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Appendix D

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MINE
18 questions
By PEE
Prior to notice
of appearance

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

MICHAEL E. SPREADBURY,

Plaintiff,

v.

BITTERROOT PUBLIC LIBRARY,
CITY OF HAMILTON, LEE
ENTERPRISES, INC., and BOONE
KARLBERG P.C.,

Defendants.

Cause No. CV-11-064-M-DWM

DEFENDANT LEE ENTERPRISES,
INC.'S RESPONSES TO PLAINTIFF
INTERROGATORIES, WRITTEN
DISCOVERY REQUESTS TO
DEFENDANT LEE ENTERPRISES

TO: Pro Se Plaintiff, Michael E. Spreadbury, P.O. Box 416, Hamilton, MT
59840

These Responses to Plaintiff First Interrogatories, Written Discovery
Requests to Defendant Lee Enterprises, Inc. ("Lee") are prepared and submitted in
accordance with Federal Rules of Civil Procedure 26, 33, 34, and 36. The preface

included in the Interrogatories is not within the express or implied provisions of that Rule, and, as a consequence, has been disregarded in preparing these Answers.

REQUEST FOR ADMISSION No. 1: Please admit reporter, photographer sent to cover Plaintiff summons for trespassing at Bitterroot Public Library by Defendant Perry Backus, former editor Defendant Ravalli Republic Hamilton Municipal Court September 9, 2009.

RESPONSE: Objection Plaintiff's Request for Admission No. 1 is unintelligible and therefore Lee is unable to answer the Request for Admission and denies the same.

REQUEST FOR PRODUCTION No. 1: Please produce all articles written by Defendant Lee Montana affiliates, all online comments, journalistic notes, research for articles written on topic of Plaintiff from August 20, 2009 to present.

RESPONSE: Lee objects to Request for Production No. 1 as it is overly broad and unduly burdensome. Further, Lee objects to Request for Production No. 1 as it seeks information which is not relevant to any party's claim or defense and thus outside the scope of discovery allowed by Fed. R. Civ. P. 26(b)(1).

According to the Magistrate's Findings and Recommendations regarding Lee's Motion for Summary Judgment on Plaintiff's Remaining Counts (Dkt. 181), the only remaining issues involve the August 9, 2010 article. No issues remain concerning online comments. Lee Enterprises is not in the possession of any

journalistic notes or research regarding the August 9, 2010 article.

REQUEST FOR ADMISSION No. 2: Please admit Defendant Lee sent Defense counsel Jeffrey B. Smith an edited version of an August 9, 2009 article September 21, 2011 which was not a true and accurate copy due to omitting the imputation of Disturbing the Peace on Plaintiff within the aforementioned edited article.

RESPONSE: Lee objects that Request for Admission No. 2 is a request for privileged communications between attorney and client, and therefore need not be answered.

REQUEST FOR PRODUCTION No. 2: Please produce certified letter refused by Plaintiff, authored by Defendant Missouliau, copied to Ravalli County Sheriff in re: July 9, 2009 interaction at 232 W Main St. Hamilton, business of Ravalli Republic used as a pretext for Plaintiff behavior which afforded resignation of Defendant Stacey Mueller publisher of Lee newspaper Missouliau.

RESPONSE: Lee objects to Request for Production No. 2 on the grounds it is unclear, that it is based on false factual premises or assumptions, and that it seeks information which is not relevant to any party's claim or defense and thus outside the scope of discovery allowed by Fed. R. Civ. P. 26(b)(1). According to the Magistrate's Findings and Recommendations regarding Lee's Motion for Summary Judgment on Plaintiff's Remaining Counts (Dkt. 181), the only

remaining issues involve the August 9, 2010 article, which did not report on matters addressed in Request for Production No. 2.

INTERROGATORY No. 1: Identify reason 3rd party comments in re: Plaintiff were removed from online access to Defendant Lee news publisher if no liability exists to Defendant Lee per the Communications Decency Act.

RESPONSE: Lee objects to Interrogatory No. 1 as it seeks information which is not relevant to any party's claim or defense and thus outside the scope of discovery allowed by Fed. R. Civ. P. 26(b)(1). According to the Magistrate's Findings and Recommendations regarding Lee's Motion for Summary Judgment on Plaintiff's Remaining Counts (Dkt. 181), the only remaining issues involve the August 9, 2010 article, and there are no issues remaining involving online comments.

REQUEST FOR PRODUCTION No. 3: Produce list of any internet service customers in the State of Montana or elsewhere that gain access and internet services provided by Defendant Lee in accordance with the Communications Decency Act.

