

FILSD
DEBBIE HAINON CLERK

MAR 15 2011

Spang Lawyer
DEPUTY

1 Michael E. Spreadbury
2 700 South Fourth St.
3 Hamilton, MT 59840
4 Tel. (406) 363-3877
5 mspread@hotmail.com

6 MONTANA 21ST JUDICIAL DISTRICT COURT

7 RAVALLI COUNTY

8 -----

9 MICHAEL E. SPREADBURY,)

10 Plaintiff)

11 v.)

12 BITTERROOT PUBLIC LIBRARY,)

13 CITY OF HAMILTON,)

14 LEE ENTERPRISES INC.,)

15 BOONE KARLBERG P.C.,)

16 Defendants)

Cause No: DN-11-184/3

DEPT. 3

COMPLAINT

17 This cause of action is for defamation, intentional infliction of emotional distress (IIED),
18 negligent infliction of emotional distress (NIED), civil conspiracy to deprive constitutional rights
19 42 USCA § 1983, negligence in City of Hamilton, Ravalli County, State of Montana.

20 JURISDICTION:

21 The 21st Montana Judicial District is the proper venue for this cause of action, due to actions and
22 deprivations of rights within the 21st Judicial District, Ravalli County Montana. Case and
23 controversy is sufficient to make complaint before this Honorable Court.

24

PARTIES:

- 25 1. Michael E. Spreadbury (hereafter "Spreadbury"), Plaintiff of 700 S. 4th Street, Hamilton
26 Montana, is a resident of Montana, and is considered a person in the State of Montana.
- 27 2. Dr. Robert Brophy, resident of Montana, acting under individual duties, Bitterroot Public
28 Library Chairman of the Trustee Board, responsible officer of the Bitterroot Public
29 Library, acting in color of law, considered a person in the state of Montana
- 30 3. Trista Smith, resident of Montana, current director of the Bitterroot Public Library as a
31 replacement for Gloria Langstaff; acting in color of law, in individual duties, is considered
32 a person in Montana.
- 33 4. Nansu Roddy, resident of Montana, assistant director of the Bitterroot Public Library,
34 acting in color of law, in individual duties, is considered a person in the State of Montana.
- 35 5. The Bitterroot Public Library (hereafter "public library"), an independent district, bound by
36 the Interstate Compact as per Montana Code Annotated MCA 22-1-601. Under subsection
37 3(e) of this compact, an independent district can sue and be sued; in this jurisdiction an
38 independent library district is considered a person in the State of Montana.
- 39 6. Jerry Steele, executive director of the City of Hamilton as elected Mayor, resident of
40 Montana, is considered a person in the State of Montana.
- 41 7. Steve Snavelly resident of Montana, Sergeant in the Hamilton Police Department, acting in
42 color of law, and in individual duties, is considered a person in the State of Montana.

- 43 8. Detective Steven Bruner-Murphy, (hereafter: "Detective Murphy") resident of Montana,
44 employed by Hamilton Police Department, acting in color of law, in individual duties, is
45 considered a person in the State of Montana.
- 46 9. Hamilton Police Chief Ryan Oster, resident of Montana, acting in color of law, in
47 individual duties, and as official policymaker for the City of Hamilton, Montana; Chief
48 Oster is considered a person in the State of Montana.
- 49 10. Kenneth S. Bell, Hamilton City Attorney, acting in color of law, in individual duties, and
50 that as official policy maker of the City of Hamilton, resident of Montana, considered a
51 person in the State of Montana.
- 52 11. Jennifer B. Lint, resident of Montana, Deputy Hamilton City Attorney, acting in color of
53 law, in individual duties is considered a person in the State of Montana.
- 54 12. Stacy Mueller, resident of Montana publisher of The Missoulian newspaper, acting in color
55 of law, is responsible officer for Lee Enterprises Inc., considered a person in the State of
56 Montana.
- 57 13. Kristen Bounds, resident of Montana, acting in color of law, in individual duties, former
58 publisher of Ravalli Republic newspaper, is considered a person in the state of Montana.
- 59 14. Perry Backus, former editor Ravalli Republic newspaper, acting in color of law, resident of
60 Montana, is considered a person in the State of Montana.
- 61 15. The Missoulian Newspaper, an affiliate of Lee Enterprises Inc., a Montana Corporation.
62 As a Montana Corporation, is considered a person in the State of Montana.

63 16. The Ravalli Republic Newspaper, affiliate of Lee Enterprises Inc., a Montana Corporation.

