

Michael E. Spreadbury
 P.O. Box 416
 Hamilton, MT 59840
 Telephone: (406) 363-3877
mspread@hotmail.com
Pro Se Plaintiff

FILED

MAY 17 2011

PATRICK E. DUFFY, CLERK

By DEPUTY CLERK, MISSOULA

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

MICHAEL SPREADBURY)
 Plaintiff)

64
 Cause No: CV-11-~~61~~-M-DWM-JCL

v.)

BITTERROOT PUBLIC LIBRARY,)
 CITY OF HAMILTON,)
 LEE ENTERPRISES, INC.,)
 BOONE KARLBERG, PC,)

**MOTION TO APPOINT LEAD
 DEFENSE COUNSEL; BRIEF
 IN SUPPPORT**

_____)
 Comes now Spreadbury with motion to appoint lead Defense counsel.

Motion:

Spreadbury moves that this Honorable Court orders Defense to consolidate,
 approve Jeffrey B. Smith of Garlington, Lohn & Robinson as lead counsel for
 Defense so Spreadbury's vested liberty, property interest upheld before court.

Defense Counsel oppose this motion.

Brief in Support

Spreadbury, in proper pleadings before this court has cited court authorities establishing a cause of action as a property interest protected by *Amendment 14*,

US Constitution:

A cause of action is a species of property protected by the 14th Amendment US Constitution *Logan v. Zimmerman Brush Co. 455 US 422 (1982)*. The use of a library is a liberty interest, paid by taxpayers; a cause of action is a property interest *Logan*.

Spreadbury requests of this court, to uphold protected liberty, property interest precluded from deprivation without due process of law, asks court for equitable process due *Cleveland Bd. Of Education v. Loudermill 470 US 532 (1985)*.

Spreadbury avers two separate Defendant counsel, Boone Karlberg PC, Garlington, Lohn, Robinson as party opposing a pro se IFP is not equal protection under the law, respectfully requests appointment of lead counsel Jeffrey B. Smith, Garland, Lohn, & Robinson (hereafter "GLR") Missoula, Montana.

In class action cases, the quality of pleading, relative economic stakes, the ability to vigorously litigate, competence of counsel, and access to resources are factors to

choose a lead counsel *Phillips Petroleum Co. v. Shutts, 472 US 797 (1985)*.

Defendant Lee Enterprises faces more liability than any other Defendant for defamation, defamation per se; therefore GLR logical choice for lead counsel.

A pro se litigant who pleads deprivation of constitutional rights under 42 USC§ 1983 who faces two or, three law firms, with multiple staff is comparable to the “Chinese wall” of lawyers as pled in *Westinghouse Elec. Corp. v. Kerr-McGee Corp., 580 F. 2d 1311 - Court of Appeals, (7th Cir., 1978)*. Spreadbury, with liberty, property interest before this court should not face such inequitable opposition, when Defendant Boone Karlberg PC, counsel of record acted in color of law with other Defendants to knowingly deprive Spreadbury established constitutional right under 42 USC§ 1983 without a good faith immunity *Harlow v. Fitzgerald 457 US 800 (1982)*, *Saucier v. Katz 121 S. Ct. 2151 (US Supra, 2001)*. Defendant Boone Karlberg PC prejudices Spreadbury in presentation of case before this court for property, liberty interest *Amendment 14, US Constitution*.

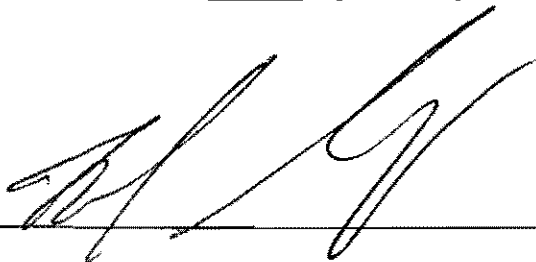
Spreadbury respectfully requests court to order consolidation of Defense counsel, appoint Jeffrey B. Smith, not in color of law, most qualified Defense Litigant to serve as lead counsel in this case to protect equity, due process, librertry, property interests herein. Spreadbury yields to the Honorable Court for any additional relief court may wish to offer.

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 446 words excluding title page, this compliance.

Respectfully submitted this 11th day of May, 2011

BY: _____



Michael E. Spreadbury, Pro Se Plaintiff

Certificate of Service

Cause No. CV-11-0064-DWM

I certify as Plaintiff in this action, a copy of the below named motion was served upon the US District Court Missoula Division and all opposing counsel for parties in this above named cause of action by first class mail. The following addresses were used for service:

Response to Boone Karlberg PC Motion, Brief in Support to Dismiss Rule 12(b)(6)

Motion to Appoint lead Defense Counsel; Brief in Support

Russell Smith Federal Courthouse

Clerk of Court

200 E. Broadway

Missoula, MT 59803

Defendant Counsel:

William L. Crowley

Boone Karlberg PC

PO Box 9199

Missoula MT 59807

Jeffrey B Smith

Garlington, Lohn, & Robinson PLLP

PO Box 7909

Missoula MT 59807

Plaintiff Counsel:

Michael E. Spreadbury

PO Box 416

Hamilton, MT 59840

(self-represented)

Dated _____ 5/11/11 _____



Michael E. Spreadbury, Pro Se Plaintiff