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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., and BOONE
KARLBERG P.C.

Defendants.

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

**JOINT ANSWER OF CITY AND
LIBRARY DEFENDANTS TO
SECOND AMENDED
COMPLAINT**

On August 10, 2011, the Court entered its Order (Doc. 85) on Plaintiff's Request for Leave to File a Second Amended Complaint. The Order granted Plaintiff's request, in part, as to two specific claims. Defendants Bitterroot Public Library, Dr. Robert Brophy, Trista Smith, Nansu Roddy, City of Hamilton, Jerry Steele, Steve Snavely, Steven Bruner-Murphy, Ryan Oster, Kenneth S. Bell and Jennifer Lint, jointly referred to as the City and Library Defendants, jointly respond to Plaintiff's Second Amended Complaint (Doc. 90), as follows:

FIRST DEFENSE

In response to the allegations in Plaintiff's Second Amended Complaint, the City and Library Defendants allege as follows:

1. Plaintiff's Second Amended Complaint fails to state a claim against the City and Library Defendants upon which relief can be granted for an alleged violation of Plaintiff's federal constitutional rights.
2. Plaintiff's Second Amended Complaint fails to state a claim against the City and Library Defendants based on state law.
3. Plaintiff's Second Amended Complaint fails to state a claim against the City and Library Defendants for conspiracy.
4. Plaintiff's claims against the City and Library Defendants are barred by *res judicata*, collateral estoppel and federal law.

SECOND DEFENSE

Answering the allegations in Plaintiff's Second Amended Complaint, the City and Library Defendants admit, deny and allege as follows:

1. Admit the Court has jurisdiction of Plaintiff's federal law claims under 28 U.S.C. § 1343, and admit the Court has supplemental jurisdiction of Plaintiff's state law claims under 28 U.S.C. § 1367. Deny the balance of the allegations under the jurisdiction heading on page 2 of the Second Amended Complaint.

2. Admit the allegations in paragraphs 1, 30 and 125 of the Second Amended Complaint.

3. Deny the allegations in paragraphs 25-29, 42, 43, 47, 56, 58, 67, 73, 75, 77-87, 89-94, 112-114, 126-130, 132-134, 145-148, 150-152, 199-202, 204-208, 234-238 of the Second Amended Complaint.

4. Answering the allegations in paragraph 2 of the Second Amended Complaint, admit Dr. Robert Brophy is a resident of Montana, is the Chairman of the Board of Trustees of the Bitterroot Public Library, and is a person in Montana. Deny the balance of the allegations in paragraph 2.

5. Answering the allegations in paragraph 3 of the Second Amended Complaint, admit Trista Smith is a resident of Montana, is a representative of the

Bitterroot Public Library, and is a person in Montana. Admit Gloria Langstaff is a former Director of the Bitterroot Public Library.

6. Answering the allegations in paragraph 4 of the Second Amended Complaint, admit Nansu Roddy is a resident of Montana, is a Senior Librarian at the Bitterroot Public Library, and is a person in Montana.

7. Answering the allegations in paragraph 5 of the Second Amended Complaint, admit the Bitterroot Public Library is a public library.

8. Answering the allegations in paragraph 6 of the Second Amended Complaint, admit Jerry Steele is the elected Mayor of the City, is a person in Montana, and is a resident of Montana.

9. Answering the allegations in paragraph 7 of the Second Amended Complaint, admit Steve Snaveley is or was an officer in the Hamilton Police Department, is a person in Montana, and is a resident of Montana.

10. Answering the allegations in paragraph 8 of the Second Amended Complaint, admit that Steven Bruner-Murphy is or was an officer in the Hamilton Police Department, is a resident of Montana, and is a person in Montana.

11. Answering the allegations in paragraph 9 of the Second Amended Complaint, admit Ryan Oster is the Police Chief for the City, is an official

policymaker in some respects, is a resident of Montana and is a person in Montana.

12. Answering the allegations paragraph 10 of the Second Amended Complaint, admit Kenneth S. Bell is the City Attorney for the City, is an official policymaker in some respects, is a resident of Montana, and is a person in Montana.

