and sworn to before me on August 17, 2007.




Notary Public for the State of Montana
Residing at Stevensville, Montana
My commission expires 1/30/2011

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Michael R. King
Special Assistant Attorney General
Risk Management and Tort Defense Division
1625 11th Avenue - Middle Floor
P.O. Box 200124
Helena, MT 59620-0124
Telephone: (406) 444-2421
Fax: (406) 444-2592
E-mail: mking@mt.gov

FILED
DEBBIE HARMON, CLERK

MAY 24 2010

[Signature]
DEPUTY

Attorney for Defendants Angela B. Wetzsteon and George H. Corn

**MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT
RAVALLI COUNTY**

MICHAEL E. SPREADBURY)	Cause No. DV-10-222/9
)	
Plaintiff,)	
)	
vs.)	AFFIDAVIT OF
)	ANGELA B. WETZSTEON
ANGELA WETZSTEON and)	
GEORGE H. CORN,)	
)	
Defendants)	

Angela B. Wetzsteon, being first duly sworn, deposes and states as follows:

1) William Fulbright was the assigned deputy county attorney on State v. Spreadbury, Cause No. TK 2006-3068, Ravalli County Justice Court;

2) Under the authorization and supervision of Mr. Fulbright, I tried the jury trial against Mr. Spreadbury for assault in Cause No. TK 2006-3068, Ravalli County Justice Court;

AFFIDAVIT OF ANGELA B. WETZSTEON

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3) Mr. Spreadbury did not appear at his trial in Cause No. TK 2006-3068 and was convicted by a jury of the assault charge in absentia;

4) Immediately following Mr. Spreadbury's conviction in Cause No. TK 2006-3068, Justice of the Peace Jim Bailey issued a bench warrant for his arrest. I did not authorize, direct, request, or encourage Judge Bailey to issue the bench warrant or in any way participate or assist in its preparation, issuance, or execution; and

5) During the course of the proceedings in Cause No. TK 2006-3068, I do not recall personally misspelling my last name orally or in writing, but if I ever did it was unintentional and I did not intend that Mr. Spreadbury rely on any such misspelling to his detriment.

Further this Affiant sayeth naught.

DATED this 21st day of May, 2010.

BY: Angela B. Wetzsteon
Angela B. Wetzsteon



SUBSCRIBED AND SWORN to before me this 21st day of May,

BY: Hilary Stahl
Notary Public for the State of Montana
Residing at Cheyenne, MT 57828
My Commission expires 02-19-2013

AFFIDAVIT OF ANGELA B. WETZSTEON

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served by

U.S. Mail, postage prepaid, this 21st day of May, 2010 upon:

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

BY: Lori Caplis
Lori Caplis
Legal Assistant

Michael R. King
Special Assistant Attorney General
Risk Management and Tort Defense Division
1625 11th Avenue - Middle Floor
P.O. Box 200124
Helena, MT 59620-0124
Telephone: (406) 444-2421
Fax: (406) 444-2592
E-mail: mking@mt.gov

FILED
DEBBIE HARMON, CLERK

MAY 24 2010
George H. Corn
DEPUTY

Attorney for Defendants Angela B. Wetzsteon and George H. Corn

**MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT
RAVALLI COUNTY**

MICHAEL E. SPREADBURY)	Cause No. DV-10-222/8
Plaintiff,)	
vs.)	AFFIDAVIT OF
ANGELA WETZSTEON and)	GEORGE H. CORN
GEORGE H. CORN,)	
Defendants)	

George H. Corn, being first duly sworn, deposes and states as follows:

- 1) I am the Ravalli County Attorney and have been employed in that capacity since January 1991;
- 2) Deputy County Attorney William Fulbright was in charge of the prosecution of Mr. Spreadbury for assault in Cause No. TK 2006-3068, Ravalli County Justice Court;
- 3) I approved and authorized Angela B. Wetzsteon, a law student under the Montana Supreme Court's Student Practice Rule, to handle cases

AFFIDAVIT OF GEORGE H. CORN

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in accordance with the Student Practice Rule and to work with the two deputy County Attorneys that handled misdemeanor cases one of whom was Mr. Fulbright.

4) Deputy County Attorney William Fulbright authorized and supervised Angela B. Wetzsteon under the Montana Supreme Court's Student Practice Rule as the trial attorney in the prosecution of Mr. Spreadbury for assault in Cause No. TK 2006-3068, Ravalli County Justice Court;

5) The record shows that Mr. Spreadbury did not appear at his trial in Cause No. TK 2006-3068 and was convicted by a jury of the assault charge in absentia;

6) Immediately following Mr. Spreadbury's conviction in Cause No. TK 2006-3068, Justice of the Peace Jim Bailey issued a bench warrant for his arrest. I did not authorize, direct, request, or encourage Judge Bailey to issue the bench warrant or in any way participate or assist in its preparation, issuance, or execution; and

7) While I do not review the misdemeanor cases in general, I am certain that if there was a misspelling of Ms. Wetzsteon's name it was unintentional. Spelling Ms. Wetzsteon's name phonetically often results in a misspelling. In any event, during the course of the proceedings in Cause No.

TK 2006-3068. I do not recall personally misspelling Ms. Wetzsteon's last name orally or in writing, but if I ever did it was unintentional and I did not intend that Mr. Spreadbury rely on any such misspelling to his detriment.

Further this Affiant sayeth naught.

DATED this 21st day of May, 2010.

BY: _____

George H. Corn

SUBSCRIBED AND SWORN to before me this 21st day of May, 2010.

BY: _____

Hilary Stahl
Notary Public for the State of Montana

Residing at Crowley, MT 57228

My Commission expires 02-17-2013



CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served by

U.S. Mail, postage prepaid, this 21st day of May, 2010 upon:

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

BY: Lori Caplis
Lori Caplis
Legal Assistant