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Attorneys for City and Library Defendants

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., BOONE
KARLBERG P.C., DR. ROBERT
BROPHY, TRISTA SMITH, NANSU
RODDY, JERRY STEELE, STEVE
SNAVELY, STEVEN BRUNER-
MURPHY, RYAN OSTER,
KENNETH S. BELL, and JENNIFER
LINT,

Defendants.

Cause No. CV-11-064-M-DWM-JCL

**JOINT REQUEST OF
DEFENDANTS CITY OF
HAMILTON AND BITTERROOT
PUBLIC LIBRARY TO ADOPT
PROPOSED JURY
INSTRUCTIONS AND SPECIAL
VERDICT FORMS AND VERDICT
STATEMENT**

In accordance with the Court's Scheduling Order (Doc. 182, ¶ 21(a)), the City and BPL also separately submit the attached proposed Special Verdict Forms for the compensatory and punitive damage claims. The City and BPL provided the proposed verdict forms to Plaintiff on May 29, 2012. Despite request, he never provided any response or suggested modifications. Instead, he has advised that he is closing all methods of communication with Boone Karlberg P.C. [Doc. 295-1.] Therefore, the City and BPL provide their separate proposed verdict forms.

Likewise, in accordance with the Court's Scheduling Order (Doc. 182, ¶ 21), Defendants City of Hamilton ("City") and Bitterroot Public Library ("BPL") request the Court to adopt their proposed jury instructions Nos. 1-38. The proposed jury instructions are being filed separately this date. No joint instructions are submitted. The City and BPL were never told if Plaintiff agreed to any of the proposed instructions provided to him on May 24, 2012. Likewise, no proposed instructions have been received from Plaintiff.

DATED this 30th day of May, 2012.

/s/ William L. Crowley
William L. Crowley
BOONE KARLBERG P.C.
Attorneys for City and Library Defendants

CERTIFICATE OF SERVICE

I hereby certify that, on the 30th day of May, 2012, a copy of the foregoing document was served on the following persons by the following means:

 1, 3 CM/ECF
 Hand Delivery
 2 Mail
 Overnight Delivery Service
 Fax
 2 E-Mail

1. Clerk, U.S. District Court
2. Michael E. Spreadbury
 700 South Fourth Street
 Hamilton, MT 59840
3. Anita Harper Poe
 Jeffrey B. Smith
 Garlington, Lohn & Robinson, PLLP
 350 Ryman Street
 P.O. Box 7909
 Missoula, MT 59807-7909

/s/ William L. Crowley _____
William L. Crowley
BOONE KARLBERG P.C.
Attorneys for City and Library Defendants

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SPECIAL VERDICT

We, the jury, answer the questions submitted to us as follows:

1. Did Officer Steve Snavelly breach a legal duty to Plaintiff?

Yes _____ No _____

Please answer Question No. 2.

2. Did Officer Stephen Murphy breach a legal duty to Plaintiff?

Yes _____ No _____

Please answer Question No. 3.

3. Were Plaintiff's library privileges at the Bitterroot Public Library negligently revoked?

Yes _____ No _____

If you answered "No" to Questions Nos. 1, 2 and 3, you should stop your deliberations and notify the Bailiff that you have reached a verdict. In that event, the Foreperson should date and sign this Special Verdict. If you answered "Yes" to Questions 1, 2 or 3, you should answer Question No. 4.

4. Did the breach of a legal duty by Officer Snavelly, Officer Murphy or a Bitterroot Public Library representative cause injury or damage to Plaintiff?

Yes _____ No _____

If you answered "No" to Question No. 4, you should stop your deliberations and notify the Bailiff that you have reached a verdict. In that event, the Foreperson should date and sign this Special Verdict. If you answered "Yes" to Question No. 4, you should answer Question No. 5.

5. Did Plaintiff's negligence cause damage or injury to Plaintiff?

Yes _____ No _____

You should answer Question No. 6.

6. Using 100% as the total combined negligence which caused Plaintiff's injuries or damages, what proportion, if any, of the total combined negligence do you attribute to:

Officer Snavelly _____%

Officer Murphy _____%

Bitterroot Public
Library Representative _____%

Plaintiff _____%

Please answer Question No. 7.

7. What is the amount of compensatory damages, if any, sustained by Plaintiff?

\$ _____

You will now cease your deliberations and notify the Bailiff that you have reached a verdict. The Foreperson should date and sign this Special Verdict.

DATED this ____ day of _____, 2012.

Foreperson

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LINT,

Defendants.

Cause No. CV-11-064-M-DWM-JCL

**SPECIAL VERDICT FORM
CONCERNING PUNITIVE
DAMAGES**

We, the jury, answer the questions submitted to us concerning punitive damages as follows:

1. Should Mr. Spreadbury be awarded punitive damages as a result of the acts or omissions of Officer Steve Snavely?

Yes _____ No _____

If you answered Question No. 1 “No,” please answer Question No. 3.

If you answered Question No. 1 “Yes,” please answer Question No. 2.

2. What is the amount of punitive damages to be awarded to Mr. Spreadbury as a result of the acts or omissions of Officer Snavely?

\$ _____

Please answer Question No. 3.

3. Should Mr. Spreadbury be awarded punitive damages as a result of the acts or omissions of Officer Murphy?

Yes _____ No _____

If you answered Question No. 3 “No,” please answer Question No. 5.

If you answered Question No. 3 “Yes,” please answer Question No. 4.

4. What is the amount of punitive damages to be awarded to Mr. Spreadbury as a result of the acts or omissions of Officer Murphy?

\$ _____

Please answer Question No. 5.

5. Should Mr. Spreadbury be awarded punitive damages as a result of the termination of his library privileges?

Yes _____ No _____

If you answered Question No. 5 “No,” you should cease your deliberations and notify the Bailiff that you have reached a verdict. The

foreperson should date and sign this Special Verdict. If you answered Question No. 5 “Yes,” you should answer Question No. 6.

6. What is the amount of punitive damages to be awarded to Mr. Spreadbury as a result of the termination of his library privileges?

\$_____

You will now cease your deliberations and notify the Bailiff that you have reached a verdict. The Foreperson should date and sign this Special Verdict.

DATED this ____ day of _____, 2012.

Foreperson