

IN THE SUPREME COURT OF MONTANA

RECEIVED
JAN 18 2011

IN RE: DA-11-0017)
MICHAEL E. SPREADBURY,) OUT OF TIME APPEAL
PETITIONER,) RULE 4(6)

Comes now, Michael E. Spreadbury, Respondent requests out of time appeal from the Montana Supreme Court in accordance with M.R. App. P. 4(6) for order of protection in the 21st Judicial District, State of Montana, cause No. DV-10-93.

From direct advice of the Federal Bureau of Investigation (FBI) Helena Montana Office, to contact the tribunal ruling over the fraudulent use of public funds, criminal activity which has had improper influence in the aforementioned.

By writ of affidavit, executed January 7, 2011 and presented to this honorable court as exhibit "A" attached is evidence of criminal activity of Petitioners counsel, in effort to violate Respondent's due process (Art. II s. 17). Further, Petitioner is enjoying 2nd named counsel Boone Karlberg PC from fraudulent representation of Petitioner as municipal employee of the City of Hamilton, Montana to which Petitioner is not. Petitioner is employee of independent library district in Montana per MCA§ 22-1-601. Petitioners 1st retained counsel engaged in Official Misconduct MCA § 45-7-401 by entering a civil courtroom outside statutory role in Montana for city attorneys MCA§ 7-4-4604. Petitioner has committed fraud in

EXHIBIT 1

11/11/11

aforementioned which constitutes Mont. R. Civ. P. Rule 60(b) new evidence---
fraud. Petitioner has never paid for representation in this matter before this court.

Hamilton Police Report unsigned by supervisor #209CR0002579 dated November 4, 2009 indicates Petitioner "felt threatened" (pg. 3 ¶ 1) is not an indication of assault, or stalking, is subjective and not actionable for MCA § 40-15-101 (Order of Protection). Petitioner approached and hugged Respondents dog 10 days prior to November 4, 2009 which negates all indications of stalking, or reasonable fear of bodily harm. Police report of November 4, 2009 contains defamatory, false and unprivileged information by Petitioner *Sacco v. HCIP 271 Mont. 209 (1995)*.

21st Montana District Criminal case DC-09-154 now under appeal in this Honorable Court. Writ of Supervisory Control presented to this court March 2010 for no probable cause (no threat was contained within information to court).

By crime (Official Misconduct by Petitioners counsel) and by public fraud (Petitioners second representation) deprivation of Respondents fundamental right to Speak, Assemble, reasonable expectation of Due Process, equal protection.

Montana Constitution:

Article II Section 7---Freedom of Speech

Article II Section 6---Freedom of Assembly

Article II Section 17---Due Process of Law

Article II Section 3----Inalienable right to defend life and liberties

US Constitution

Amendment 1—Right to Speech, Assembly

Amendment 14—Due Process Clause

Life, Liberty, Pursuit of Happiness

(does not include a violation of protected activities by any actor in Montana)

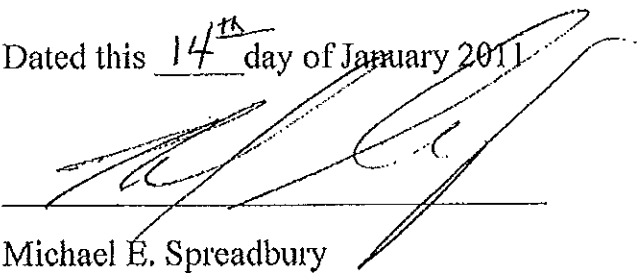
Montana Article III Section 3 (Judicial Oath)

“I do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, and the constitution of the State of Montana, and that I will discharge the duties of my office with fidelity (so help me God)”

Petitioner requests Montana Supreme Court Justices uphold their duty to Respondent, or this cause of action will be sent to a higher court that will.

Respondent presents attached order to dissolve order of protection, or courts discretion to continue DA-11-0017 due to significant information in this petition to enact a Rule 4(6) miscarriage of justice-out of time appeal.

