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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., and BOONE
 KARLBERG P.C.

Defendants.

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

**DEFENDANT BOONE
 KARLBERG P.C.’S STATEMENT
 OF GENUINE ISSUES IN
 OPPOSITION TO PLAINTIFF’S
 MOTION FOR PARTIAL
 SUMMARY JUDGMENT**

Pursuant to Local Rule 56.1(b), Rules of Procedure, United States District
 Court, District of Montana, Defendant Boone Karlberg, P.C. (“Boone Karlberg”),

submits the following statement of genuine issues in opposition to Plaintiff Michael E. Spreadbury's ("Spreadbury") Motion for Partial Summary Judgment Against Boone Karlberg, P.C.

1. In May or June 2009, Spreadbury met with Senior Librarian Nansu Roddy at the Bitterroot Public Library (the "library"). (Amended Complaint, ¶ 31; Joint Answer of Defendants Bitterroot Public Library and City of Hamilton to Amended Complaint, ¶ 19.)

2. Spreadbury requested that a hand-written letter written by another person alleging local government corruption be placed on the reserve shelf of the library. (Amended Complaint, ¶ 31; Joint Answer of Defendants Bitterroot Public Library and City of Hamilton to Amended Complaint, ¶ 19.)

3. Ms. Roddy, on behalf of the library, refused. (Amended Complaint, ¶ 31; Joint Answer of Defendants Bitterroot Public Library and City of Hamilton to Amended Complaint, ¶ 19.)

4. After multiple interactions with library staff, Spreadbury was banned from the library. (Amended Complaint, ¶ 31; Joint Answer of Defendants Bitterroot Public Library and City of Hamilton to Amended Complaint, ¶ 19.)

5. Despite the ban, witnesses reported to local law enforcement that Spreadbury returned to the library property, and he was subsequently charged with

criminal trespass. (See Amended Complaint, ¶¶ 43-46; Joint Answer of Defendants Bitterroot Public Library and City of Hamilton to Amended Complaint, ¶¶ 3, 21.)

6. On February 18, 2010, based on proof beyond a reasonable doubt, a jury in the City Court for the City of Hamilton found Spreadbury guilty of criminal trespass. (See 2/18/10 City Court Verdict and 2/18/10 City Sentencing Order, attached as **Exhibit A**.)

7. While the criminal trespass charge was pending, Spreadbury approached Ms. Roddy outside the library, and, as a result of that encounter, Ms. Roddy sought and obtained an Order of Protection against him. (Joint Answer of Defendants Bitterroot Public Library and City of Hamilton to Amended Complaint, ¶ 21.)

8. Spreadbury repeatedly attempted to modify, re-litigate or otherwise collaterally attack the Order of Protection. (Joint Answer of Defendants Bitterroot Public Library and City of Hamilton to Amended Complaint, ¶ 21.)

9. All attempts were denied, including a Petition for Rehearing where the Montana Supreme Court warned Spreadbury that further legal filings against Ms. Roddy “may be sanctioned by the imposition of costs, attorney’s fees and/or other monetary or non-monetary penalties under M.R.App.P. 19(5).” (Joint

Answer of Defendants Bitterroot Public Library and City of Hamilton to Amended Complaint, ¶ 21.)

10. Based on Spreadbury's encounter with Ms. Roddy, Spreadbury was charged with felony intimidation. (Joint Answer of Defendants Bitterroot Public Library and City of Hamilton to Amended Complaint, ¶ 21.)

11. He pleaded no contest to the felony intimidation charge and was sentenced on October 20, 2010. (Joint Answer of Defendants Bitterroot Public Library and City of Hamilton to Amended Complaint, ¶ 21.)

12. Following his plea, the charge for misdemeanor criminal trespass, which Spreadbury had appealed, was voluntarily dismissed. (Joint Answer of Defendants Bitterroot Public Library and City of Hamilton to Amended Complaint, ¶ 26.)

13. Spreadbury has appealed the felony conviction and the sentence has been stayed pending the appeal. (Joint Answer of Defendants Bitterroot Public Library and City of Hamilton to Amended Complaint, ¶ 21.)

14. In *Roddy v. Spreadbury*, DV-10-93 (Protective Order Action): Bitterroot Public Library Senior Librarian Nansu Roddy was granted an order of protection against Plaintiff on November 20, 2009, following a hearing before Hamilton City Judge Reardon. On appeal to the District Court, Judge Larson affirmed the order of protection on May 20, 2010, based upon a review of the

record. Boone Karlberg represented Ms. Roddy in DV-10-93 and during Spreadbury's appeal to the Montana Supreme Court in Appellate Cause No. DA 11-0017. (Relevant Orders in DV-10-93, attached as **Exhibit B.**)

15. In *Spreadbury v. Roddy*, DV-10-224 (Emotional Distress Case - Roddy): Spreadbury sued Nansu Roddy for infliction of emotion distress. Summary judgement was entered in favor of Ms. Roddy on October 5, 2010, and Notice of Entry of Judgment was filed and served on November 1, 2010. The time for appeal expired on or about December 3, 2010. Spreadbury did not appeal. Boone Karlberg represented Ms. Roddy in DV-10-224. (Relevant Orders in DV-10-224 , attached as **Exhibit C.**)

16. In *Spreadbury v. Bell*, DV-10-223 (Emotional Distress Case - Bell): Spreadbury sued Hamilton City Attorney Ken Bell for infliction of emotional distress. Summary dismissal was granted in favor of City Attorney Bell on August 17, 2010, and judgement was entered on September 22, 2010. The dismissal was affirmed on appeal on April 5, 2011, in Appellate Cause No. DA-10-442. Spreadbury's petition for rehearing under Rule 20 is pending. Boone Karlberg represented City Attorney Bell in DV-10-223 and presently represents City Attorney Bell in Appellate Cause No. DA-10-442. (Relevant Orders in DV-10-223, attached as **Exhibit D.**)

17. Boone Karlberg did not prosecute Spreadbury for trespass, and did not remove him from the library grounds. Boone Karlberg had no involvement in those events. Rather, it has subsequently represented parties in litigation arising from those events. (*See Amended Complaint, ¶¶ 31-66.*)

18. In his Amended Complaint, Spreadbury states he “believes, and is prepared to show. . .that Defendants listed, together, individually, and as pairs conspired to deprive the Constitutional rights of Plaintiff.” Spreadbury further alleges “two or more Defendants...contrive[d], and execute[d] criminal charges. . . keeping Plaintiff out of office.” Finally, Spreadbury claims “Defendant Boone Karlberg PC acting in civil conspiracy with client Bell when defaming Spreadbury in published pleadings to courts in State of Montana.” (*See Amended Complaint, ¶¶ 25-27, 63.*)

DATED this 9th day of June, 2011.

/s/Thomas J. Leonard
Thomas J. Leonard
BOONE KARLBERG P.C.
Attorneys for Defendants
Bitterroot Public Library, City of
Hamilton and Boone Karlberg P.C.

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of June, 2011, a copy of the foregoing document was served on the following persons by the following means:

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

1. Clerk, U.S. District Court
2. Michael E. Spreadbury
 700 South Fourth Street
 Hamilton, MT 59840

/s/ Thomas J. Leonard
Thomas J. Leonard
BOONE KARLBERG P.C.
*Attorneys for Defendants Bitterroot Public
Library, City of Hamilton,
and Boone Karlberg P.C.*