64 As a Montana Corporation, is considered a person in the State of Montana.

65 17. The Billings Gazette, affiliate of Lee Enterprises Inc. a Montana Corporation is considered

66 a person in the State of Montana.

67 18. The Helena Independent Record, affiliate of Lee Enterprises Inc., a Montana Corporation is

68 considered a person in the State of Montana.

69 19. The Great Falls Tribune, affiliate of Lee Enterprises Inc. a Montana Corporation is

70 considered a person in the State of Montana.

71 20. The Montana Standard, affiliate of Lee Enterprises Inc., a Montana Corporation is

72 considered a person in the State of Montana.

73 21. William L. Crowley, resident of Montana, partner and responsible officer for Boone

74 Karlberg PC law firm, acting in color of law, is considered a person in the State of

75 Montana.

76 22. Natasha Prinzing-Jones, resident of Montana, associate at Boone-Karlberg PC law firm,

77 acting in color of law, considered a person in the State of Montana.

78 **Prima Facie Evidence**

79 23. The Plaintiff believes, and is prepared to show with a preponderance of the evidence that

80 the Defendants listed, together, individually, and as pairs conspired to deprive the

81 Constitutional rights of Plaintiff. These rights are not limited to the Montana Constitution

82 Article II, s. 4,6,7,17; and US Constitution Amendments I, V, and XIV in actions within
83 Ravalli County, State of Montana, United States of America.

84 24. Under the color of law, two of more Defendants wished to contrive, and execute criminal
85 charges to (1) reap injury to Plaintiff character, and (2) affect Plaintiff employment, and (3)
86 alter public perception of Plaintiff to interfere with an election; keeping Plaintiff out of
87 office, through the course of action described in this complaint.

88 25. The Defendants conspired to deprive the Plaintiff of his constitutional rights, through one
89 or more unlawful acts, Plaintiff has incurred substantial and actual damages as a result.

90 26. No probable cause existed in criminal actions against the Plaintiff, executed by the
91 Defendants. Common law issues are presented to the court, in addition to Defendants
92 filing, contributed to criminal charges without probable cause filed against the Plaintiff,
93 which contained substantial deprivations of Plaintiff fundamental constitutional rights.

94 27. Defendants acted with actual malice, callous indifference, and without equal protection or
95 due process under the law which led to actual damages to the Plaintiff as described herein.

96 **FACTUAL BACKGROUND:**

97 28. Spreadbury resides within City of Hamilton, County of Ravalli, State of Montana.

98 29. Spreadbury met with Nansu Roddy to admit correspondence written by separate person to
99 be admitted into public library temporary reserve holdings in approximately summer 2009.

- 100 30. Bitterroot public library (hereafter “public library”) employee Roddy, in violation of
101 policy, and public library’s adopted American Library Association policies refused to
102 accept Spreadbury’s publication.
- 103 31. Spreadbury utilized administrative remedies available per Roddy for Spreadbury to meet
104 with Director of public library on or around June 10, 2009.
- 105 32. Director made appointment, cancelled, and refused to meet with Spreadbury.
- 106 33. Director of Public library published, distributed letter June 11, 2009 banning Spreadbury
107 from library unlawfully, in violation of Montana Code Ann. for library privilege,
108 Spreadbury’s procedural due process, per well accepted Montana statute, established
109 statutory privilege for library utilization, use of public property.
- 110 34. Spreadbury presented library, Hamilton Police Department with sworn affidavit that
111 Spreadbury had never been asked to leave public library, or made disruption, any willful
112 violation of rules occurred in past 48 hours, 4 years dated June 12, 2009.
- 113 35. Spreadbury submitted Reconsideration Request Form July 8, 2009; public library did not
114 respond to own established administrative remedy available to the public, Spreadbury.
- 115 36. On July 9, 2009 Spreadbury sat in waiting area of Ravalli Republic, as business was
116 conducted, Spreadbury constructed a hand written request to Publisher Bounds not to
117 defame Spreadbury. Ravalli Republic called Ravalli County Dispatch, said Spreadbury
118 was making threats, a false and defamatory act. HPD responded to Ravalli Republic.