Dated this 14th day of January 2011


Michael E. Spreadbury

700 S. 4th Street

Hamilton, MT 59840

mspread@hotmail.com

(406) 363-3877

Note: May 20, 2010 Order from Judge Larson in DA-10-352

IN THE SUPREME COURT OF THE STATE OF MONTANA

SUPREME COURT CAUSE No. DA-11-0017

Formerly DA-10-0352

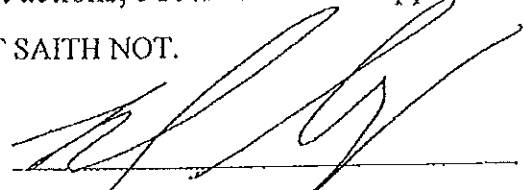
21st Montana District DV-10-93

Affidavit of MICHAEL E. SPREADBURY

COMES NOW, MICHAEL E. SPREADBURY who, being duly sworn, makes the following affidavit as follows:

1. I am the Respondent in the aforementioned action.
2. On November 20, 2009 a hearing was conducted in the aforementioned.
3. Mr. Kenneth S. Bell esq. Hamilton City Attorney appeared for Petitioner.
4. A city attorney may not appear in a civil hearing per MCA § 7-4-4604.
5. Entry by Bell in civil hearing is MCA § 45-7-401 Official Misconduct
6. By appearance of Bell at civil hearing, it violates my protected due process.
7. Bell arranged appearance for Petitioner with Hamilton City Judge Michael Reardon prior to hearing November 20, 2009.
8. The arrangement was known to be conducted prior to hearing due to my entry into the hearing room 11/20/09 prior to any court officer, or judge.
9. Prior communication with a judicial officer by a party is prohibited *ex parte* communication, which violates my protected right to due process.
10. Petitioner is using fraudulent public funding to retain counsel in this matter due to not being a municipal employee of the City of Hamilton, Montana.
11. Due to several due process, fraudulent actions, I seek a de novo appeal.

FURTHER AFFIANT SAITH NOT.

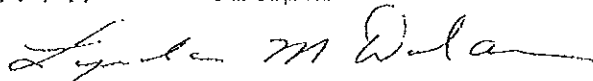


MICHAEL E. SPREADBURY copy BK

Dated 1-7-11



LYNDA M. DOLAN
 NOTARY PUBLIC FOR THE
 STATE OF MONTANA
 RESIDING AT CORVALLIS MONTANA
 MY COMMISSION EXPIRES
 DECEMBER 1, 2011



IN THE SUPREME COURT OF THE STATE OF MONTANA

Cause No. DA-11-0017

MICHAEL E. SPREADBURY,) **ORDER GRANTING**
Respondent and Appellant) **RESPONDENT MOTION**
v.) **TO DISSOLVE ORDER**
NANSU RODDY) **OF PROTECTION**
Petitioner and Appellee)
_____)

Upon consideration of the Out of Time motion Mont. R. App. P. 4(6) , supporting affidavit of Appellant Michael E. Spreadbury, recommendation of Federal Bureau of Investigation (FBI) Helena, Montana, and good cause appearing,

IT IS HEREBY ORDERED that Appellant motion to dissolve Order of Protection is granted due to public fraud, crime, and violation of Respondents protected interest by the City of Hamilton, Petitioner; a miscarriage of justice.

The Clerk is directed to mail a true copy hereof to Appellant and Appellee's counsel of record.

ORDERED this _____ day of _____ 2011.

For the Court,

c: Appellee [fraudulent] counsel: Prinzing-Jones, Crowley
Appellant Spreadbury

Certificate of Service:

I certify that I have filed a true and accurate copy of the foregoing:

Out of time appeal and Motion

Proposed order to Dismiss Order of Protection

With the clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing with each attorney of record, and the District Court. Service is by mail, or hand delivered.

In RE: 21st District DV-10-93 (Civil order of Protection)

Clerk of 21st District Court

205 Bedford

Hamilton, MT 59840

Attorney for Appellee

Natasha Prinzing Jones

Boone Karlberg PC

PO Box 9199

Missoula, MT 59807-9199

Pro Se Repondent and Appellant

Michael Spreadbury

700 S. 4th St.

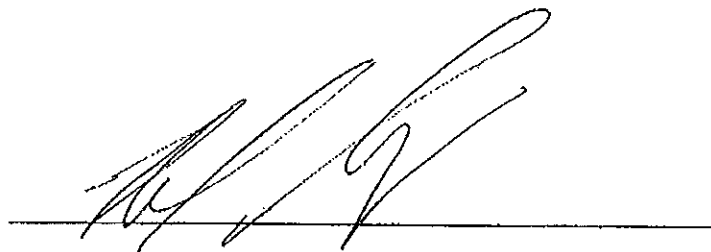
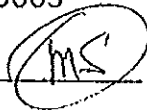
Hamilton MT 59840

Clerk of Montana Supreme Court

PO Box 203003

Helena, MT 59620-3003

Dated: 1/14/11



Michael E. Spreadbury, Pro Se Plaintiff

1 Pro Per
2 Michael E. Spreadbury
3 700 South Fourth St.
4 Hamilton, MT 59840
5

RECEIVED
JUN 29 2010
FILED
DEBBIE HARMON, CLERK

JUN 28 2010

DEPUTY

6 MONTANA 21ST JUDICIAL DISTRICT COURT
7 RAVALLI COUNTY

8 -----
9 MICHAEL E. SPREADBURY) Cause No: DV-10-224
10 Plaintiff)
11 v.) **REPLY TO DEFENSE OPPOSITION**
12 NANSU RODDY) **TO VACATE ORDER OF PROTECTION**
13 Defendant)
14 -----

15 Comes now the Plaintiff, responding to Defense motion of June 24, 2010 and respectfully enters
16 this reply to the court.

