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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

**RESPONSE OF DEFENDANTS  
CITY OF HAMILTON AND  
BITTERROOT PUBLIC LIBRARY  
TO PLAINTIFF'S SECOND  
MOTION FOR VOLUNTARY  
DISMISSAL**

On behalf of Defendants City of Hamilton (“City”) and Bitterroot Public Library (“BPL”), this responds to Plaintiff’s second motion for voluntary dismissal. [Doc. 304.] The second motion states that it is “unopposed.” It also states the City and BPL “agree” to a voluntary dismissal of Plaintiff’s claims. That is not the case. [See Doc. 293.] Plaintiff’s second motion for voluntary dismissal is moot as it relates to the City and BPL. A Judgment has been entered dismissing his claims against the municipal Defendants. [Doc. 301.] As to these Defendants, Plaintiff’s second motion for voluntary dismissal should be denied.

DATED this 31<sup>st</sup> day of May, 2012.

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

**CERTIFICATE OF COMPLIANCE**

Pursuant to Rule 7.1(d)(2)(E), Local Rules of the United States District Court, District of Montana, I hereby certify that the textual portion of the foregoing brief uses a proportionally spaced Times New Roman typeface of 14 point; is double spaced; and contains approximately 139 words, excluding the parts of the brief exempted by L.R. 7.1(d)(2)(E).

DATED this 31<sup>st</sup> 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 31<sup>st</sup> day of May, 2012, a copy of the foregoing document was served on the following persons by the following means:

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  2       E-Mail

1. Clerk, U.S. District Court
2. Michael E. Spreadbury  
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/s/ William L. Crowley  
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