13. Answering the allegations in paragraph 11 of the Second Amended Complaint, admit Jennifer B. Lindt is a resident of Montana, is a Deputy City Attorney for the City, and is a person in Montana.

14. Answering the allegations in paragraph 12 of the Second Amended Complaint, admit the City is a political subdivision in Montana.

15. Answering the allegations in paragraphs 13-21 of the Second Amended Complaint, admit Stacey Mueller is a resident of Montana, a person in Montana and a publisher of the *Missoulian* newspaper. Admit the *Missoulian*, the *Ravalli Republic*, *Billings Gazette*, the *Helena Independent Record*, the *Great Falls Tribune* and the *Montana Standard* are newspapers in Montana. The City and Library Defendants are without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in paragraphs 13-21 of the Second Amended Complaint, and therefore, they deny such allegations.

16. Answering the allegations in paragraph 22 of the Second Amended Complaint, admit William L. Crowley is a shareholder in Boone Karlberg P.C., a law firm, is a person and is a resident in Montana.

17. Answering the allegations in paragraph 23 of the Second Amended Complaint, admit Natasha Prinzing Jones is a shareholder in Boone Karlberg P.C., a law firm, is a person and is a resident of Montana.

18. Answering the allegations in paragraph 24 of the Second Amended Complaint, admit Boone Karlberg P.C. is a Montana corporation and is a person in Montana.

19. Answering the allegations in paragraphs 31-37, 40, 41 and 57 of the Second Amended Complaint, admit Plaintiff attempted to persuade Nansu Roddy and other Library staff to include a letter written by another Bitterroot Valley resident, other than Plaintiff, to President Obama in the Library's collection. Admit the request was refused. Admit Plaintiff was eventually banned from the Library. Admit Plaintiff sent one or more letters regarding the Library's actions.

20. Answering the allegations in paragraphs 38 and 39 of the Second Amended Complaint, admit a representative of the *Ravalli Republic* called the Ravalli County Dispatch concerning Plaintiff's conduct at the offices of the *Ravalli Republic*. Admit representatives of the Hamilton Police Department

responded to the *Ravalli Republic*. Admit one or more representatives of the Hamilton Police Department have told Plaintiff that the *Ravalli Republic* did not want Plaintiff to enter their business offices because of his conduct.

21. Answering the allegations in paragraphs 44-46, 48 and 55 of the Second Amended Complaint, admit Plaintiff was charged by the City, acting through its City Attorney, with misdemeanor criminal trespass. Allege that, while that charge was pending, Plaintiff approached Nansu Roddy, and as a result of that encounter, Ms. Roddy sought and obtained an Order of Protection against Plaintiff. Allege Plaintiff has repeatedly attempted to modify, set aside, re-litigate or otherwise collaterally attack the Order of Protection. Allege that, on March 15, 2011, the Montana Supreme Court entered its Order in Cause No. DA-11-00117 denying Plaintiff's Petition for Rehearing based upon the Montana Rules of Appellate Procedure and *res judicata*. Allege the Montana Supreme Court Order, filed March 15, 2011, reads, in part, "We caution Michael from using this matter as a means of harassing Roddy. Further pleadings filed before this Court in this matter without good cause 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)." Admit Plaintiff was charged with felony intimidation as a result of his contact with Ms. Roddy. Allege Plaintiff pleaded no contest to the

felony intimidation charge and was sentenced on October 20, 2010. Allege Plaintiff's plea has been affirmed by the Montana Supreme Court.

22. Answering the allegations in paragraphs 49, 51, 68-70 and 72 of the Second Amended Complaint, admit the *Ravalli Republic* newspaper has published articles relating to Plaintiff. The City and Library Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in these paragraphs, and therefore, they are denied.

23. Answering the allegations in paragraphs 50, 52, 53 and 71 of the Second Amended Complaint, the City and Library Defendants are without knowledge or information sufficient to form a belief as to the truth of these allegations, and therefore, the allegations are denied.

24. Answering the allegations in paragraph 54 of the Second Amended Complaint, admit one or more officers of the Hamilton Police Department have investigated conduct of Plaintiff.