17 It is highly improper for Defense counsel to enter any information from a different docket
18 into the aforementioned case.

19 This cause is for the intentional infliction of emotional distress (IIED). Plaintiff is prepared to
20 prove with evidence to a jury that the Defendant effected the allegations on the Plaintiff.

21 Sacco v. High Country Independent Press 271 Mont. 209 (1995) relevant to the Defendant by:

- 22 1. Criminal complaint filed against Plaintiff lacked probable cause, and
- 23 2. Cause of action exists for Intentional Infliction of Emotional Distress IIED, and
- 24 3. Question of fact arose as to good faith of allegations to law enforcement, and
- 25 4. Dismissal of charges by statute of limitations gave rise for malicious prosecution action.

26 *Sacco* is a precedent case in Montana for IIED, and its case parameters are nearly identical to the
27 aforementioned complaint.

28 Defense counsel is notified that US Department of Justice is interested in Defendant for
29 contributing to falsely incarcerating Plaintiff. Criminal Defense may require Defendant seek
30 new counsel. Congregating peacefully on public property is not a crime, nor is appropriately
31 asking Defendant for help which was affirmed in Nov. 4, 2009 conversation. A separate cause
32 may be filed re: civil rights with Defendant named as party, as is addressed in *Sacco*.

33 Defense is reminded that July 10, 2010 marks eight (8) months since false indictment, Plaintiff
34 does not have to answer to DC-10-154, and cause for IIED against Defendant is proper. The
35 Montana Supreme Court affirmed this in *Sacco*.

36 Plaintiff holds national security clearance, has not been convicted of any crime, and indicates to
37 Defendant, and Defense counsel that defamation is improper within motions, according to
38 professional practice of attorneys in the State of Montana.

39

40 Plaintiff prays that Defense counsel refrains from irrelevant information to the honorable court in
41 the aforementioned case, such as a separate cause of action, or known false statements as was
42 found in the June 24, 2010 motion.

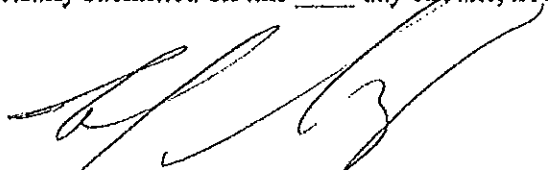
43

44

45 Respectfully submitted on this 28 day of June, 2010

46

47

48 
Michael E. Spreadbury, Pro Se Plaintiff

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JUN 03 2010

1 Pro Per
2 Michael E. Spreadbury
3 700 South Fourth St.
4 Hamilton, MT 59840
5

6 MONTANA 21ST JUDICIAL DISTRICT COURT
7 RAVALLI COUNTY

8 -----
9 MICHAEL E. SPREADBURY) Cause No: DV-10-224
10 Plaintiff)
11 v.) **REPLY TO DEFENSE MOTION**
12 NANSU RODDY)
13 Defendant)

14 Comes now the Plaintiff, responding to Defense motion of May 27, 2010 and respectfully
15 enters this motion in the court docket.

16 Defendant, in the aforementioned reply does not offer any defense to intentionally inflicting
17 emotional distress when giving false information to a court, and law enforcement on or
18 around November 4, 2009 in the City of Hamilton, Montana which caused Plaintiff
19 emotional distress.

20 Plaintiff will answer Defense 1-4 and attach a statement of damages as requested.

21 **FIRST DEFENSE REPLY**

- 22 1. Plaintiff is not currently taking action against Defendant for negligence, defamation,
23 abuse of process, malicious prosecution or conspiracy and has no obligation to state a
24 claim for these infractions in this case. Plaintiff has stated claim for intentional
25 infliction of emotional distress (IED) in the complaint and amended complaint in this
26 action.
- 27 2. In the process of giving false information to a court, Defendant has damaged
28 Plaintiff's course of life. A statement of damages will be attached to this motion as

29 was requested by Defense counsel. False information that contributes to an order of
30 protection, and a felony arrest (one and the same information) did damage course of
31 life for Plaintiff. Course of life changes cause Plaintiff additional emotional distress.

