

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

**RECEIVED**  
 MAY 12 2011  
 CLERK, U.S. DISTRICT COURT  
 DISTRICT OF MONTANA  
 MISSOULA

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

MICHAEL E. SPREADBURY	)	Cause No: CV-11-61-M-DWM
Plaintiff	)	
v.	)	<b>NOTICE OF FRAUD;</b>
BITTERROOT PUBLIC LIBRARY,	)	<b>F.R.CIV. P. (9)(b) BY</b>
CITY OF HAMILTON,	)	<b>CITY OF HAMILTON,</b>
LEE ENTERPRISES INC.,	)	<b>PUBLIC LIBRARY</b>
BOONE KARLBERG PC,	)	
Defendants	)	

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Comes now Plaintiff with notice of fraud F.R. Civ. P. (9)(b) before the Honorable court. Specifics of Defendant fraud representation, its damages given in this pleading, court notified in Plaintiff 2<sup>nd</sup> Amended Complaint served May 4, 2011 before this court *Edwards v. Marin Park Inc. 356 F. 3d 1058 (9<sup>th</sup> Cir. 2004)*.

Defendant Bitterroot Public Library as pled in the aforementioned is an independent library district by the Independent Library Compact, Montana Code Ann. MCA§ 22-1-601. Defendant Bitterroot Public library (“public library”) whereby is a separate entity from municipality known as the City of Hamilton, Montana; Public Library can sue or be sued MCA§ 22-1-601(3)(e).

Defendant Bitterroot Public Library receives public tax dollars from the City of Hamilton, and County of Ravalli Montana to function independently, contained in a line item in the City of Hamilton annual budget for Defendant City of Hamilton.

The Montana Municipal Interlocal Authority (MMIA) defends cities, and associated personnel within the State of Montana with liability protection as a corporate entity, not an insurance provider. The taxpayers within municipalities of the State of Montana remit premiums for the liability coverage from MMIA (available [www.mmia.net](http://www.mmia.net) ) to which public library is not eligible for coverage.

The City of Hamilton, associated personnel member of MMIA; eligible, enjoys benefits for litigation costs, coverage purchased by City of Hamilton taxpayers.

Defendant Bitterroot Public library presently covered by MMIA fraudulently, as an ineligible, non-municipality in the State of Montana. Defendant Public Library is not paying to retain counsel, not liable for damages, if any, from improper and fraudulent collaboration with Defendant City of Hamilton arranging coverage.

The prima facie case for fraud in Montana is given by 9 elements *Sprunk v. First Bank Western M. Missoula* 228 Mont. at 174 (1987)

1. Bitterroot Public Library is part of the municipality City of Hamilton, MT.
2. Said public library is not part of the City of Hamilton, MT nor pays for coverage for MMIA liability coverage as a municipality.
3. Public library is improperly benefiting from public funds to gain litigation expenses and services, liability protection in the aforementioned.
4. Public library is aware of falsity of municipal status conjoined with Defendant City of Hamilton, MT.
5. Public library is intent that representation should be acted upon by the Honorable court, upheld by court officers, public in the aforementioned.
6. Honorable Court, City of Hamilton taxpayers defrauded, ignorant of the falsity.
7. The Honorable Court relies upon the representation; counsel has been retained appropriately for Defendant Public Library in the aforementioned.
8. The Honorable Court, taxpayers of the City of Hamilton do not expect public library to present falsity.
9. Plaintiff, taxpayers of Hamilton defrauded of public funds; Plaintiff faces counsel who is Defendant co-conspirator, gains unlawful advantage in the

aforementioned by having litigation fees, damages paid by improper coverage intended exclusively for municipalities of the State of Montana.

Defendants have knowledge of fraud, intent to defraud public, deceive Honorable court that appropriate counsel has been retained. Fraud intent of Defendants, advantage over Plaintiff *Swartz v. KPMG LLC 476 F. 3d 756 (9<sup>th</sup> Cir. 2007)*.

Defendant City of Hamilton, Bitterroot Public Library executed public fraud four (4) previous times. In State causes before the 21<sup>st</sup> Montana District Court filed April, 2010 and previous where Plaintiff is party:

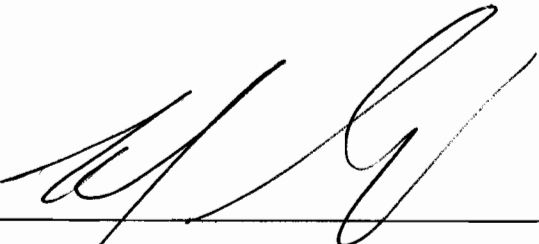
1. Roddy v. Spreadbury cause no. DV-10-93 in 21<sup>st</sup> District Court
2. Spreadbury v. Roddy cause no. DV-10-222 in 21<sup>st</sup> District Court
3. Spreadbury v. Bell cause no. DV-10-223 in 21<sup>st</sup> District Court [City Atty. Outside statutory role per MCA§ 7-4-4604, a civil courtroom]
4. Spreadbury v. Bitterroot Public Library et. al. 9:2011-cv-11-064-M-DVM

Defense cannot merely deny public fraud *Bly-Magee v. California 236 F. 3d 1014 (9<sup>th</sup> Cir., 2001)*. Agent at Federal Bureau of Investigation (FBI) Helena, Montana office asked Plaintiff to inform Honorable Judge of fraud, can alter outcome of case, public fraud is top criminal priority of agency, US Dept. of Justice.

Plaintiff asks court to order Defendant Bitterroot Public Library to retain counsel separate from Defendant Boone Karlberg PC to dissolve fraudulent representation, appropriate sanctions and opinions within this court's discretion.

**WHEREFORE**, Plaintiff has indicated to Honorable court specifics of fraud, pled within 2<sup>nd</sup> Amended Complaint. Existence affects Plaintiff, public. Defendant has knowledgeable of fraud, represented to court. Plaintiff respectfully requests that the Honorable court determines fraud exists within Defendant counsel, require *in-camera* inspection for retained counsel for all Defendants in the aforementioned. Plaintiff yields to Honorable court for other sanctions, opinions to resolve matter.

Respectfully submitted this 9<sup>th</sup> day of May, 2011



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Michael E. Spreadbury, Pro Se Plaintiff