25. Answering the allegations in paragraphs 59-65 of the Second Amended Complaint, admit Boone Karlberg P.C., acting through William L. Crowley and Natasha Prinzing Jones, has represented Nansu Roddy, Kenneth Bell and the City in connection with litigation filed by Plaintiff, including Cause Nos. DA-10-352, DA-442 and DA-11-0017 in the Montana Supreme Court, Cause Nos.

DV-10-93, DV-10-223, DV-10-224 and DV-10-639 in the Twenty-First Judicial District Court, and Cause No. CV-10-49-M-DWM-JCL in the United States District Court, District of Montana. Admit William L. Crowley and Natasha Prinzing Jones filed pleadings, briefs and other documents in the state court actions. Deny the balance of the allegations in these paragraphs.

26. Answering the allegations in paragraph 66 of the Second Amended Complaint, admit Kenneth Bell voluntarily dismissed the criminal trespass charge against Plaintiff following Plaintiff's no contest plea to the crime of felony intimidation.

27. Answering the allegations in paragraph 74 of the Second Amended Complaint, the City and Library Defendants are without knowledge or information sufficient to form to a belief as to the truth of the allegations in this paragraph, and therefore, the allegations are denied. Allege Plaintiff has suggested he is a current or past member of the FBI, the Department of Homeland Security and FEMA.

28. Answering the allegations in paragraph 76 of the Second Amended Complaint, admit Plaintiff ran for election as Mayor of the City.

29. Answering the allegations in paragraph 88 of the Second Amended Complaint, the City and Library Defendants are without knowledge or information

sufficient to form a belief as to the truth of the allegations in paragraph 88, and therefore, they deny the allegations.

30. Answering the allegations in paragraph 95 of the Second Amended Complaint, the City and Library Defendants reallege their responses to paragraphs 1-94 of the Second Amended Complaint as though such responses were stated in full here.

31. Answering the allegations in paragraphs 96-100 of the Second Amended Complaint, admit Plaintiff's library privileges were revoked and admit any acts or omissions of Dr. Brophy were done in the course and scope of his position with the Library. Deny the balance of the allegations in these paragraphs.

32. Answering the allegations in paragraph 101 of the Second Amended Complaint, the City and Library Defendants reallege their responses to paragraphs 1-100 of the Second Amended Complaint as though such responses were stated in full here.

33. Answering the allegations in paragraphs 102-104 of the Second Amended Complaint, admit Dr. Brophy, acting in his position as chairman of the Library Board, wrote Plaintiff a letter affirming the removal of Plaintiff's library privileges. Deny the balance of the allegations in the paragraphs.

34. Answering the allegations in paragraph 105 of the Second Amended Complaint, the City and Library Defendants reallege their responses to paragraphs 1-104 of the Second Amended Complaint as though such responses were stated in full here.

35. Answering the allegations in paragraphs 106-110 of the Second Amended Complaint, admit Plaintiff's library privileges were revoked. Deny the balance of the allegations in these paragraphs.

36. Answering the allegations in paragraph 111 of the Second Amended Complaint, the City and Library Defendants reallege their responses to paragraphs 1-110 of Plaintiff's Second Amended Complaint as though such responses were stated in full here.

37. Answering the allegations in paragraph 115 of the Second Amended Complaint, the City and Library Defendants reallege their responses to paragraphs 1-114 of Plaintiff's Second Amended Complaint as though such responses were stated in full here.

38. Answering the allegations in paragraphs 116-119 of the Second Amended Complaint, admit Plaintiff's library privileges were revoked. Deny the balance of the allegations in the paragraphs.

39. Answering the allegations in paragraph 120 of the Second Amended Complaint, the City and Library Defendants reallege their responses to paragraphs 1-119 of the Second Amended Complaint as though such responses were stated in full here.

40. Answering the allegations in paragraphs 121-123 of the Second Amended Complaint, the City and Library Defendants reallege their responses to paragraphs 31-37, 40-41 and 57 of the Second Amended Complaint as though such responses were stated in full here. Deny the balance of the allegations in the paragraphs.

41. Answering the allegations in paragraph 124 of the Second Amended Complaint, the City and Library Defendants reallege their responses to paragraphs 1-123 of the Second Amended Complaint as though such responses were stated in full here.

42. Answering the allegations in paragraph 131 of the Second Amended Complaint, the City and Library Defendants reallege their responses to paragraphs 1-130 of the Amended Complaint as though such responses were stated in full here.