32 **SECOND DEFENSE REPLY**

- 33 1. Defendant used position as former wife of State Judge to detriment of Plaintiff.
- 34 2. Activities of Hamilton Police department outside the scope of Defendants willful
35 false testimony are irrelevant to the aforementioned case.
- 36 3. Plaintiff affirms that a federal claim for civil conspiracy to deprive civil rights is filed,
37 approved against actors in Hamilton, MT. Defendant is not included at this time.
- 38 4. Plaintiff admits to acquiring a national security clearance prior to November 4, 2009.
- 39 5. Library privileges are bound by Montana Law contained within MCA 22-1-311, and
40 policies of Bitterroot Public Library: asking a patron to leave if behavior is
41 inappropriate. No library policy or law was upheld in Hamilton, MT.
- 42 6. Plaintiff sworn statement of June 12, 2009 contains information that Plaintiff was
43 never asked to leave the Bitterroot Public Library, and never caused a disturbance that
44 would warrant such a request. Defendant's supervisor affirmed this in court.
- 45 7. Misdemeanor Criminal Trespass MCA 45-6-203 is reserved for private property. The
46 Bitterroot Public library does not own any private property. The library sits on
47 original block #18 of the original Hamilton Platt Map; ownership of this block which
48 the Bitterroot Public Library leases is the City of Hamilton.
- 49 8. Plaintiff admits voluntarily vacation of public library grounds on August 20, 2009
50 without arrest, citation, or reprimand.
- 51 9. Defendant was never in danger on November 4, 2009 and did not need an order of
52 protection from Plaintiff. Plaintiff affidavit of 12-31-09 affirms these statements.
- 53 10. Malicious activity of City Judge in Hamilton is irrelevant to aforementioned case.
- 54 11. Peaceful assembly on public property is never a crime, is protected by the first
55 amendment, and Defendant was not a witness to Plaintiff assembly August 20, 2009.
- 56 12. Appropriate conversation with Defendant, asking for help, affirmed by response by
57 Defendant on November 20, 2009 is not a crime, and is also protected by 1st
58 Amendment, Article II S. 7 of the Montana Constitution. Defendant manipulated

59 proper interaction to detriment of Plaintiff. Actions by Defendant caused emotional
60 distress. Resulting actions by authorities caused Plaintiff emotional distress.

61 13. No Probable cause exists in the affidavit for arrest, nor relevance to the statute for
62 Felony Intimidation in the State of Montana. Defendant under oath Nov. 20 2009 "I
63 did not know a word or anything that the (Plaintiff) said to me." Communication of a
64 threat is impossible under these circumstances. Plaintiff suffers emotional distress
65 due to being improperly "seized" by arrest, threat of criminal trial by Defendant's
66 aforementioned improper testimony.

THIRD MS 6/2/10
SECOND DEFENSE REPLY

67
68 1. Defendant is fully to blame for intentionally misconstruing speech, a proper conversation
69 with Plaintiff, and willfully giving false information to authorities. These activities on or
70 around November 4, 2009 caused Plaintiff to suffer emotional distress.

71 2. Defendant omitted to tell the truth, and wrongfully stated the actual activities on State St.
72 in Hamilton, MT on November 4, 2009, which includes construing renter of law offices
73 of former husband (State Judge Haynes) as "witness" to November 4, 2009 conversation.

74 3. Information provided by Defendant caused improper, intentional prosecution, and
75 defamation of Plaintiff, which caused emotional distress.

76 4. Deliberate false information provided by the Defendant was due course of improper
77 action, and emotional distress levied on Plaintiff.

78 5. Due to the course of Defendants actions, Plaintiff suffered emotional distress.

79 6. Due to false statements in #4-8 in May 27 2010 motion Defendant is put in further
80 jeopardy, and Plaintiff can easily prove intentional infliction of emotional distress
81 through actual actions of Defendant on November 4, 2009.

82 7. Plaintiff under no circumstances is attempting to re-litigate in a civil court, and *res*
83 *judicata* therefore is null and void. Intentional infliction of emotional distress (IIED) has
84 no overlapping concern with other litigation open to the Plaintiff with respect to this
85 situation with the Defendant. No preclusion or *collateral estoppel* exists in this action
86 against the Defendant.

87 FOURTH DEFENSE REPLY

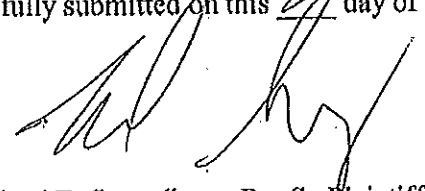
88 1. Plaintiff has been damaged in the extent listed in the amended complaint, and is further
89 prepared to quantify such damage in a statement attached to this motion.