- 119 37. On July 9, 2009 Chief Ryan Oster informed Spreadbury that the Ravalli Republic did not
120 want Spreadbury to have further entry at the storefront at 232 W. Main St. Hamilton,
121 Montana. Ravalli Republic personnel never asked Spreadbury to not return.
- 122 38. Spreadbury sent letter to public library, Hamilton Police Department (HPD) July 15, 2009
123 citing Montana Statute re: library privileges, reinstating privileges to public library.
- 124 39. Public library board, public library did not respond to the July 15, 2009 correspondence.
- 125 40. Defendant Brophy made known false statements, comments to library staff about
126 Spreadbury which were published on electronic form, communicated in verbal form.
- 127 41. On August 20, 2009 Spreadbury sat peacefully on public property outside public library.
- 128 42. Sgt. Steve Snavely, Hamilton Police approached Spreadbury with June 11, 2009 letter from
129 public library, accused Spreadbury of trespass on public property.
- 130 43. Ken Bell, Hamilton City Attorney on or around September 2, 2009 wrote a sworn
131 complaint that Spreadbury was trespassing on Public Property August 20, 2009.
- 132 44. Spreadbury was not given an opportunity to be heard at public library, lost privileges, due
133 to not being allowed on the public library grounds, facility since early summer of 2009.
- 134 45. Plaintiff summoned September 9, 2009 with Misdemeanor Criminal Trespass on private
135 property, property is publically owned by the City of Hamilton to which Plaintiff is
136 taxpayer, has property, liberty interests in enjoying library privileges.

- 137 46. On September 10, 2009 the Ravalli Republic, a Lee Enterprise Corporation, published a
138 front page article with Spreadbury's likeness in color photo with full name and headline
139 "Mayoral Candidate charged with Trespass".
- 140 47. In an online comment published with the September 10, 2009 article, a comment was
141 published on www.ravallirepublic.com stating that Spreadbury "suffers serious
142 psychological problems and needs to seek help."
- 143 48. A separate comment published by the Ravalli Republic September 10, 2009 story said
144 "Spreadbury is ready for Warm Springs (referring to the Montana State Mental Hospital)".
- 145 49. The Trespass on public property was republished in several Lee Enterprise newspapers
146 within the State of Montana, named as parties to this cause of action.
- 147 50. A photographer from the Ravalli Republic admitted to the Plaintiff that his editor required
148 a picture of Spreadbury for the September 10, 2009 article.
- 149 51. On October 19, 2009 Detective Murphy, HPD made report of Spreadbury stalking public
150 library director; published sighting of Director former website: www.Bitterroot-rising.org
151 with report # 209CR0001589 a deprivation of Spreadbury's established right to speak.
- 152 52. Spreadbury prosecuted for sitting peacefully on public property by Defendant Bell,
153 Defendant Lint City of City of Hamilton in violation of established right.
- 154 53. Bob Brophy, Chairman BPL Board did send Plaintiff letter dated February 23, 2010 stating
155 board was removing Spreadbury's privileges although never asked to leave public library,
156 or demonstrated willful violation of rules: requirement per Montana Code Ann.

- 157 54. Spreadbury's procedural due process rights deprived by Brophy by not having any ability
158 to be heard, administrative remedy to contest action which deprived Spreadbury liberty
159 interest in entering library as taxpayer in Hamilton, MT in 2009.
- 160 55. Defendant Boone Karlberg, PC did publish false light information in several published
161 pleadings before the Supreme Court for the State of Montana stating Spreadbury frequently
162 returned to library, although not a crime, publish false light of actual events that occurred at
163 the public library with respect to Spreadbury situation.
- 164 56. Defendant Boone Karlberg PC published several instances of false light information,
165 defamation in re: criminal charge of trespassing with respect to Spreadbury after Boone
166 Karlberg PC knew charge dropped August 2010 within court pleadings published in
167 District, Supreme Courts for the State of Montana after dismissal order.
- 168 57. Defendant Boone Karlberg PC knew or should have known that sitting on public property
169 is not a crime, charge dismissed known as Defendant Bell, client, employees, agents of
170 Defendant Boone Karlberg PC sworn to uphold the Montana, US Constitution as lawyers.
- 171 58. Defendant Boone Karlberg, party to cause of action William L. Crowley *esq.* did publish in
172 pleading Spreadbury threatened Defendant Bell, when no evidence of threat exists in
173 correspondence to Bell. Crowley, Jones engaging in malicious defamation of Spreadbury.
- 174 59. Defendant Boone Karlberg PC acting in civil conspiracy with client Bell when defaming
175 Spreadbury in published pleadings to courts in State of Montana.