43. Answering the allegations in paragraph 135 of the Second Amended Complaint, the City and Library Defendants reallege their responses to paragraphs

1-134 of the Second Amended Complaint as though such responses were stated in full here.

44. Answering the allegations in paragraphs 136-139 of the Second Amended Complaint, admit Kenneth S. Bell is an official policymaker in some respects. Deny the balance of the allegations in the paragraphs.

45. Answering the allegations in paragraph 140 of the Second Amended Complaint, the City and Library Defendants reallege their responses to paragraphs 1-139 of the Second Amended Complaint as though such responses were stated in full here.

46. Answering the allegations in paragraphs 141-143 of the Second Amended Complaint, admit Police Chief Oster is an official policymaker in some respects. Deny the balance of the allegations in the paragraphs.

47. Answering the allegations in paragraph 144 of the Second Amended Complaint, the City and Library Defendants reallege their responses to paragraphs 1-143 of the Second Amended Complaint as though such responses were stated in full here.

48. Answering the allegations in paragraph 149 of the Second Amended Complaint, the City and Library Defendants reallege their responses to paragraphs

1-148 of the Second Amended Complaint as though such responses were stated in full here.

49. Answering the allegations in paragraph 153 of the Second Amended Complaint, the City and Library Defendants reallege their responses to paragraphs 1-152 of the Second Amended Complaint as though such responses were stated in full here.

50. Answering the allegations in paragraphs 154-157 of the Second Amended Complaint, admit one or more officers of the Hamilton Police Department sent reports to Kenneth S. Bell. Deny the balance of the allegations in these paragraphs.

51. Answering the allegations in paragraph 158 of the Second Amended Complaint, the City and Library Defendants reallege their responses to paragraphs 1-157 of the Second Amended Complaint as though such responses were stated in full here.

52. Answering the allegations in paragraphs 159-163 of the Second Amended Complaint, admit Plaintiff was investigated. Deny the balance of the allegations in these paragraphs.

53. Answering the allegations in paragraph 164 of the Second Amended Complaint, the City and Library Defendants reallege their responses to paragraphs

1-163 of the Second Amended Complaint as though such responses were stated in full here.

54. Answering the allegations in paragraphs 165-169 of the Second Amended Complaint, the City and Library Defendants incorporate here by reference their responses to paragraphs 59-65 of the Second Amended Complaint as though stated in full here. They deny the balance of the allegations in these paragraphs.

55. Answering the allegations in paragraph 170 of the Second Amended Complaint, the City and Library Defendants incorporate by this reference their responses to paragraphs 1-169 of the Second Amended Complaint as though stated in full here.

56. Answering the allegations in paragraphs 171-175 of the Second Amended Complaint, the City and Library Defendants incorporate by this reference their responses to paragraphs 59-65 of the Second Amended Complaint as though stated in full here. They deny the balance of the allegations in these paragraphs.

57. Answering the allegations in paragraph 176 of the Second Amended Complaint, the City and Library Defendants incorporate by this reference their

responses to paragraphs 1-175 of the Second Amended Complaint as though stated in full here.

58. Answering the allegations in paragraphs 177-181 of the Second Amended Complaint, admit Kenneth S. Bell filed a criminal complaint against Plaintiff. Deny the balance of the allegations in paragraphs 177-181.

59. Answering the allegations in paragraph 182 of the Second Amended Complaint, the City and Library Defendants incorporate by this reference their responses to paragraphs 1-181 of the Second Amended Complaint as though stated in full here.

60. Answering the allegations in paragraphs 183-188 of the Second Amended Complaint, the City and Library Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in these paragraphs, and therefore, the allegations are denied.

61. Answering the allegations in paragraph 189 of the Second Amended Complaint, the City and Library Defendants incorporate by this reference their responses to paragraphs 1-188 of the Second Amended Complaint as though stated in full here.

62. Answering the allegations in paragraphs 190-197 of the Second Amended Complaint, the City and Library Defendants are without knowledge or

information sufficient to form a belief as to the truth of these allegations, and therefore, deny the allegations in these paragraphs.