- 90 2. Defendant acted intentionally, with disregard for the Plaintiff, and caused emotional
91 distress for these reasons:
- 92 i) Trauma from false imprisonment, three weeks duration with 8 days of 19 hour
93 lockdown due to "danger" of Plaintiff due to Defendant testimony.
- 94 ii) Irreparable damage to career and way of life that has been permanently
95 damaged by Defendants testimony. *See Plaintiff statement.*
- 96 iii) Irreparable damage to Plaintiff's character due to testimony of Defendant.
- 97 iiiii) Loss of freedom and future freedom to Plaintiff, otherwise known as jeopardy
98 from Defendant's false construction of a civil conversation November 4, 2009.
- 99 3. Actual Malice is easily proven by statement of Defendant, and resulting actions and
100 damages such as emotional distress suffered by Plaintiff.
- 101 4. All of Plaintiffs claims are supported by fact, and law. Defense response is grounded in
102 misinformation, denial, unethical actions, and potentially illegal activities.
- 103

104 WHEREFORE, Plaintiff is prepared to prove intentional infliction of emotional distress
105 to a jury based upon the Defendants actions on or around November 4, 2009.

106 Intentional actions by the Defendant in Hamilton, Montana have caused severe emotional
107 distress, indicated by the stressors which were unfairly placed upon the Plaintiff by
108 Defendant's improper reporting of the conversation at 306 State Street in Hamilton, MT
109 on or around November 4, 2009.

110
111
112 Respectfully submitted on this 29th day of June, 2010

113
114 

115 Michael E. Spreadbury, Pro Se Plaintiff

FILED

February 8 2011

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 11-0017

FILED

FEB 08 2011

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

NANSU RODDY,

Plaintiff and Appellee,

v.

ORDER

MICHAEL E. SPREADBURY,

Defendant and Appellant.

Appellant Michael E. Spreadbury, pro se, has filed a motion for an out-of-time appeal. Appellee Nansu Roddy opposes the motion by requesting that this appeal be dismissed as *res judicata*.

Roddy is a senior librarian at the Bitterroot Public Library in Hamilton. Spreadbury unsuccessfully attempted to persuade Roddy to accept a document into the library's collection and was eventually barred from the library due to his actions. He was later charged with misdemeanor criminal trespass for returning to the library and felony intimidation for approaching Roddy outside of the library. He eventually entered a no contest plea to the felony charge. Roddy sought an order of protection based upon these incidents, which initiated this litigation. After a hearing at which Spreadbury was represented by the public defender, the Hamilton City Court issued a permanent order of protection which was affirmed upon Spreadbury's appeal to the Twenty-First Judicial District Court in Cause No. DV-10-93, in an order filed on May 20, 2010. Spreadbury filed a petition for out-of-time appeal of this order on July 19, 2010, which we denied for his failure to establish extraordinary circumstances justifying the request. He filed a civil suit against Roddy which was dismissed on summary judgment on October 18, 2010.

On November 17, 2010, Spreadbury filed a motion with the District Court to

amend the order of protection, which was denied on December 9, 2010. The District Court ordered that Spreadbury cease from filing further pleadings in the matter. On January 7, 2011, within the time for appealing from the December 9, 2010 order, Spreadbury filed a notice of appeal which stated as follows:

NOTICE is given that MICHAEL E. SPREADBURY, the Appellant above named who is the Respondent that [sic] cause of action filed in the 21st Judicial District, in and for the County of Ravalli, as cause No. DV-10-93 hereby appeals to the Supreme Court for the State of Montana *from judgment or interlocutory order entered in such action on the 20 day of May, 2010.* (emphasis added)

Spreadbury then filed his current request for an out-of-time appeal on January 20, 2011, perhaps in response to a notice issued from the Clerk's office on January 11 advising him of deficiencies in his notice of appeal. Spreadbury's pleadings allege "criminal activity on [Roddy's] counsel, in effort to violate [Spreadbury's] due process," that Roddy has obtained counsel by fraudulently representing that she is a municipal employee, when she is not, and that he has been advised by the Federal Bureau of Investigation to "contact the tribunal." He asserts that his due process was violated during a hearing on November 20, 2009. Though confusing, Spreadbury's request for an out-of-time appeal is a second attempt to obtain appellate review of the District Court's order of May 20, 2010 affirming the permanent order of protection, consistent with the language of his notice of appeal taking issue with that order. His apparent position is that his allegations of criminal activity establish the necessary grounds for an out-of-time appeal.

