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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

Cause 9:11-cv-064-DWM-JCL

MICHAEL E. SPREADBURY)
Plaintiff)
v.)
BITTERROOT PUBLIC LIBRARY,)
CITY OF HAMILTON,)
LEE ENTERPRISES INC.,)
BOONE KARLBERG PC,)
Defendants)

**PLAINTIFF STATEMENT
OF DISPUTED FACTS IN
OPPOSITION TO LEE
SUMMARY JUDGMENT**

Comes now Plaintiff with Statement of Disputed Facts (SODF) in opposition to Lee Summary Judgment. This statement is supported by Affidavit of April 18, 2012 of Michael E. Spreadbury, motion in opposition filed concurrently. The statement of Disputed Facts follow:

1. Lee Enterprises admitted to being a newspaper publisher and cannot obtain protection from the Communications Decency Act 47 USC § 230 for defamatory comments against Spreadbury published with articles.
2. Spreadbury was not an cannot be a public figure August 9, 2009 to due Lee's report on a judicial hearing with eyewitness reporter quoting actors from those hearings, and the Lee article title reflecting the report of a judicial hearing August 6, 2010 in Hamilton, Montana.
3. Lee's attempt at correction for the August 9, 2010 article on August 24, 2010 did not specifically identify nor correct defamatory errors to Spreadbury.
4. Publishing false information about a fictitious conviction is allowable says Lee, Defamation per Se, Emotional distress says court authority.
5. Spreadbury thrust himself into controversy although never asked to be unlawfully prosecuted by an unsupervised law student in August 2007.
6. Spreadbury is a public figure although not running for office, not able to shape policy for local governments, or acting as any public official.
7. Lee is a newspaper publisher instead of an internet service provider; no names of Lee customers provided internet service, entry into online chat rooms in discovery requests from Lee Enterprises.
8. Lee provides real-time online discussions on its newspaper websites.

9. By providing false information in an attempt at correction, Lee is exonerated from not specifically indicating or correcting the original false information and is allowed to continue to defame Spreadbury with more false information although a public figure would have liability attach.
10. False light defamatory information about Spreadbury from an irrelevant Supreme Court Order a day after a Lee August 9, 2010 article published by Lee manifests a valid correction.
11. If Bono from U2, and actual public figure were defamed by Lee by publication of false conviction he would have cause for Defamation but Spreadbury does not.
12. If George Clooney, an actual public figure were published with a false conviction of DUI or Disturbing the Peace by Lee he would have settled out of court for an undisclosed amount of money, but Spreadbury in public advocacy as normal citizen has no recourse.
13. If Lee Enterprises didn't write approximately 30 stories about Spreadbury, speaking in public, filing petitions does not make Spreadbury a public figure, fanatical and pathological coverage by Lee.
14. Lee Enterprises puts article with known false information up for AP submission, picked up by USA Today three days prior to August 24, 2010 attempt at correction containing the same information, Lee claims that

actions are protected, not established in lawful authority that Spreadbury is a public figure, or that exonerates Lee's publication from liability.

15. Lee's argument of "mistake" would preclude any libel cases in the United States for anyone the press deemed in the "public eye" such as Spreadbury.

16. Public figures such as famous actors, musicians gain liability on media for false statements for large sums of money; Lee's argument would preclude these claims as simply "a mistake".

17. Lee argues Spreadbury is public figure as they are responsible for publishing and republishing, identifying name in front page headlines.

18. Lee feels writing on the internet and filing court cases makes a private individual a public figure.

19. The proximate cause of Spreadbury's disability is Lee's deprivation of rights, false publication, publication of defamatory comments, negligent and reckless conduct, and publication of false conviction in August 9, 2010 article which was a report on a judicial hearing August 6, 2010.

20. Severe emotional distress threshold met in Montana as Spreadbury falsely accused of crimes as Lee publishes false conviction of crime by Lee August 9, 2010 and liability attaches.

21. A jury would find Lee guilty of defamation for the August 9, 2010 article regardless of public figure or private status for Spreadbury.

22. Lee's report on a judicial hearing August 6, 2010 includes quotes of counsel presenting case to court published in August 9, 2010 Lee article.
23. The third time may be a charm for Lee Enterprises as they file third motion to dismiss as court orders briefs on public figure status of Spreadbury; Lee's serial motion to dismiss is not a brief on status, is in contempt of courts authority and order.
24. Intent of public figure status is to air grievances against unethical conduct of public figures via free speech, not publish false convictions, and correct with additional liability of false light defamatory information .
25. Law Student Angela Wetzsteon required supervision falsely attributed to Spreadbury published by Lee in August 9, 2010 article as Spreadbury argued to a court otherwise than Lee account, official court transcript says otherwise than Lee account, Spreadbury lost career to unauthorized practice; three felony counts as Wetzsteon gave false identity, name, and held out as bar licensed attorney by sworn affidavit of Judge in evidence.
26. Lee exhibited journalistic negligence to Spreadbury in August 9, 2010 article for fact checking omissions, reckless disregard for the truth, would be found guilty by a jury for publishing defamation with actual malice.
27. Professional, ethical, and highly trained journalists at Lee are in negligent practice for publishing conviction as Spreadbury trespass charge was on

appeal as reported by Lee February 2010, and at time of August 9, 2010 article; reasonable jury would find Lee guilty of negligent breach of duty to Spreadbury.