63. Answering the allegations in paragraph 198 of the Second Amended Complaint, the City and Library Defendants incorporate by this reference their responses to paragraphs 1-197 of the Second Amended Complaint as though stated in full here.

64. Answering the allegations in paragraph 203 of the Second Amended Complaint, the City and Library Defendants incorporate by this reference their responses to the allegations in paragraphs 1-202 of the Second Amended Complaint as though such responses were stated in full here.

65. Answering the allegations in paragraph 209 of the Second Amended Complaint, the City and Library Defendants incorporate by this reference their responses to the allegations in paragraphs 1-208 of the Second Amended Complaint as though such responses were stated in full here.

66. Answering the allegations in paragraphs 210-216, 218-222, 224-226 and 228-232 of the Second Amended Complaint, admit Plaintiff seeks injunctive relief against Boone Karlberg P.C., Lee Enterprises, Inc., the Library and the City. Admit Plaintiff seeks a “cease and desist order” against Boone Karlberg P.C.

Admit Plaintiff seeks a “civil arrest” of Perry Backus and possibly Natasha Prinzing Jones. Deny the balance of the allegations in these paragraphs.

67. Answering the allegations in paragraph 217 of the Second Amended Complaint, the City and Library Defendants incorporate by this reference their responses to paragraphs 1-216 of the Second Amended Complaint as though such responses were stated in full here.

68. Answering the allegations in paragraph 223 of the Second Amended Complaint, the City and Library Defendants incorporate by this reference their responses to paragraphs 1-222 of the Second Amended Complaint as though such responses were stated in full here.

69. Answering the allegations in paragraph 227 of the Second Amended Complaint, the City and Library Defendants incorporate by this reference their responses to paragraphs 1-226 of the Second Amended Complaint as though such responses were stated in full here.

70. Answering the allegations in paragraph 233 of the Second Amended Complaint, the City and Library Defendants incorporate by this reference their responses to paragraphs 1-232 of the Second Amended Complaint as though such responses were stated in full here.

71. The City and Library Defendants deny all other allegations in Plaintiff's Second Amended Complaint not specifically admitted, denied or qualified above.

THIRD DEFENSE

Responding to Plaintiff's claims under 42 U.S.C. § 1983, the City and Library Defendants allege as follows:

1. No policy or custom of the City or the Library caused a violation of Plaintiff's federal rights.
2. No act or omission of a representative of the City or the Library caused a violation of Plaintiff's federal rights.
3. No representative of the City or the Library acted with deliberate indifference or a culpable state of mind.
4. No act or omission of the City, the Library or their representatives was unreasonable, arbitrary or capricious.
5. No act or omission of the Library or its representatives was under color of state law or represented state action.
6. Concerning any alleged right of petition, no policy or custom of the City or the Library or act or omission of a representative of the City or the Library

interfered with Plaintiff's ability to seek a state court remedy or rendered a potential state court remedy ineffective.

7. Any alleged acts or omissions of Kenneth Bell and/or Jennifer Lindt are subject to prosecutorial immunity.

8. Plaintiff does not have standing to assert another's right to free speech.

9. The purpose of any alleged assembly by Plaintiff was not to petition the government for redress of grievances.

10. Allegations of humiliation, loss of reputation and loss of community standing and injury to character are not a cognizable liberty or property interest protected by due process, and due process does not impose affirmative obligations or minimal levels of conduct.

11. Any prosecution of Plaintiff was supported by probable cause, and no statement by a representative of the City or the Library was deliberately false or made with a reckless disregard for the truth.

12. Concerning any claim of malicious prosecution, Plaintiff did not suffer a post-arraignment loss of liberty.

13. Concerning any Fourteenth Amendment due process claim, no act or omission of a representative of the City or the Library was objectively harmful

enough to establish a constitutional violation, and no representative of the City or the Library acted with a culpable state of mind. Further, no act or omission of a representative of the City or the Library denied Plaintiff a fair trial.

14. Concerning any claim under the Fifth Amendment, the City and the Library are not federal entities, and no representative of the City or Library is a federal actor.

15. No representative of the City or the Library (1) entered into a conspiratorial agreement to injure or harm Plaintiff, (2) committed an overt act or omission which promoted a conspiracy agreement, or (3) acted with a class-based invidious discriminatory animus. Further, the City and the Library cannot conspire with their own representatives.