RESPONSE: Lee objects to Request for Production No. 3 on the grounds that it is ambiguous, overbroad and unduly burdensome, and that it seeks information which is not relevant to any party's claim or defense and, thus, outside the scope of discovery allowed by Fed. R. Civ. P. 26(b)(1). According to the

Magistrate's Findings and Recommendations regarding Lee's Motion for Summary Judgment on Plaintiff's Remaining Counts (Dkt. 181), the only remaining issues involve the August 9, 2010 article, and there are no issues remaining involving online comments. Without waiving any objections, Lee does not have such a list in its possession.

INTERROGATORY No. 2: Since Plaintiff made no threats July 9, 2009 at Defendant Lee place of business at 232 W. Main St Hamilton Montana, why did Defendant Lee Employees call in threats to the Ravalli County dispatch.

RESPONSE: Lee objects to Plaintiff's characterization of the facts in Interrogatory No. 2. Law enforcement was called to protect Ravalli Republic employees who felt threatened by Plaintiff's conduct.

REQUEST FOR ADMISSION No. 3 : Please admit that August 24, 2010 failed attempt at correction of a Defendant Lee August 9, 2010 article did not mention or correct the falsely published Disturbing the Peace charge imposed on Plaintiff in the August 9, 2010 Defendant Lee article.

RESPONSE: Deny. Although the August 24, 2010 article did not restate Spreadbury was charged with Disturbing the Peace it correctly noted, "An article on the front page of the Aug. 9 edition of the Ravalli Republic incorrectly identified a charge against Hamilton resident Michael Spreadbury. The article should have stated that Spreadbury was appealing a conviction of criminal

trespassing..." Dkt. 124-10 at 2. Deny Lee's correction was a "failed attempt".

REQUEST FOR ADMISSION No. 4: Please admit Defendant Lee

Enterprises Inc. is a publisher of newspapers, and its propriety websites such as www.RavalliRepublic.com, www.Missoulian.com, and www.BillingsGazette.com *inter alia* are owned by Defendant Lee Enterprises.

RESPONSE: Lee objects to Request for Admission No. 4 on the grounds it is ambiguous and it seeks information which is not relevant to any party's claim or defense and thus outside the scope of discovery allowed by Fed. R. Civ. P.

26(b)(1). According to the Magistrate's Findings and Recommendations regarding Lee's Motion for Summary Judgment on Plaintiff's Remaining Counts (Dkt. 181), the only remaining issues involve the August 9, 2010 article, and issues regarding on-line comments are not relevant. Without waiver of these objections, Lee admits it is the owner of the *Ravalli Republic*, the *Missoulian* and the *Billings Gazette*, and that it publishes newspapers. Lee specifically denies liability for comments made on its websites, pursuant to Section 230 of the Communications Decency Act.

REQUEST FOR PRODUCTION No. 4: Please produce full criteria, submission requirements; include Defendant Lee adherence to Associated Press (AP) standards for Plaintiff headline photograph article September 10, 2009 as basis for follow-up stories such as Defendant Lee's on or around August 20, 2010 [in re: Plaintiff trespass on public property of Bitterroot Public Library] for AP

news stories originating from Defendant Ravalli Republic, and published nationally, internationally.

RESPONSE: Lee objects to Request for Production No. 4 as it is ambiguous and unintelligible, and to the extent it seeks information about matters which are no longer issues in the case. (Dkt. 181)

REQUEST FOR PRODUCTION No. 5: Please produce any documentation that validates Montana Supreme Court upheld unlawful "ban" of Plaintiff at Defendant Bitterroot Public Library in order denying Plaintiffs "out-of time" appeal dated August 10, 2010 published within Defendant Lee August 24, 2010 as failed attempt at correction of prior August 9,2010 article about Plaintiff.

RESPONSE: Lee objects to Request for Production No. 5 on the grounds it is ambiguous, that it mischaracterizes the facts and is based on incorrect premises, that Montana Supreme Court decisions, if that is what is sought, are public record and not in the possession of Lee, and that the Request seeks information which is not relevant to any party's surviving claim or defense and thus outside the scope of discovery allowed by Fed. R. Civ. P. 26(b)(1).

REQUEST FOR PRODUCTION No. 6: Please produce documents, maps, or other documentation that the commons west of the Bitterroot Public Library Structure, site of Plaintiff assembly August 20, 2009 at 306 State St. Hamilton Montana is private property that warranted Defendant Lee coverage of Plaintiff

"trespassing".