We denied Spreadbury's request for an out-of-time appeal of this order on August 10, 2010, in Cause No. 10-0352. His new allegations do not establish extraordinary circumstances necessary to rehear the determination we made at that time, and we reaffirm the denial of that request, under both the doctrine of *res judicata* and the appellate rules. Therefore,

IT IS HEREBY ORDERED:

1. The petition for an out-of-time appeal is DENIED.

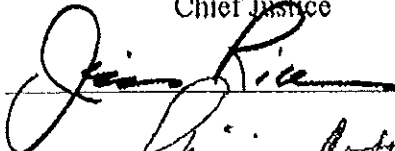
2. The motion to dismiss appeal is GRANTED.

The Clerk is directed to provide a copy to counsel of record and to Spreadbury.


DATED this 8th day of February, 2011.



Chief Justice



Patricia Cottler



Justices

FILED
DEBBIE HARMON, CLERK
JUN 28 2010
DEPUTY

1 Pro Per
2 Michael E. Spreadbury
3 700 South Fourth St.
4 Hamilton, MT 59840

5
6 **MONTANA 21ST JUDICIAL DISTRICT COURT**
7 **RAVALLI COUNTY**

8 -----
9 NANSU RODDY) Cause No: DV-10-93
10 Petitioner)
11 v.) **REPLY TO PETITIONER OPPOSITION**
12 MICHAEL SPREADBURY) **TO VACATE ORDER OF PROTECTION**
13 Respondent)
14 -----

15 Comes now the Respondent, responding to Defense motion of June 24, 2010 and respectfully
16 enters this reply to the court.

17 Respondent was not aware that Defense counsel was retained by Petitioner on other matter (DV-
18 10-224) would otherwise comment on a fraudulent order of protection. Petitioner has history of
19 not retaining counsel, namely Kenneth S. Bell for civil proceedings without retainer on
20 November 20, 2010; the "hearing" in the aforementioned case in a Hamilton City Court.

21 Respondent did not have free opportunity to speak to order of protection due to pending charges
22 without merit or probable cause; the self incrimination clause was used. All charges related to
23 this case are slated to be dismissed; nearly 8 months since initial contact with court. In Montana
24 and the United States, one's seventh amendment right to speedy trial elapses at 6 months.

25 Asking a librarian for help usually does not bring jeopardy, especially in the United States, or
26 within one of its states of territories. Ravalli County, Montana is one special place where laws,
27 protections do not apply, but as a former spouse to a State Judge has no limitations.

28 Hamilton Municipal Judge Reardon violated 11 rules of conduct with respect to the Respondent,
29 and found that criminal trespass, reserved for private property could be levied upon the
30 Respondent for peacefully sitting on the lawn owned by the City of Hamilton August 20, 2009.
31 Armed with false information from the Petitioner, the cast was made to combine the lawn sitting
32 and accusations from Petitioner to incite Intimidation, the tactic employed by the Hamilton
33 Police on a 70 year old woman and her granddaughter on the library lawn.

34 The basis for the felony charges were intentional false statements to the police by Petitioner, who
35 feels her status gives right to perjury, and potentially criminal conspiracy. Petitioner utilized a
36 renter of Judge Jim Haynes former law office near the Bitterroot Public Library as a "witness" to
37 the Nov. 4 2009 conversation between the Petitioner and the Respondent. It is a shame that the
38 witness was not present at the incident, and even more unfortunate that court documents place
39 him at the scene. A "newspaper" article is conflicting to charging documents, and Defendant
40 testimony at November 20, 2009 hearing regarding this witness. The Hamilton Police report
41 indicates that the officer and witness "checked to see what the witness could see out the office
42 window." Charging documents indicate that witness was present at scene. Even with stories not
43 aligned, Judges seem to willingly punish Respondent for no cause.

44 Unfortunately, State Judges also are willing to protect Petitioner, and Judge Reardon by
45 continuing the order of protection for the entire library staff, custodians, friends of library, board,
46 and patrons, who have had little, or no contact with the Respondent.


47 This is known as a State Tribunal Bias, and has been submitted for review.

48 Due to the special circumstances of Respondent running for office, the US Justice Department
49 has shown interest in the false accusations, and false incarceration of the Respondent.

50 State Judge Larson has not allowed a hearing as requested 5 months prior to order of May 20,
51 2010. Honorable Judge Larson states that Respondent must face trial for Intimidation, which
52 was a known false statement; no court date was set. Speedy trial elapsed, upholding the lower
53 court did not allow Respondent due process: no new hearing on aforementioned case.