28. Lee would be found guilty of negligence, actual malice defamation by jury as Spreadbury false conviction published in August 9, 2010 article.
29. Lee published a purposely published a grossly inaccurate report on a judicial proceeding by falsely attributing quotations, publishing false light such as law student supervision, and monetary demand at 6 times the actual value available to Lee at the 21st District Court Clerk; a misdemeanor.
30. Publishing two false convictions of Spreadbury in August 9, 2010 article as an official report on a court hearing as one was false, one on appeal is reckless disregard for the truth, negligent and liability attaches to Lee.
31. Lee makes false sworn statement that a defamatory false conviction purposely omitted in the post-publication edit of an August 9, 2010 article was a true an accurate copy of the article.
32. Lee believes a false, ambiguous, negligent, and defamatory attempt at correction of a August 9, 2010 article is substantially correct.
33. Lee has not dispatched the idea of joint function between City and Lee July 9, 2009 depriving Spreadbury right to liberty without due process of law at 232 W. Main Hamilton, MT for asking Lee not to defame; instead defaming

Spreadbury with call to law enforcement dispatch with false claim of threats by Spreadbury as business conducted, coherent hand written note composed by Spreadbury and no Lee staff asked Spreadbury to leave.

34. Lee's publication of the false fact law student Wetzsteon supervised attributed to Spreadbury in Lee's August 9, 2010 article is evidence of actual malice, or blatant disregard for the truth as Spreadbury lost FEMA career due to unsupervised, unlawful act of Wetzsteon in evidence.
35. Public figure status cannot attach to Spreadbury as August 9, 2010 Lee article was journalistic report on judicial hearing, even though Spreadbury was not shaping public policy in Hamilton, MT nor running for office in 2010.
36. On August 9, 2010 Spreadbury had no convictions, trespass on public property on appeal, later to be dismissed as supported by affidavit, discovered evidence in this case.
37. Lee breached duty to Spreadbury to not publish false facts, defamatory comments, false convictions, false light defamation in published article August 9, 2010, failed attempt at correction August 24, 2010.
38. Under this courts supplemental jurisdiction, the false accusation, publication of false conviction by Lee August 9, 2010 meets prima facie case for emotional distress in Montana without physical or psychological

distress, although Spreadbury proximate cause of disability is Lee's and Defendant liability that attaches to Spreadbury's emotional distress.

39. It is clear that Lee objective August 9, 2009 was to injure Spreadbury in the manner the abusive attempt at correction August 24, 2010, the purposeful false conviction, and defamatory comments published.

40. Lee's actions August 9, 2010 with actual malice against Spreadbury constitute a misdemeanor crime against Spreadbury, but Lee indicates criminal activity a "mistake", but actually liability for negligence, emotional distress, defamation, and punitive damages to Spreadbury.

41. The construction of the sentences in the August 9, 2010 Lee article are evidence of actual malice as criminal charges for trespass in Spring, Winter seasons indicate two separate charges in publication.

42. Lee meets standard of purposeful false publication as conviction for Disturbing the Peace never charged against Spreadbury, indication of actual malice of Lee Enterprises against Spreadbury in August 9, 2010 article.

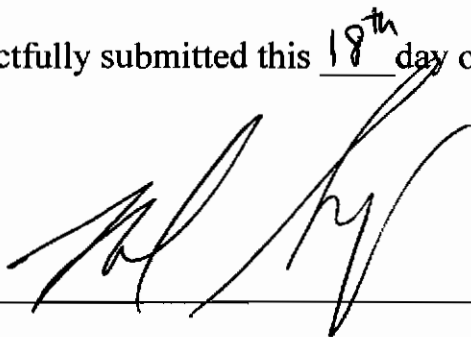
43. Lee meets standard of actual malice as "background" of Spreadbury published with known falsity: unnecessary to report on background of presenter in oral argument August 6, 2010; report on oral argument purposely false as law student supervision falsely attributed to Spreadbury, never uttered in oral argument by Spreadbury, supported in official

transcript in evidence, Lee reporter eyewitness to hearing, published in August 9, 2010 article.

44. August 9, 2010 Lee article a report on judicial hearing as title of Lee article, Lee reporter in hearing room, quotes of presenting actors such as Spreadbury quoted; Spreadbury taken in false light, misquoted, and no independent facts were inserted by Lee reporter to verify authenticity of presenter speech authenticity, sign of actual malice, criminal behavior for purposely publishing false report of judicial hearing.

45. Lee reporter did not fact check August 9, 2010 article, or verify information in person, or fact check with Spreadbury although email address provided July 9, 2009, Spreadbury available after hearing; indication of negligence, actual malice in duty of Lee reporter to verify article facts prior to publication.

Respectfully submitted this 18th day of April, 2011



Michael E. Spreadbury, Pro Se Plaintiff