RESPONSE: Lee objects to Request for Production No. 6 as it is ambiguous, mischaracterizes the facts, is based on incorrect premises, arguably seeks information that is public record, and seeks information which is not relevant to the claims against this Defendant, and thus outside the scope of discovery allowed by Fed. R. Civ. P. 26(b)(1).

REQUEST FOR PRODUCTION No. 7: Please produce document, citation, source or other information other than Lee exhibit court transcript August 6, 2009 [oral argument of DV-10-222 Montana 21st " District]; Defendant Lee attributed Plaintiff speech that law student Angela Wetzsteon was supervised in a Ravalli County Courtroom August 8, 2007: a false attribution to Plaintiff in published August 9, 2010 article by Defendant Ravalli Republic although Wetzsteon was unsupervised by sworn affidavit of Justice of the Peace Bailey August 17, 2007.

RESPONSE: Lee objects to Request for Production No. 7 as it is ambiguous and unintelligible, and to the extent it seeks information regarding Lee's reporting of court proceedings, seeks information outside the scope of discovery allowed by Fed. R. Civ. P. 26(b)(1). According to the Magistrate's Findings and Recommendation regarding Lee's Motion for Summary Judgment on Plaintiff's Remaining Counts (Dkt. 181), the only remaining issues involve the statement that Spreadbury was convicted of "disturbing the peace" when in fact he had been

convicted of criminal trespass.

INTERROGATORY No. 3: Identify reason Defendant Lee in August 9, 2010 article falsely attributed entry of Defendant Ken Bell into civil courtroom August 20, 2009 in defense of Defendant Librarian Roddy to enjoin Plaintiff in unlawful order of protection [without finding of fact or conclusion of law per Hamilton Municipal Judge Reardon in order] as lawful although in violation of duties of Montana City Attorney per Montana Code MCA§ 7-4604 as Official Misconduct, a misdemeanor crime in Montana.

RESPONSE: Lee objects to Interrogatory No. 3 on the grounds it is ambiguous, mischaracterizes the evidence, is based on false premises and seeks information which is not relevant to any party's claim or defense and thus outside the scope of discovery allowed by Fed. R. Civ. P. 26(b)(1). Lee denies making the attribution the Interrogatory asks it to justify.

REQUEST FOR PRODUCTION No. 8: Please produce the source and motive of continued articles (numbering 33) within 36 months involving Plaintiff, from search of Defendant Lee Enterprises websites: personal vendetta, contract for defamation, incompetence, and/or lack of journalistic standards.

RESPONSE: Lee objects to Request for Production No. 8 as it is not a request for documents or tangible things as permitted by Fed. R. Civ. P. 34. Lee further objects that it mischaracterizes the facts, and seeks information which is not

relevant to Plaintiff's remaining claims against this Defendant.

INTERROGATORY No. 4: Please indicate why former Ravalli County Prosecutor George Corn on editorial staff as numerous articles relating to Plaintiff were published; was conflict of interest with Corn lost on Lee?

RESPONSE: Lee objects to Request for Interrogatory No. 4 on the grounds it is unintelligible, that it misstates the facts and is based on false premises, is argumentative, and seeks information which is not relevant to any party's claim or defense and thus outside the scope of discovery allowed by Fed. R. Civ. P. 26(b)(1). Without waiving any objection, George Corn was not on the editorial staff of the Ravalli Republic.

REQUEST FOR ADMISSION No. 5: Please admit as newspaper publishers, Defendant Lee employees should be well aware of first amendment rights of the US Constitution as fundamentally protected due to training in journalism school prior to working for Lee.

RESPONSE: Lee objects to Request for Admission No. 5 on the grounds it is ambiguous, unintelligible, overbroad, based on the false premise that individual employees of Lee are newspaper publishers, and seeks information which is not relevant to any party's claim or defense and thus outside the scope of discovery allowed by Fed. R. Civ. P. 26(b)(1).

REQUEST FOR ADMISSION No. 6: Please admit that George Corn,

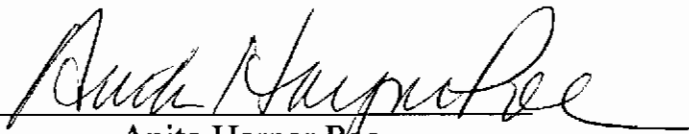
Ravalli County Prosecutor and Lee Editorial Staff instructed Lee to call in false threats as Plaintiff appeared July 9, 2009 at Defendant Ravalli Republic Newspaper to conspire to interfere with election, knowingly deprive right to Plaintiff equal protection, and develop evidence for malicious prosecution of Plaintiff.

RESPONSE: Deny.

DATED this 31 day of January, 2012.

FOR OBJECTIONS ONLY

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By: 
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