54 Respondent asks Defense counsel for retainer document indicating they are counsel of record for
55 DV-10-93. Respondent indicates that false information to authorities is contained within Sacco
56 v. High Mountain Independent Press 271 Mont. 209 (1995). Regardless of outcome of order of
57 protection, Petitioner faces civil liability for IIED, and other causes, for actions on and following
58 November 4, 2009 statements to police.

59 Respectfully submitted on this 28 day of June, 2010

60 
61 Michael E. Spreadbury, Respondent

Certificate of Service:

I certify as a Plaintiff in this action, a copy of the below named motion was served upon the Defendant by First Class United States Mail. The following address was used:

Reply to petitioner opposition to vacate order of protection (DV-10-93)

Reply to defense opposition to vacate order of protection (DV-10-224)

Note: separate motions, two separate cases, dockets (see above).

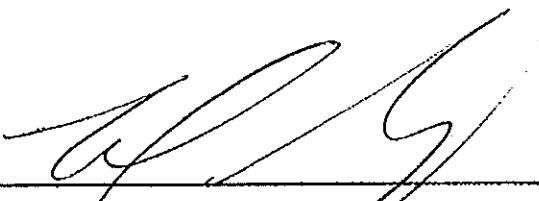
William L. Crowley

Boone-Karlberg

PO Box 9199

Missoula, MT 59807-9199

Dated: 6/28/10



Michael E. Spreadbury, Pro Se Plaintiff

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3 Hamilton, MT 59840
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JUN 02 2010
FILED
DEBBIE HARMON, CLERK

JUL 01 2010

DEPUTY

6 MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT
7 RAVALLI COUNTY

8
9 NANSU RODDY) Cause No: DV-10-93
10 Petitioner) Civil Order of Protection.
11 vs.)
12 MICHAEL E. SPREADBURY) **NOTICE OF REMOVAL**
13 Respondent)
14

15 Comes now the Respondent, giving notice of removal to the 21st District Court in the State of
16 Montana with respect to an order of protection. Pursuant to Montana Rules of App P. 22,
17 Respondent seeks relief from the Montana Supreme Court.

18 Petitioner gave information in bad faith, and was never in danger, as affirmed by Respondent
19 affidavit of 31 Dec. 2009. District Judge did not immediately review as prescribed in MCA 40-
20 15-302 (1). Loss of firearm use not proper as per MCA 40-15-201 (f) and listed in municipal
21 court filings under CV-2009-168 for the aforementioned case. Petitioner was not injured, or
22 threatened by Respondent.

23 Respondent's substantial right to due process, free speech removed in the aforementioned case as
24 actionable for appeal under Montana rules of civil procedure, defined in MCA 46-20-701, and
25 applicable under MT. R. App. P 22.

26 If Petitioner wishes to provide a passed polygraph test, current sanctions are appropriate on
27 Respondent. Actions of Petitioner have caused significant impacts on ability to work, reputation,
28 and free liberties. Petitioner has perjured herself about interaction, and has enjoyed protections.

29 Respondent approached District Court for relief, *de novo*, which was the reason for appeal from
30 Hamilton Municipal Court on February 17, 2010. Interlocutory Judgment on May 20, 2010 by
31 Honorable Larson did not take in any new information, or allow substantial due process, or
32 Respondent to speak to issue through hearing. Bias is evident in the May 20, order which states
33 Respondent was "...charged with trespassing on Library premises" (line 23) when the library
34 owns no private property, and the area was actually a public park. Larson's order further states
35 that the Library DIRECTOR "...ordered (Respondent) off premises" (line 25) by letter, outside
36 of library policy, and outside Montana Law with respect to library privileges MCA 22-1-311.

37 MCA 22-1-311. Use of library -- privileges. Every library established under the provisions of this
38 part shall be free to the use of the inhabitants of the city or the county supporting such library.
39 The board may exclude from the use of the library any and all persons who shall willfully
40 violate the rules of the library. The board may extend the privileges and use of the library to
41 persons residing outside of the city or county upon such terms and conditions as it may
42 prescribe by its regulations. and outside Montana Law with respect to library privileges
43 MCA 22-1-311 (emphasis by Respondent on who can exclude a patron).

44 **Respondent issued sworn statement June 12, 2009 which stated that no disturbance**
45 **occurred in the last 4 years, and was never asked to leave the library by any staff.**

46 Relief at Supreme Court level appropriate due to local tribunal bias: Petitioner is former spouse
47 of current State Judge in 21st Judicial District. Respondent has suffered imprisonment with 8
48 days lockdown, 21 days; excessive bail, improper seizure, limitations on movement, and
49 aforementioned restrictions on firearms, by Petitioner perjury.