16. Concerning any claim of discrimination, no representative of the City or the Library subjected Plaintiff to intentional discrimination. Also, Plaintiff was not treated differently than others similarly situated, and no representative of the City or the Library acted with a discriminatory animus.

17. No representative of the City or the Library were personal or integral participants in the alleged violations of Plaintiff's federal rights.

18. The representatives of the City and the Library are entitled to qualified immunity on Plaintiff's claims under 42 U.S.C. § 1983.

19. Concerning Plaintiff's claims for injunctive relief, Plaintiff (1) is not asserting a justiciable controversy, (2) is not asserting irreparable injury, (3) has failed to exhaust administrative and statutory remedies, and (4) legal remedies are adequate.

FOURTH DEFENSE

Concerning Plaintiff's state law allegations, the City and Library Defendants allege as follows:

1. The City and the Library incorporate by this reference the defenses in Nos. 4, 6-12 and 15-19 of the Third Defense above as though such defenses were stated in full here.

2. Under MCA § 2-9-305(5), the representatives of the City and Library are immune from liability on Plaintiff's state law claims against them.

3. No act or omission of a representative of the City or the Library violated Plaintiff's state constitutional rights.

4. The City, the Library and their representatives did not owe Plaintiff the legal duties alleged by him, and no act or omission of the City, the Library or their representatives violated a legal duty owed to Plaintiff.

5. Plaintiff's own negligence caused or contributed to his injuries and damages, and any damage award to Plaintiff is barred or should be apportioned accordingly.

6. Concerning alleged infliction of emotional distress, no representative of the City or the Library committed a negligent or intentional wrongful act or omission against Plaintiff which caused serious or severe emotional distress.

7. Concerning alleged defamation, no representative of the City or the Library made a false or unprivileged publication about Plaintiff.

8. Adequate remedies exist under statutory and common law in connection with Plaintiff's alleged state constitutional tort theories.

9. Concerning alleged abuse of process, no representative of the City or the Library used process for an improper purpose not proper in the regular course of proceedings.

10. Concerning alleged misrepresentation, no representative of the City or the Library (1) made an untrue representation regarding a past or existing material fact, (2) without reasonable grounds to believe it, (3) with an intent that Plaintiff would rely upon it, and (4) upon which Plaintiff justifiably relied.

FIFTH DEFENSE

Concerning Plaintiff's alleged damages, the City and Library Defendants allege as follows:

1. Plaintiff has not been damaged or injured in the manner or to the extent claimed.
2. Under MCA § 2-9-305(4), the individual representatives of the City and the Library are entitled to indemnity from their employers for any money judgments or legal expenses, including attorney's fees, either incurred by them or awarded to Plaintiff and to which they may be subject in this lawsuit.
3. Plaintiff's compensatory damages are speculative.
4. Plaintiff has not suffered any permanent injury, and he may not recover damages for alleged loss of established course of life.
5. The City and the Library are immune from punitive damages under state and federal law.
6. No act or omission of a representative of the City or the Library was motivated by an evil intent, involved a callous or reckless indifference to Plaintiff's rights or represented actual fraud or malice.
7. The liability, if any, of the City and the Library are limited as provided in MCA §§ 2-9-108, 2-9-305, 2-9-314 and 2-9-317.

8. Plaintiff's Second Amended Complaint is abusive, frivolous and vexatious under state and federal law, and the City, the Library and their representatives are entitled to an award of their attorneys fees in defending Plaintiff's claims against them.

WHEREFORE, having fully answered Plaintiff's Second Amended Complaint, the City and the Library request judgment in their favor as follows:

1. dismissing all claims of the Plaintiff on their merits;
2. for an award of attorney's fees and all lawful costs of suit expended on behalf of the City and the Library; and
3. for such other and further relief as equitable.

DATED this 23rd day of August, 2011.

/s/ William L. Crowley
William L. Crowley
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 23rd day of August, 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/ William L. Crowley
William L. Crowley
BOONE KARLBERG P.C.
*Attorneys for Defendants Bitterroot Public
Library, City of Hamilton,
and Boone Karlberg P.C.*