- 176 60. As Defendants continue to re-publish August 20, 2009 peaceful assembly on public
177 property as criminal act by Spreadbury, causes severe emotional distress per well
178 established standards before the Supreme Court for the State of Montana.
- 179 61. Defendants knew, should have known that peaceful assembly on public property is never a
180 crime in Montana, United States.
- 181 62. Defendants knew, should have known that trespass charge was dismissed August 16, 2010
182 by Honorable John Larson 4th District Court in 21st District Cause No. DC-10-26 with
183 Spreadbury as Defendant.
- 184 63. Every re-publication of false information is considered a new case for libel against the
185 Defendants.
- 186 64. Defendant Lee Enterprises on or around August 20, 2010 created four (4) different versions
187 of a story pertaining to criminal trespass charges against Spreadbury originating from
188 Defendant Ravalli Republic Newspaper in Hamilton, Montana.
- 189 65. Defendant Lee Enterprises made two Associated Press (AP) stories of the 4 created articles
190 pertaining to Spreadbury and criminal trespass.
- 191 66. Defendant Lee Enterprises Inc. published false light: Supreme Court “upheld” library ban,
192 decision in Supreme Court for Montana in re: order of protection out of time appeal, not
193 trespassing, or unlawful ban from library of Spreadbury.

194 67. A national newspaper published Spreadbury's name and criminal trespass charge based
195 upon the Ravalli Republic, Lee Enterprises Inc. AP submissions. Distribution is 1.8
196 million readers daily, national, international distribution.

197 68. Six (6) Lee Enterprise affiliates, party to this case in the State of Montana published a
198 version of the 4 articles generated from the Ravalli Republic Newspaper, each affiliate has
199 capability to publish defamatory comments about Spreadbury.

200 69. Due to AP coverage, TV, radio, newspaper, and other news outlets throughout the State of
201 Montana covered Spreadbury criminal trespass charge on or around August 20, 2010. Re-
202 publication, defamation of Spreadbury's alleged criminal act, protected activity of peaceful
203 assembly from August 20, 2009 is in-calculable.

204 70. Spreadbury was no longer considered a public official at 20:00hours November 3, 2009.

205 71. Defendants act in concert to devastate Spreadbury's character, "shocks conscience" that
206 protected act would be criminalized, used to defame, destroy Spreadbury's character.

207 72. Spreadbury was running for office at time of peaceful assembly August 20, 2009 yet that
208 does not allow for actual malice of Defendants defamation pled herein.

209 73. The truth can be actual malice in libel cases.

210 74. Spreadbury had injury to character to such an extent that severe economic loss ensued from
211 unlawful prosecution for peaceful assembly on public property in City of Hamilton, MT.

212 75. The acts of the Defendants described in paragraph 1 through 82 of this Complaint were
213 done willfully, maliciously, outrageously, deliberately, and purposely with the intention to

214 inflict emotional distress upon Plaintiff and were done in reckless disregard of the
215 probability of causing Plaintiff emotional distress, these acts did in fact result in severe and
216 extreme emotional distress to Spreadbury.

217 76. As a direct and proximate result of the Defendant's acts alleged herein, Spreadbury was
218 caused to incur severe and grievous mental and emotional suffering, fright, anguish, shock,
219 nervousness, and anxiety. Plaintiff continues to be fearful, anxious, and nervous,
220 specifically but not exclusively regarding the future possibility of wrongful defamation,
221 summons without crime, and prosecution for criminal act without due cause.

222 77. As a proximate result of the Defendant's actions alleged herein, Spreadbury has had his
223 capacity to pursue an established course of life destroyed by Defendants. Spreadbury has
224 suffered permanent damage to lifestyle and professional life as a result of Defendant
225 activity described in paragraph 1 through 82. Plaintiff suffered severe emotional distress
226 inflicted by actual malice of the named Defendants.

227 78. This severe emotional distress was a reasonably foreseeable consequence of actions by
228 Defendants on or about August 20, 2009 and ongoing. Defendants did not take reasonable
229 care to avoid wrongful prosecution of Spreadbury, and appeared to have contrived the
230 criminal action against Spreadbury giving no conscience to their duties as officers of the
231 court, in color of law. Spreadbury's peaceful assembly on public property was
232 outrageously exaggerated, manipulated, and exacerbated by the Defendants with actual
233 malice with intent to defame, destroy Spreadbury's character.

234 79. Defendants had position of authority over Spreadbury, or in position to affect Spreadbury's
235 established interests.

236 80. Defendant conduct was an abuse of position, even without authority over Spreadbury, had
237 position to affect Spreadbury.

238 81. Defendants certain of infliction on Spreadbury, acted recklessly, outrageously with
239 deliberate disregard of high degree of probability of emotional distress to Spreadbury.

