

EXHIBIT W

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 Attorneys for Defendant, Lee Enterprises, Inc.

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

AFFIDAVIT OF PERRY BACKUS
 (Standard of Care)

STATE OF MONTANA)
 : ss
 County of Missoula)

I, Perry Backus, being duly sworn and under oath, state as follows:

1. I am a professional journalist with a bachelor's degree from the University of Montana.

2. I have worked in the newspaper industry for over 25 years, working for the *Ravalli Republic* for the last 22 years.

3. During my time at the *Ravalli Republic*, I have served as a reporter and editor.

4. The *Ravalli Republic*, like most newspapers, does not have specific written policies regarding how fact-checking for stories is done. However, there are well-established industry standards of practice which the *Ravalli Republic* follows. This begins with hiring professional journalists who have been trained in, and are expected to practice, ethical and accurate reporting. Fact-checking is an integral part of the development of a story and the writing process. These journalistic standards are part of the curriculum in journalism school and reporters are expected to make reasonable efforts to confirm the facts in their stories.

5. The editor does not then make a second, independent check of every fact in every article. That is not the editor's job.

6. Because even professional reporters and their sources are human, mistakes do occur, even with the exercise of standard practices and reasonable care, which is why newspapers issue prompt corrections.

7. Again, the *Ravalli Republic* follows well-established industry standards. These practices include reviewing every report of a potential error. If an error is found, a correction is made in the newspaper as soon as possible in the

next publication. The corrections are made in the same location of the newspaper, so the reader can easily find them in each publication. The correction acknowledges the mistake and publishes the correct information.

8. The *Ravalli Republic* acted with reasonable care and complied with standards in the newspaper industry in fact-checking the August 9, 2010 article. The fact that a single error was made does not demonstrate that the *Ravalli Republic* failed to meet the standard of care.

9. This article was written by *Ravalli Republic* reporter, Jeff Schmerker. During this time period, Mr. Schmerker was primarily covering the city and county government, writing approximately two to three stories per day. Mr. Schmerker has a degree in journalism and was properly trained in the ethics of accurate reporting.

10. The article reported on recent events in lawsuits brought by Mr. Spreadbury. For context purposes, the article briefly mentioned Mr. Spreadbury's prior criminal history. Although the article incorrectly noted Mr. Spreadbury had been previously convicted of disturbing the peace, when in fact he had been convicted of criminal trespass, this was a reasonable mistake. Mr. Spreadbury had been the subject of many articles prior to the August 9, 2010 article, was the subject of much discussion and attention by law enforcement and local government, frequently created a public scene deliberately to call attention to a

public controversy, and was quite visible and vocal about many public issues during this time period. After notification of the error, a correction was promptly published in the August 24, 2010 *Ravalli Republic*.

11. Based on these facts, the *Ravalli Republic* did not breach the standard of care for fact-checking the August 9, 2010 article.

Further Affiant sayeth not.

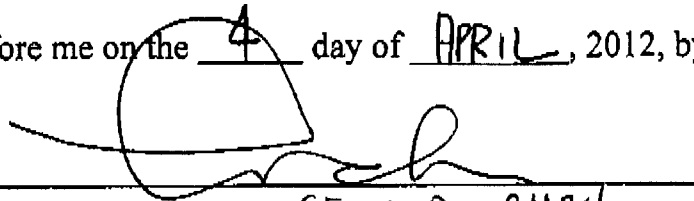
I declare under penalty of perjury that the foregoing is true and correct.

DATED this 4 day of April, 2012.



Perry Backus

Signed and sworn to before me on the 4 day of APRIL, 2012, by Perry Backus.



CECILIA CHAN

(Type or print name)

NOTARY PUBLIC FOR THE STATE OF MONTANA CALIFORNIA
Residing at SAN FRANCISCO, Montana CALIFORNIA
My commission expires: 11.25.2012

