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FILED

FEB 14 2012

PATRICK E. DUFFY, CLERK
By _____
DEPUTY CLERK, MISSOULA

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

MICHAEL E. SPREADBURY) Cause No: 9:11cv-0064-DWM-JCL
Plaintiff)
v.) OBJECION TO LEE
CITY OF HAMILTON,) REQUEST FOR NEW
LEE ENTERPRISES, INC.,) SCHEDULING ORDER
BOONE KARLBERG, PC,)
_____)

Comes now Plaintiff with respectful objection to Defense motion requesting a continuance of a November 30, 2011 order (Doc. #181) before this court.

Motion:

WHEREFORE, Plaintiff moves court rejects Lee motion as non-compelling; Defendant Lee counsel misrepresents actions, rules of court, requests 90 days as well established discovery deadline known, only 2 week bankruptcy stay.

Defendant opposes motion.

Brief in Support

Defendant Lee Counsel makes request for discovery deadline continuance of November 30, 2011 order (Doc. #181) before this court, does not give compelling reason. On Lee pleading before this court, Anita Harper Poe *esq.* listed as co-counsel with Jeffrey B. Smith *esq.* although Ms. Poe has not issued a notice of appearance LR 12.2 before this court in the aforementioned.

Lee counsel was aware of Honorable Court's November 30, 2011 order by ECF or electronic filing, Plaintiff was informed by US Mail arriving December 3, 2011 and respected Discovery Deadline of today's date February 10, 2012 although stay for Lee Bankruptcy interrupted court proceeding for 13 business days in January 2012.

Unreasonable and not compelling for Lee to request 90 days continuance for 16 day stay of proceedings before this Honorable Court. Plaintiff, pro se adhered to Honorable courts wishes and deadline. Lee request (Doc. #217) ¶1 pg. 2 indicates Honorable Court denied motion from Lee due to no contact with Plaintiff and indication of opposition. Lee failed to contact Plaintiff or obtain approval for continuance of discovery deadline required in LR 7.1 (c)(1).

Lee counsel claim to have contacted Plaintiff via email. Neither Ms. Poe, Mr. Smith made contact, careful search of all possible areas of published Plaintiff email

account for this case without recent Lee contact. Lee have given false information to this court in attempt to circumvent a court order (Doc. 181), local rule LR 7.1(c)(1) requires contact, approval of opposing party. Knowingly violating a court order in Montana is actionable by Montana Code Ann. MCA§45-7-309(c) Criminal Contempt; misrepresentation to this court by Lee precludes continuance.

Plaintiff opposes Lee continuance: non-adherence to Court Order, court rules for notice of appearance, opposed pleading without brief, no compelling reason as Bankruptcy stay totaled 16 days. Lee made clear of deadline by court order two weeks prior to stay, had 10 days after stay was lifted to enter discovery evidence, and failed to do so. Lee did not provide court authority, or brief the Honorable Court; neither did Lee answer discovery questions within 30 days Plaintiff objects via FRCP 33, 36.

A Corporate defendant who files Bankruptcy, and stay of proceedings must obey orders of a Magistrate Judge (Honorable Lynch November 30, 2011 Doc. #181) with respect to discovery before, during and after a stay *David v. Hooker Ltd.* 560 F. 2d at 418-419 (9th Cir., 1977). Lee has failed to comply with the order of this Honorable Court, its court rules for pleading LR 7.1 d (1)(A), notice of appearance of Counsel LR 12.2, continuance request not for compelling reasons, should be rejected by this Honorable Court.

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 499 words excluding title page, this compliance.

Respectfully submitted this 10th day of February, 2012

BY: _____

Michael E. Spreadbury, Self Represented Plaintiff

Certificate of Service

Cause No. 9:11-cv-11-0064-DWM-JCL

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

Objection to Lee request for new scheduling order

Russell Smith Federal Courthouse
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Missoula MT 59807

Dated _____ 2/10/12 _____



Michael E. Spreadbury, Pro Se Plaintiff