240 82. Defendants acted with heatless, flagrant, and outrageous acts; extreme liability arises for
241 Defendants with respect to emotional distress in the State of Montana.

242 **Negligence/ Brophy—public library--Count 1**

243 83. Plaintiff repeats and realleges paragraphs 1-82 of this complaint as if fully set herein.

244 84. Library Board chairman Brophy, acting in official duties in color of law, wrote letter of
245 February 23, 2010 removing Spreadbury's library privileges without cause.

246 85. Brophy knew or should have known that Spreadbury was never asked to leave public
247 library, violated any rules of the public library.

248 86. Brophy did not allow Spreadbury an administrative remedy to the allegations of
249 misconduct, allowed arbitrary removal of privileges, did not proceed to administrative
250 remedy for submission to library, ignored Spreadbury's written reconsideration request.

251 87. Brophy's actions constituted negligence as chairman of public library Board.

252 88. As a result of Brophy's negligence at the public library, Spreadbury had actual damages.

253

Abuse of Process/ Brophy—public library--Count 2

254

89. Plaintiff repeats, realleges paragraphs 1-88 of this complaint as if fully set herein.

255

90. Board Chairman Brophy in his administrative duties as chairman of BPL board wrote letter

256

to remove Plaintiffs library privileges on February 23, 2010.

257

91. The proceeding was regular act on the part of Brophy, but not proper in the regular conduct

258

of library board chairmen abiding by all laws to remove privileges of patrons.

259

92. Due to Brophy's abuse of process at the public library, Plaintiff incurred actual damages.

260

Procedural Due Process/14th Amendment—Brophy, public library—Count 3

261

93. Plaintiff repeats and realleges paragraphs 1-92 as if fully set in this complaint herein.

262

94. Brophy, as chairman of Library board wrote Feb. 23, 2010 letter to Plaintiff which did not

263

allow a remedy for Plaintiff to speak to the allegations of misconduct at the Library.

264

95. Brophy upheld Director's June 11, 2009 letter which improperly took Plaintiff library

265

privileges without remedy to answer the allegations of misconduct at library.

266

96. Public library did not respond to Spreadbury's July 8, 2009 "Request for Reconsideration"

267

form, or follow administrative process at public library for Spreadbury's submission.

268

97. Since Brophy did not allow an administrative remedy for Plaintiff to address Board of

269

library, it violated Plaintiffs right to administrative remedy and due process.

270 98. Due to Brophy's, public library lack of procedural due process with respect to public
271 library privileges, request for material submission, it violated Plaintiff right to Procedural
272 Due Process, Plaintiff incurred actual damages.

273 **Defamation/Defamation Per Se—Brophy—public library--Count 4**

274 99. Plaintiff repeats and realleges paragraphs 1-98 as if fully set in this complaint herein.

275 100. Brophy communicated a statement about Plaintiff, in writing, orally in official meeting,
276 which was distributed throughout library staff.

277 101. Communication of false information unprivileged, altered perception of library staff as
278 they interacted with Plaintiff, and constituted Defamation and Defamation Per Se.

279 102. As a result of Brophy's Defamation and Defamation per se as officer of public library,
280 Plaintiff had damages.

281 **Misrepresentation—Brophy—public library--Count 5**

282 103. Plaintiff repeats, realleges paragraphs 1-102 as if fully set forth in this complaint.

283 104. In February 23, 2010 letter, Brophy misrepresented authority of Library Board, Library
284 director ability to remove patrons right to peaceful assembly in a publically owned park,
285 and to remove a patrons privilege to use a public library respectively.

286 105. A Library Board only has the authority to remove a privilege of a patron who willfully
287 violates the rules of the library under MCA 22-1-311(Use of Library—Privileges).

288 106. Plaintiff was never asked to leave the library by staff, director, or law enforcement.

289 107. Due to Brophy's misrepresentation of authority, Plaintiff incurred actual damages.

290 **1st Amendment—Roddy—public library--Count 6**

291 108. Plaintiff repeats, realleges paragraphs 1-107 as if fully set forth in this complaint.

292 109. Public Library staff Roddy did refuse Spreadbury's submission to the public library.

293 110. Public library policy requires no rejection of written material, freedom of speech requires
294 acceptance of material not profane, suitable for adult readers.

295 111. By refusing Spreadbury's submission that was accepted in a member Library in Montana,
296 Roddy violated Spreadbury's right to speak, petition government as protected in
297 Amendment 1, US Constitution.

