

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

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PATRICK E. DUFFY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

MICHAEL E. SPREADBURY) Cause No9:11- cv-0064-DWM-JCL
Plaintiff)
v.) **RESPONSE, LEAVE FILE**
BITTERROOT PUBLIC LIBRARY,) **MOTION TO RECONSIDER**
CITY OF HAMILTON,) **BOONE DEFAMATION,**
LEE ENTERPRISES, INC.,) **INJUNCTIVE RELIEF**
BOONE KARLBERG, PC,)
_____)

Comes now Spreadbury requesting leave file reconsideration Defendant Boone Karlberg PC (hereafter “Boone ”) defamation with LR 7.3 new information.

Motion

Plaintiff asks leave file reconsideration, injunctive relief against Defendant Boone, new information, affidavit of today’s date in support for false statement of fact.

Defendant opposes motion.

Brief in Support

Defendant City Mayor spoke in official capacity that Plaintiff was somehow “Schizophrenic” found to be actionable before this Honorable court as defamation.

Boone sought, obtained confidential medical records via subpoena duces tecum from Plaintiff’s former medical provider, Plaintiff objected via oral argument September 14, 2011 citing HIPPA law, Privacy Act 5 USC§552 *et. seq.*

Boone, not trained physician interpreted Plaintiff confidential medical file, published several aspects of confidential file as “expert witness” statements, interpretation of medical file. Plaintiff not medically diagnosed with *Personality Disorder* supported by Affidavit February 16, 2012; medical record. Boone published in pleadings in the aforementioned false statement of fact, loathsome disease rejected by Spreadbury’s licensed medical provider (see affidavit).

Errors can be found in confidential medical files, require special care to interpret, understand *inter alia*. Plaintiff, on several occasions in writing indicated to Boone that no Personality Disorder, within protected confidential medical information.

Boone continued to publish in sole purpose of harm, as pled in 2nd Amended Complaint (Doc. #10) *Gertz v. Robert Welsh, Inc. 418 US 323 (1974)*.

Boone averred Spreadbury convicted of trespass on public property in several cases before Montana courts, prior and after dismissal of malicious prosecution in the aforementioned by Defendant City (§59-64 pg. 13 Doc. #10). These case files published at the Supreme Court for Montana, within the 21st Judicial District in Ravalli County Montana, as well as the aforementioned case. Boone published April 26, 2011 answer to complaint in aforementioned that Spreadbury threatened Defendant Bell, not an opinion, but actionable statement of fact (§64 Doc. #10).

Further instance of defamation by Boone is April 26, 2011 answer pg. 9 §27 as Boone "...suggests (Spreadbury) is current or past member of the FBI..." which is a criminal act under 18 USC§1912. Spreadbury pleads for relief from this defamation in §93 2nd Amended complaint (Doc. #10). Spreadbury was employed as a FEMA officer, supported by evidence before this court (PLA 096-PLA185), but never claimed to be a FBI agent.

Spreadbury pleads to Honorable court to stop highly unreasonable conduct of Boone, not protected by privilege, only covers fair opinion not false statement of fact with sole purpose of harm *Milkovich v. Lorain Journal Co. 497 US 1 (1990)*. Count #22 in 2nd Amended Complaint (Doc. #10) for injunctive relief, which stated in §214 pg. 39 Spreadbury seeks "**...injunctive relief from court due to belief of future harm, (from Boone) specifically defamation through the courts which is malicious, calculated, unprofessional, and causes undue harm and injury to**

(my) character.” The injunctive relief asks for cease order, or civil arrest of Boone Associates. Noting Boone’s extensive publishing of false confidential health information, not relevant to the case, Spreadbury yields to court for appropriate action. As Boone interpreted Spreadbury’s confidential file without medical training, it maliciously published on several occasions the false statement of fact that Spreadbury has a Personality Disorder, as no medical diagnosis was made, and in fact rejected the “diagnostic impression” of a non-medical provider (see supporting affidavit) *Gertz v. Robert Welch, Inc. 418 US at 328 (1974)*.

Court is given judicial notice of Spreadbury’s leave file pleadings for Rule 11 sanctions, leave file contempt served October 14, 2011 before this Honorable Court against Boone for negligence, defamation, violation of FRCP 26 *inter alia*.

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 593 words excluding title page, this compliance.

Respectfully submitted this 16th day of February, 2012

BY: _____

Michael E. Spreadbury, Self Represented Plaintiff