

William L. Crowley
Natasha Prinzing Jones
Thomas J. Leonard
Tracey Neighbor Johnson
BOONE KARLBERG P.C.
201 West Main, Suite 300
P.O. Box 9199
Missoula, MT 59807-9199
Telephone: (406)543-6646
Facsimile: (406) 549-6804
bcrowley@boonekarlberg.com
npjones@boonekarlberg.com
tleonard@boonekarlberg.com
tnjohnson@boonekarlberg.com
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

**AFFIDAVIT OF WILLIAM L.
CROWLEY**

STATE OF MONTANA)
 : ss.
County of Missoula)

William L. Crowley, being first duly sworn upon his oath, deposes and says as follows:

1. He is one of the shareholders in the law firm of Boone Karlberg P.C. He has personal knowledge of the matters stated in this Affidavit. Further, the Affidavit is submitted to conform to the requirements of 28 U.S.C. § 1924 relating to a verification of the Bill of Costs, dated May 31, 2012, and filed in this action.

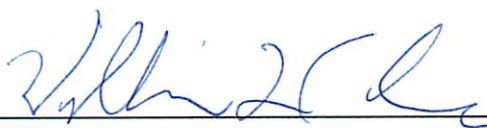
2. On April 19, 2011, a filing fee was paid in this action on behalf of the municipal Defendants to the United States in the amount of \$350.00 (*see* Exhibit A to this Affidavit). The fee was necessarily incurred in the case.

3. On April 20, 2011, an appearance fee in the amount of \$70.00 and a removal fee in the amount of \$5.00 was paid to the Montana Twenty-First Judicial District Court, Ravalli County, Montana on behalf of the municipal Defendants in this action (*see* Exhibits B and C to this Affidavit). The fees were necessarily incurred in the case.

4. In its Order, filed September 29, 2011 (Doc. 112), the Court awarded attorney's fees to Defendants City of Hamilton ("City") and Bitterroot Public Library ("BPL") incurred in connection with two motions to compel Plaintiff Michael Spreadbury to respond to discovery. The Court determined that Plaintiff

Michael Spreadbury's *pro se* status did not justify his non-compliance with the Court's discovery orders, an award of attorney's fees to the City and BPL would not be unjust, and Plaintiff Michael Spreadbury's failure to respond to the discovery requests was not substantially justified. [Doc. 112, pp. 6, 8.] The Court also determined the hourly rate charged by defense counsel was reasonable, and a reasonable lode star calculation, arrived at by multiplying the hourly rate by 17.1 hours, was \$2,821.50. [Doc. 112, pp. 10, 13-14.] Further, the Court's Order concludes by stating, "As a result, Plaintiff shall pay Defendants \$2,821.50, and this amount shall be imposed as part of the final judgment ultimately entered in this case." [Doc. 112, p. 14 (citation omitted).] As outlined in the Court's Order (Doc. 112), the services for which the attorney's fees were awarded were actually and necessarily performed in connection with this case.

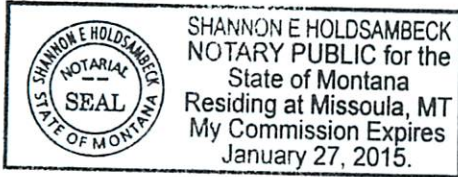
DATED this 1st day of June, 2012.



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

SUBSCRIBED AND SWORN TO this 1st day of June, 2012, by William L.

Crowley.



A handwritten signature in blue ink, appearing to read "Shannon E. Holdsambeck", written over a horizontal line.

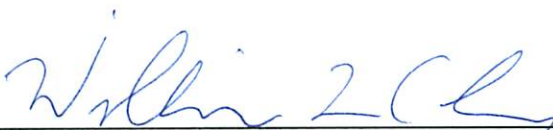
Notary Public for the State of Montana
Printed Name: Shannon E. Holdsambeck
Residing at: Missoula, Montana
My Commission Expires: January 27, 2015

CERTIFICATE OF SERVICE

I hereby certify that, on the 1st day of June, 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



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