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**RECEIVED**  
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CLERK, U.S. DISTRICT COURT  
DISTRICT OF MONTANA  
MISSOULA

*Pro Se Plaintiff*

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

MICHAEL E. SPREADBURY ) Cause 9:11cv-11-64-DWM-JCL  
Plaintiff )  
v. )  
BITTERROOT PUBLIC LIBRARY, ) **RESPONSE TO**  
CITY OF HAMILTON, ) **DEFENDANT LEE**  
LEE ENTERPRISES, INC., ) **IN RE: PROTECTED**  
BOONE KARLBERG, PC, ) **INFORMATION**  
\_\_\_\_\_ )

Comes now Spreadbury with reply to Defendant Lee Enterprises Inc. with respect to request to obtain privileged information from a City Government.

Brief in Support

City requested confidential, privileged information from Plaintiff former health provider, Riverfront Counseling Hamilton MT, under investigation for release.

In Doc.# 223 before this court Lee requests privileged info in ¶1 pg. 1. Counsel for Lee disregards Order from this court (Doc. #181) November 30, 2011 which segregates the aforementioned into two trials, and Defendant unincorporated City is not “co-Defendant” (¶1 pg. 2 Doc. #233) with Lee. As Lee pleads for extension, granted from Doc. #181 Order for 90 days, knew or should have known that Lee, City not co-defendants in aforementioned case for defamation *inter alia*.

District Court erred in granting access to Plaintiff protected health information to a government, Defendant City *Amendment 4 US Constitution*. The private papers of an individual are to be protected from government search *US v. Miller 425 US at 442 (1976)*. Plaintiff further avers protection under the Privacy Act 5 USC§552 a, b; HIPPA ACT 45 CFR§160-164; relies upon this Honorable Court to uphold these federal statutes, constitutional right in cause for 42 USC§ 1983, defamation in aforementioned *Katz v. US 389 US at 353 (1967)*.

Lee is asking court to intrude into Plaintiff zone of privacy in violation of 4<sup>th</sup> Amendment US Constitution to “share” information improperly granted to a government Defendant in a separate matter *Hoffa v. US 385 US at 301-302 (1966)* citing *Boyd v. United States 116 US 616 (1886)*, *Amendment 4 US Constitution*.

Within Doc. #223 Defense Counsel Jeffrey B. Smith esq. did not cite *any* court authority, federal statute which precludes this court to find in Lee’s favor.

While the Plaintiff fully understands that this Honorable court in violation of 28 USC§455 et. seq. for recusal, made precedent in aforementioned by ordering financial sanction on an IFP party, made all efforts to aggravate harass a disabled party to this case; requested court representation, information will show a fully employed, capable individual who became disabled due to collective actions of Lee, the Defendants in the amended complaint (Doc. #10) to deprive rights.

Federal Rule of Civil Procedure 37(2) (ii), 45 apply to privileged information; physical, mental condition precluded as evidence, in pleadings; violated by Defendant City in aforementioned. Plaintiff did not waive rights, as court contended by filing aforementioned *Sibbach v. Wilson Co. Inc. 312 US 1 (1941)*. Defendant Lee's negligence to fact check, edit, report to public, and publish false information defamatory to Plaintiff, and fail to correct is basis of case per Honorable court order (Doc. #181).

Lee liable for NIED as serious or severe emotional distress (ED) was foreseeable consequence of Defendant Lee Newspaper's negligent act(s) which include publishing false information, failing to properly correct false information as presented to Lee *Turner v. BNSF 338 F. 3d 1058 (9<sup>th</sup> Cir, 2003)*. As counsel for a Defendant Newspaper publisher Lee, no special privilege is given to invade the right and liberty of Plaintiff in reporting, or answering complaint in aforementioned *Associated Press v. NLRB 301 US 103 (1937)*. Lee engaged in

highly unreasonable conduct, extreme departure from the standards of investigative reporting ordinarily adhered to by reasonable publishers in writing about Plaintiff *Curtis Publishing Co. v. Butts 388 US 130 (1967)*.

Honorable Court is given notice of FRCP 45, 37, 26 Controlling Court Authority, US Constitutional right, US Federal Statute prohibiting release of privileged information irrelevant to Lee Defense, requested of this court. Court is also given notice Plaintiff will be unaffected in case or character as to this decision before this court. Lee states no statute, controlling authority, right to privileged information and request for privileged information from a government party should be rejected.

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 623 words excluding title page, this compliance.

Respectfully submitted this 28<sup>th</sup> day of February, 2012

BY: \_\_\_\_\_

Michael E. Spreadbury, Self Represented Plaintiff