298 **Malicious Prosecution—Public Library, City of Hamilton---Count 7**

299 112. Plaintiff repeats, realleges paragraphs 1-111 as if fully set forth in this complaint.

300 113. A judicial proceeding was commenced and prosecuted against Spreadbury

301 114. The public library, City of Hamilton were responsible for instigating, prosecuting, and/or
302 continuing the proceeding.

303 115. Public library, City of Hamilton acted without probable cause.

304 116. Public library, City of Hamilton were actuated by actual malice.

305 117. The judicial proceedings terminated favorably for Spreadbury.

306 118. As a result of the Defendant public library, City of Hamilton actions, Spreadbury
307 sustained damages.

308 **Tortious interference with prospective Economic Advantage—Defendants--Count 8**

309 119. Plaintiff repeats, realleges paragraphs 1-118 as if fully set forth in this complaint.

310 120. Defendants committed intentional and willful acts calculated to cause damage to
311 Spreadbury's reputation, and prospective economic advantage.

312 121. Defendants acts were done with actual malice, willful purpose of causing damage or loss,
313 without right or justifiable cause on the part of the actors.

314 122. Due to Defendant's tortious interference, Spreadbury has suffered actual damage.

315 **"Policy or Custom" by Policymaker Bell, 1st,14th Amendments---Count 9**

316 123. Plaintiff repeats, realleges paragraphs 1-122 as if fully set forth in this complaint.

317 124. Defendant Bell department head and official policymaker made new policy for City of
318 Hamilton by deciding Spreadbury's peaceful assembly on public property manifested
319 criminal trespass on August 20, 2009.

320 125. Due to official policy of Defendant Bell by sworn information to the court September 2,
321 2009, Spreadbury's right to peaceful assembly, protected Art. II s. 6 Montana Constitution,
322 1st Amendment US Constitution deprived by official policy of City of Hamilton, Montana.

323 126. As a result of Bell's official policy, Spreadbury would not enjoy equal protection of the
324 laws as protected in Art. II s. 4 Montana Constitution, 14th Amendment, US Constitution.

325 127. As a result of official policy created by Defendant Bell, City of Hamilton, Spreadbury
326 suffered actual damages.

327 **Policy of Custom-Amendment 5, 14--City of Hamilton-Oster—Count 10**

328 128. Plaintiff repeats, realleges paragraphs 1-127 as if fully set forth in this complaint.

329 129. HPD Chief Oster, official policymaker, City of Hamilton made new policy when asked
330 Spreadbury to not enter storefront when no adverse or criminal behavior occurred at the
331 Ravalli Republic business, 232 W. Main St Hamilton, Montana July 9, 2009.

332 130. By asking Spreadbury to not enter Ravalli Republic business without cause, Oster
333 deprived Spreadbury liberty interest, equal protection, protected in Amendment 5,14 US
334 Constitution.

335 131. Policy or Custom of City of Hamilton by Oster deprived Spreadbury established right.

336 **Negligence, City of Hamilton-Bell---Count 11**

337 132. Plaintiff repeats, realleges paragraphs 1-131 as if fully set forth in this complaint.

338 133. Defendant Bell knew or should have known sitting on public property was not a crime.

339 134. By citing Spreadbury for a crime for sitting on public property constitutes negligence on
340 the part of Bell, deprives Spreadbury right to peaceful assembly, equal protection.

341 135. As a result of Bell's negligence Spreadbury suffered actual damages.

342 **Negligence, City of Hamilton—Snavelly—Count 12**

343 136. Plaintiff repeats, realleges paragraphs 1-135 as if fully set forth in this complaint.

344 137. Sgt. Snavelly HPD knew, or should have known that peaceful assembly on public
345 property was a protected right in Montana, US Constitution, not a crime.

346 138. Sgt. Snavelly negligent in his actions August 20, 2009 in accusing Spreadbury of criminal
347 trespass while peacefully assembled on public property in Hamilton, MT.

348 139. As a result of Snavelly's negligence, Spreadbury suffered actual harm.

349 **Freedom to Speak—1st, 14th Amendment—HPD Det. Murphy—Count 13**

350 140. Plaintiff repeats, realleges paragraphs 1-139 as if fully set forth in this complaint.

351 141. Defendant HPD Detective Murphy investigated, published defamatory report investigated
352 Spreadbury for stalking for mentioning a "sighting" of public library director on a website.

353 142. Spreadbury is free to speak in Hamilton, Montana, has a compact to the United States.

354 143. Actions of Detective Murphy demonstrate actual malice toward Spreadbury, and is an
355 example of abuse of power, oppressive government as protected in Amendment 14 US
356 Constitution.