50 Respondent asked for help of Petitioner in all lawful ways, and holds security clearance by FBI.
51 Local judiciary, law enforcement, and Petitioner abused color of law to detriment of Respondent.
52 Respondent committed "crimes" like asking a library to add a book to their collection, sitting
53 peacefully in a public park, and speaking appropriately about park-sitting "crime", with
54 Petitioner, seeking help to resolve situation.

55 The Respondent is hereby removing the aforementioned case from the 21st Judicial District,
56 Honorable Larson substitute Judge. The Montana Supreme Court is being appealed for relief on
57 this case with due cause as described herein.

58 Signed and dated this 1st day of July, 2010

59

60

61 Michael E. Spreadbury, Pro Se Plaintiff

Certificate of Service:

I certify as a Plaintiff in this action, a copy of the below named motion was served upon the Defendant by First Class United States Mail. The following address was used:

Notice of Removal

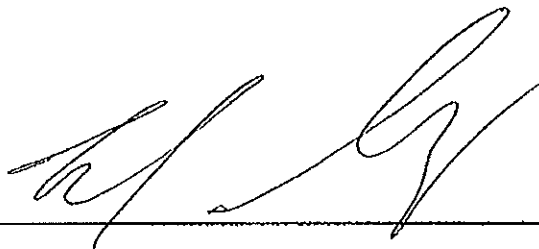
Natasha Prinzing-Jones

Boone Karlberg PC

PO Box 9199

Missoula, MT 59807-9199

Dated: 7/1/10



Michael E. Spreadbury, Pro Se Plaintiff

IN THE SUPREME COURT OF MONTANA

Cause No. DA-10-352

RECEIVED
AUG 02 2010

Michael E. Spreadbury

700. So. Fourth St.

Hamilton MT 59840

Acting on own behalf as Appellant

NANSU RODDY,)

Peitioner and Appellee)

v.)

RESPONSE TO DEFENSE

MICHAEL E. SPREADBURY)

MOTION TO DISMISS

Respondent and Appellant)

Comes now, Michael E. Spreadbury, Appellant and Respondent replying to Defense motion to dismiss written July 27, 2010.

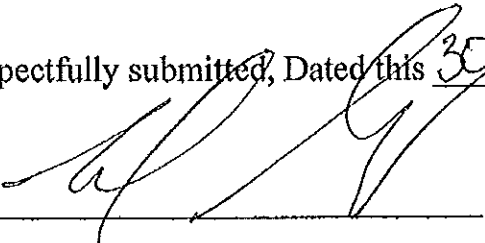
Defense counsel had opportunity to respond to Appellate Rule 22 in District Court, yet failed to do so, as did Honorable Judge Larson, Montana 4th Judicial District.

Any criminal case without significant delay filed for 10 months is a common law violation, without probable cause. Appelle misrepresents TOP situation: documented false swearing to Municipal Judge, and police report inconsistent.

The miscarriage of justice is false imprisonment, false information; Appelle states in police report of "feeling threatened". Appellant has order, intimidation charges without threat, probable cause. Appellant holds security clearance by FBI, wrote Dec. 31, 2009 affidavit stating no danger to Appellee on November 4, 2009.

Dismissal by Montana Supreme Court would violate Appellant's fundamental due process. Appellant seeks remanded hearing in District court, or dismissal, proper in this case. Library, has §1983 liability as does Appellee, not relevant to case.

Respectfully submitted, Dated this 30th day of July 2010



Michael E. Spreadbury

Certificate of Service:

I certify that I have filed a true and accurate copy of the foregoing:

Response to Defense Motion to Dismiss

With the clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing with each attorney of record, and the District Court. Service is by mail, or hand delivered.

Clerk of 21st District Court

205 Bedford St.

Hamilton, MT 59840

Clerk of Montana Supreme Court

PO Box 203003

Helena, MT 59620-3003

Attorney for Appellee

Natasha Prinzing Jones

Boone Karlberg PC

PO Box 9199

Missoula, MT 59807-9199

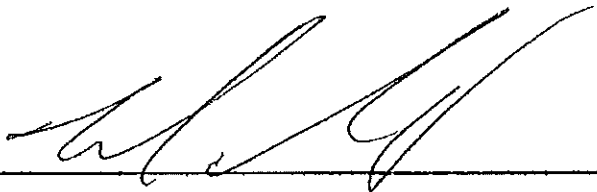
Pro Se Repondent and Appellant

Michael Spreadbury

700 S. 4th St.

Hamilton MT 59840

Dated: 7/30/10



Michael E. Spreadbury, Self Represented Plaintiff