

Michael E. Spreadbury  
 700 S. 4<sup>th</sup> Street  
 Hamilton, MT 59840  
 Telephone: (406) 363-3877  
mspread@hotmail.com  
*Pro Se Plaintiff*

**RECEIVED**  
 APR 23 2012  
 CLERK, U.S. DISTRICT COURT  
 DISTRICT OF MONTANA  
 MISSOULA

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

Cause No.: 9:11-cv-11-64-DWM-JCL

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

**MOTION FOR ORAL  
 ARGUMENT WITH LEE  
 OVER PENDING ISSUES**

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Comes now Plaintiff with motion to move court to hear oral argument; pending issues before this court require argument, and decision.

Motion:

WHEREFORE Plaintiff moves court to compel Lee to oral argument.

Defense opposes this motion.

Brief in Support:

Brief asks court to call oral argument for three issues pending before this court:

1. Status of Spreadbury at time of August 9, 2010 article
2. Lee Contempt of Court in violation of Order March 6, 2012 (Doc.# 249)
3. Lee Published Comments with August 9, 2010 article; others as Lee admits to Spreadbury it is Newspaper Publisher by court ordered discovery.

This Honorable Court has ordered March 6, 2010 (Doc. #249) that parties to this case must brief the status of Spreadbury at time of August 9, 2010 Lee article.

Spreadbury cites controlling authority in April 18 Motion, Brief in support from US Supreme Court *Time Inc. v. Firestone* 424 US 448 (1976). Lee relies upon false sworn statement April 4, 2012 from Defendant Backus, former editor saying Spreadbury was “newsworthy” and Spreadbury’s public controversies convert to public figure status although the US Supreme Court avers public controversies do not make Spreadbury a public figure *Time Inc.* As this court has asked parties to brief this matter or send it to jury, Spreadbury respectfully requests court hear oral argument on the status of Spreadbury public figure.

The second reason for oral argument is the Defamatory comments published by Lee in August 9, 2010 article and several others against Spreadbury’s character.

Lee, in court ordered “better” response to discovery admitted Newspaper publisher status for Lee (served March 22, 2012; sworn affidavit Michael Spreadbury April 18, 2012 # 6,7; Statement of Disputed Facts served April 18, 2012 #1). As the Communications Decency Act 47 USC§230 et. seq. precludes protection for Newspaper Publishers such as Lee, Radio, or TV stations this court must uphold federal statute *Batzel v. Smith* 333 F. 3d 1018 (9<sup>th</sup> Cir., 2003). Honorable Court would deprive Spreadbury property interest without due process by disallowing Lee published comments defamatory to Spreadbury *Paul v. Davis* 424 US 693 (1976).

Thirdly, this court has motion to find Lee in contempt of court served April 12, 2012 for filing serial summary judgment claims as court ordered briefing on Spreadbury status (Doc. #249) Lee’s Motion for Dismissal April 4, 2012 is in contempt of this Honorable Court’s order. Spreadbury avers spending 32 hours researching, writing, publishing report which can be affiant as court desires; costs are \$4,000 to prepare, answer Lee serial pleading. Burden to court as Lee is in contempt of court needs to be argued before this court. Spreadbury gives Judicial Notice of Rule 11 motion “in safe harbor” against Lee April 12, 2012.

Spreadbury asks Honorable Court to schedule Oral Argument to argue, and decide issues pending before this court.

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 469 words excluding title page, this compliance.

Respectfully submitted this 19<sup>th</sup> day of April, 2012

A handwritten signature in black ink, appearing to read "Michael E. Spreadbury", written over a horizontal line.

Michael E. Spreadbury, Self Represented Plaintiff