357 144. Due to Murphy's deprivations of free speech, defamation by publishing HPD report,
358 abuse of power by investigating stalking on protected right, Spreadbury had actual
359 damages.

360 **Negligence, Lee Enterprises Inc.—Count 14**

361 145. Plaintiff repeats, realleges paragraphs 1-144 as if fully set forth in this complaint.

362 146. Defendant Lee Enterprises Inc. knew or should have known sitting on public property is a
363 protected right, found in Art. II section 6 Montana Constitution, Amendment 1 US
364 Constitution.

365 147. Defendant Lee Enterprises knew or should have known that publishing comments about
366 psychiatric health constitutes negligence per se.

367 148. Lee Enterprises published several comments about Spreadbury's psychiatric health.

368 149. Lee Enterprises knew, or should have known that re-publishing material relating to
369 criminal trespass on public property was defamation with actual malice against Spreadbury.

370 150. Due to negligent and negligent per se activity by Lee Enterprises Inc. Spreadbury
371 suffered actual harm.

372 **Defamation, Defamation per se, Lee Enterprises Inc.—Count 15**

373 151. Plaintiff repeats, realleges paragraphs 1-150 as if fully set forth in this complaint.

374 152. Lee Enterprises Inc. published known false information with actual malice against
375 Spreadbury making case that sitting peacefully on public property was criminal trespass.

376 153. Lee Enterprises Inc. re-published, encouraged the mass-re-publication of criminal
377 trespass with respect to Spreadbury to statewide, national, and international audience.

378 154. Lee Enterprises Inc. published comments about Spreadbury's psychiatric health which
379 constitutes defamation per se.

380 155. Lee Enterprises Inc. encouraged all statewide media outlets to publish criminal trespass
381 concerning Spreadbury peacefully assembled on public property in Hamilton, MT.

382 156. Lee Enterprises Inc. received several written requests from Spreadbury not to defame his
383 character by publishing false information.

384 157. Due to publication, mass publication of known false information by Lee Enterprises Inc
385 is defamation and defamation per se with actual malice.

386 158. As a result of the defamation, defamation per se by Lee Enterprises Inc. Spreadbury
387 suffered actual damages.

388 **Intentional Infliction of Emotional Distress (IIED)—Defendants—Count 16**

389 159. Plaintiff repeats, realleges paragraphs 1-158 as if fully set forth in this complaint.

390 160. Defendants were in a position to affect Spreadbury's protected interest.

391 161. Defendants unlawfully conspired to charge Spreadbury with a crime, caused severe
392 emotional distress, violated Spreadbury's established constitutional right.

393 162. Due to willful acts with actual malice on the part of the Defendants known to cause
394 emotional distress, Spreadbury actually suffered severe emotional distress.

395 163. Due to the intentional infliction of emotional distress by the Defendants, Spreadbury
396 suffered actual damages.

397 **Negligent Infliction of Emotional Distress (NIED)—Defendants—Count 17**

398 164. Plaintiff repeats, realleges paragraphs 1-163 as if fully set forth in this complaint.

399 165. Defendants were in a position to affects Spreadbury's protected interest.

400 166. Defendants negligently conspired to unlawfully charge Spreadbury with a crime for
401 peaceful assembly on public property, a protected right. Defendants encouraged Lee
402 Enterprises Inc. to publish with actual malice intra-state, interstate, and internationally the
403 false notion that Spreadbury committed a crime by peaceful assembly in Hamilton, MT.

404 167. The negligent and unlawful charge of criminal trespass, international publication caused
405 Spreadbury severe emotional stress.

406 168. Defendants actions were willful, with actual malice, knowing actions cause emotional
407 distress, expected outcome: harm to Spreadbury.

408 169. Due to several negligent acts of Defendants, with position to affect Spreadbury,
409 Spreadbury suffered emotional distress.

410 **Injuctive Relief—Boone Karlberg PC—Count 18**

411 170. Plaintiff repeats, realleges paragraphs 1-169 as if fully set forth in this complaint.

412 171. Spreadbury seeks an order from this Honorable Court to enjoin Boone Karlberg PC from
413 further defamatory statements in reference to Plaintiff.

414 172. Spreadbury has never threatened any person in the State of Montana, information from
415 Spreadbury with respect to Boone Karlberg PC clinets does not contain specific or
416 communicated threat.

417 173. It is highly improper, unethical, and defamatory to make published comments about a
418 behavior that never existed, irrelevant to specific case at hand.

