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APR 23 2012
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 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 OPPOSING
MOTION IN LIMINE

Comes now Plaintiff with motion to move court to reject motion in limine.

Motion:

WHEREFORE Plaintiff moves court to reject partial motion in limine, ignore partial motion in Limine by Lee as irrelevant.

Defense opposes this motion.

Brief in Support:

Lee has filed Motion in Limine (Doc. #262) April 11, 2012 after filing serial Motion for Summary judgment April 4, 2010 in violation of this Court's Order March 6, 2012 asking for briefing of Spreadbury status not motion for dismissal.

Lee presents 15 motions in limine; some must be rejected by this Honorable Court due to conflicts, irrelevance, conflict with well established controlling authority to this court:

Specifically, as newspaper sued for defamation in federal court, a material fact is the methods of editing, fact checking prior to publication *Curtis Publishing Co. v. Butz* 388 US 130 (1967). Lee failed to produce any information on several requests from Spreadbury through discovery. Controlling authority dictates that this information is material for a jury to decide level of actual malice, negligence *New York Times v. Sullivan* 376 US 287(1964), *Gertz v. Robert Welch Inc.* 418 US 323 (1974), *Time Inc. v. Firestone* 424 US 453(1976). The grant of Motion in Limine #3 would be an abuse of discretion before this court *Firestone Rubber Co. v. Bruch* 489 US 101 (2007).

Lee's motions for limine ask for absurd requests as if Spreadbury needed a leash in a court of law. Similar requests to burden this court would be ask court to have Lee counsel wear professional clothes in the presence of court.

Motion #1 asks court to restrict Lee's corporate personhood which is how it appears before this court. How else should Spreadbury refer to Lee? Spreadbury finds it interesting how Lee alters Spreadbury's status as a private citizen and then wishes to change its status from a corporate person.

Motion #2 violates Federal Rules of Civil Procedure as to presenting a case, or commenting on opposing witness.

Motion #3 Lee, as a matter of controlling authority, cannot be granted limine #3 as newspaper editing protocol, fact checking practices are Germaine to negligence, actual malice before a jury (citations above).

Motion #4 Argument of Golden rule restricts Spreadbury freedom of Speech as protected and sworn to by this honorable court, rules of federal procedure to allow fair, and free discourse and ability to make any argument supporting case.

Motion #5 The attempt at criminal activity by Lee to cover their mistake and make perjury before this court is material fact before the jury to determine case. Lee violated the rule 45 of Federal Rules of civil procedure by not securing privileged information obtained in violation of Spreadbury's 4th Amendment by City.

Motion #6 Any limitation on Spreadbury's time in court is in violation of court rules, ethics, and abuse of discretion as Vincent Bugliosi has argued successfully in Federal Civil actions; court must liberally apply and protect Spreadbury's equal protection under the law protected 14th Amendment US Constitution.

Motion #7 Spreadbury does not have the resources of a full law firm being supported by corporate liability insurance, nor an administrative assistant or three, and cannot determine at 5pm of each court day what witnesses will be called the next day; Lee's request is an unreasonable restriction before this court.

Motion #8 Spreadbury is well aware of hearsay constraints before this court, and welcome all Lee witnesses to present evidence in favor of actual malice, liability, negligence, and omission before this court.

Motion #9 As a corporation in business, most prospective jurors will be aware of some sort of liability insurance available to a corporate person such as Lee. The request to limit the spectrum of a corporate person in a court of law is not available as a matter of law, status of Lee before this court and should be rejected.

Motion #10 Matters already decided before this court may be an abuse of discretion as Lee admits newspaper publisher; no protection from publishing defamatory comments by way of 47 USC§230 et. seq. Other issues such as Emotional Distress in this court's supplemental jurisdiction 28 USC§ 1367 have

been mis-applied as Montana's ED standard *Johnson v. Supersave* 686 P. 2d 209 Mont. (1984) allows liability for false accusation of crime, as Lee effected August 9, 2010 as false conviction published against Spreadbury. Not all issued "decided" by this court are within this courts discretion or controlling authority *Firestone Rubber Co., New York Times*. Court is reminded that Lee needs to be held to the Federal Rules, and controlling authority to newspaper libel cases *Ibid*.

Motion #11 Issue of defamatory comments have not been settled by court as Lee admits March 22, 2012 to Spreadbury are newspaper publisher. Newspaper publishers, TV and Radio are not protected by the Communications Decency Act 47 USC§230 *Baztel v. Smith* 333 F. 3d 1018 (9th Cir, 2003). Spreadbury has reference to other articles in evidence as context to August 9, 2010 article.

Motion #12 Although Lee feels its own employees, non-independent to this case are "experts", Spreadbury has prepared expert witness cases, and already understands his testimony is not appropriate as expert witness in this case.

Motion #13 A material fact is Spreadbury's run for Mayor November 2009, and association of status after the election November 3, 2009 as a private citizen. Lee, this court, and Spreadbury aver status is material fact for this case, and mentioning mayor election, coverage from Lee part of testimony, evidence before jury *Time Inc.*

Motion #14 Spreadbury has been in front of this court September 14, 2011 for oral argument, and opinion is for the internet, and facts, conclusion of law is before the court. Lee is assured that Spreadbury does not need to stoop to personal attacks to be victorious in the aforementioned by the preponderance of the evidence.

Spreadbury assures the Honorable Court and Lee this restriction is not necessary, and can be handled in court if necessary.

Motion #15 Lee feels witnesses named in the aforementioned are qualified as experts as no independence is offered or available. Spreadbury looks forward to cross examination of Lee's "witnesses". It does not take an expert to identify liability, negligence and error on the part of Lee Enterprises before a jury.

Publishing false conviction is extreme liability, Spreadbury has shown extreme injury in the aforementioned.

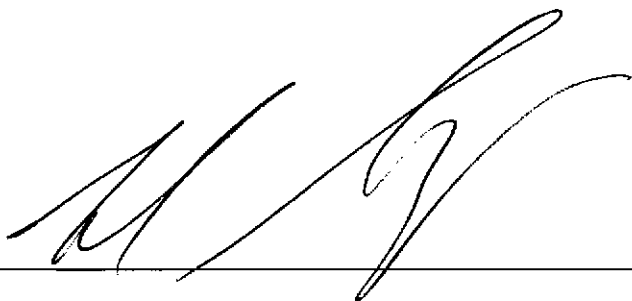
All issues are not finalized and these motions are extremely premature.

Spreadbury pleads court to uphold his rights to trial, both known and unknown against these requests by Lee in limine.

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 1083 words excluding title page, this compliance.

Respectfully submitted this 19 day of April, 2012

A handwritten signature in black ink, appearing to read 'M. Spreadbury', written over a horizontal line.

Michael E. Spreadbury, Self Represented Plaintiff