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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 REPLY TO PLAINTIFF'S
"RESPONSE TO LEE DAMAGE
EXPERT DISCLOSURE" (DKT. 258)

Defendant, Lee Enterprises, Inc. ("Lee Enterprises" or "Lee"), through its counsel, Garlington, Lohn & Robinson, PLLP, respectfully submits this Reply to Plaintiff's "Response to Lee Damage Expert Disclosure" (Dkt. 258).

On March 26, 2012, in accordance with the Court's Scheduling Order (Dkt.

227) and Federal Rule of Civil Procedure 26(a)(2)(D), Lee disclosed its damage experts. Plaintiff filed a "Response to Lee Damage Expert Disclosure," alleging the information disclosed is confidential, false, and asks for "court intervention." Dkt. 258 at 3.

Plaintiff's response is unwarranted as Lee did not file a motion. *See* L.R. 7. Further, issues discussed in Plaintiff's response go to the weight of the evidence, not the admissibility. *See* Fed. R. Evid. 702; *Primiano v. Cook*, 598 F.3d 558 (9th Cir. 2010). The Court has already determined Plaintiff's medical and employment history are relevant to this matter (Dkts. 189, 244). Plaintiff recognizes the information is relevant to his claims for damages in the response; arguing alternative reasons for his difficulty of obtaining employment. *See* Dkt. 258 at 3.

Accordingly, Court intervention as requested by Plaintiff is not warranted.

DATED this 17th day of April, 2012.

/s/ Jeffrey B. Smith
Attorneys for Defendant, Lee Enterprises, Inc.

CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(d)(2)(E), I certify that this *Defendant Lee Enterprises, Inc.'s Reply To Plaintiff's "Response To Lee Damage Expert Disclosure"* (Dkt. 258) is printed with proportionately spaced Times New Roman text typeface of 14 points; is double-spaced; and the word count, calculated by Microsoft Office Word 2007, is 180 words long, excluding Caption, Certificate of Service and Certificate of Compliance.

/s/ Jeffrey B. Smith

Attorneys for Defendant, Lee Enterprises, Inc.