419 174. Spreadbury seeks a Cease and Desist **ORDER** from the court, and if violated, sanctions
420 on William L. Crowley esq. and/or Natasha Prinzing-Jones esq. of Boone Karlberg PC.

421 175. Spreadbury seeks injunctive relief from court due to belief of future harm, specifically
422 defamation through the courts, which is malicious, calculated, unprofessional, and causes
423 undue harm and injury to Spreadbury's character.

424 176. Emotional distress, defamation should not be manipulated by lawyers at Boone-Karlberg.

425 177. Spreadbury reserves the right to request civil **ARREST** of associates at Boone Karlberg
426 PC for cause it activity continues, or other sanctions this honorable court feels appropriate.

427 **Injunctive Relief—Lee Enterprises Inc.—Count 19**

428 178. Plaintiff repeats, realleges paragraphs 1-177 as if fully set forth in this complaint.

429 179. Spreadbury seeks a Cease and Desist **ORDER** from the court to stop any comment,
430 defamatory material from publication in re: Spreadbury.

431 180. Lee Enterprises has published known false information, defamatory comments damaging
432 to Spreadbury since 2007.

433 181. Spreadbury seeks civil **ARREST** of Perry Backus, former editor, author of at least 20
434 articles defamatory to Spreadbury, gave professional permission to publish highly
435 defamatory comments about Spreadbury's character by the Ravalli Republic. Affidavit for
436 this arrest will be in docket of the aforementioned.

437 182. Spreadbury seeks injunctive relief due to belief that capability of future harm by Lee
438 Enterprises is likely. Spreadbury will yield to court for an additional remedies to stop
439 malicious behavior of Lee Enterprises Inc. ongoing since 2007.

440 183. Spreadbury seeks proper court order to stop malicious behavior that attacks the good
441 character of Spreadbury, before this court for relief.

442 **Punitive Damages—Defendants—Count 20**

443 184. Plaintiff repeats, realleges paragraphs 1-183 as if fully set forth in this complaint.

444 185. Actions of defendants, acting in actual malice, with willful intent to deprive rights,
445 defame Spreadbury, and intentionally cause severe emotional distress entitle Plaintiff to
446 seek punitive damages in this cause of action.

447 186. Defendant actions that have callous indifference to Spreadbury's protected rights, or are
448 willfully executed to injure or harm are those eligible for punitive damages.

449 187. Punitive damages are intended to stop future behavior of the Defendants.

450 188. Decisions of official policymakers subject municipal governments to punitive damages,
451 as Bell, Oster enacted in this cause of action.

452 189. Defendants Murphy, Snavelly, Brophy, Roddy, Lee Enterprises Inc., City of Hamilton,
453 Bell, Lint, Crowley, Prinzing-Jones, Boone Karlberg PC, acted in callous indifference,
454 actual malice towards Spreadbury which allow punitive damages in this case.

455 **Relief Sought by Plaintiff**

456 I. Plaintiff respectfully requests that the court find against the Defendants:

457 i. Plaintiff suffered *special damages of lost earnings* in the amount of\$2.2M

458 ii. Plaintiff suffered *general damages for pain, suffering* of..... \$2M

459 iii. Plaintiff seeks Compensatory damages for **IIED** of\$535,000.00

460 iv. Plaintiff seeks Compensatory damages for **NIED** of\$ 475,000.00

461 v. Plaintiff seeks Compensatory damages for **defamation** of..... \$4M

462 vi. Plaintiff seeks Compensatory damages for **\$1983** of..... \$2M

463 vii. Plaintiff seeks Punitive damages for **IIED** of.....\$200,000.00

464 viii. Plaintiff seeks Punitive damages for **\$1983** of.....\$ 645,000.00

465 ix. Plaintiff seeks punitive damages for **defamation** of..... \$13M

466 Total Compensatory damages.....**\$ 8.21M**

467 Total Punitive damages.....**\$ 13.845M**

468 **Total damages sought from Defendants.....\$ 22.055M**

469 II. Plaintiff seeks permanent injunctive relief:

470 Boone Karlberg PC.....line 410

471 Lee Enterprises Inc.....line 427

472 III. Plaintiff respectfully requests a jury trial to hear this case.

473 End of Complaint.

474

475 Respectfully submitted this ^{4th} day of March, 2011

476

477

A handwritten signature in black ink, appearing to read "Michael E. Spreadbury", is written over a horizontal line. The signature is stylized and cursive.

478 Michael E. Spreadbury, Chief Barrister, self represented litigant.