

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND – BALTIMORE DIVISION

ALBERT SNYDER,

Plaintiff,

vs.

Case No. 1:06-cv-1389-RDB

FRED W. PHELPS, SR.;  
SHIRLEY L. PHELPS-ROPER;  
REBEKAH A. PHELPS-DAVIS; and  
WESTBORO BAPTIST CHURCH, INC.,  
Defendants.

**DEFENDANTS PHELPS-DAVIS & PHELPS-ROPER'S  
POST-TRIAL MOTION FOR STAY**

Rebekah A. Phelps-Davis and Shirley L. Phelps-Roper, as pro se defendants herein, hereby jointly move the Court for a stay of the verdict and judgment in this case, in full, without requiring a bond, pending resolution of post-trial motions and all appeals. This motion is made pursuant to Local Rule 110, Rule 62, F.R.Civ.P., 28 U.S.C. Section 1963, the laws of the state of Kansas, and the inherent power of this Court.

In support hereof, defendants show the Court the following:

1. Rule 62(b), F.R.Civ.P., gives this Court authority to stay execution of judgment pending resolution of post-trial motions.
2. Local Rule 110 gives this Court discretion in terms of any bond required pending appeal.
3. Rule 62(d) gives the Court discretion in terms of any bond required for a stay pending appeal.

4. The language of 28 U.S.C. § 1963 states that a judgment may be registered in any judicial district “when the judgment has become final by appeal or expiration of the time of appeal or when ordered by the court that entered the judgment for good cause shown.” Whether this statute allows the Court to issue a certificate of judgment pending appeal “[is] questionable at best” and that “question is undecided in [the Fourth Circuit].” *Ancona v. Umstadter*, 1986 WL 17423 at 3, fn 1 (4<sup>th</sup> Cir. 1986). The Supreme Court has noted that while judgments are given full faith and credit between states, the time, manner and mechanisms for enforcing judgments is up to the individual states. “Enforcement measures do not travel with the sister state judgment as preclusive effects do: such measures remain subject to the evenhanded control of forum law,” *Baker v. General Motors Corporation*, 522 U.S. 222, 235, 118 S.Ct. 657, 665, 139 L.Ed.2d 580 (1998).
5. Rule 62(f) states that “[i]n any state in which a judgment is a lien upon the property of the judgment debtor and in which the judgment debtor is entitled to a stay of execution, a judgment debtor is entitled, in the district court held therein, to such stay as would be accorded the judgment debtor had the action been maintained in the courts of that state.”

6. In Kansas, K.S.A. 60-3004(a) (which is part of the Kansas Uniform Enforcement of Foreign Judgments Act, K.S.A. 60-3001 *et seq.*) permits the filing of foreign judgments which have been appealed or are the subject of appeal, but stays enforcement thereof until the appeal is included, the time for appeal expires, or the stay of execution expires or is vacated. See *Estate of Rains*, 249 Kan. 178, 185, 815 P.2d 61, 65-66 (1991) (“Obviously, attempts to enforce a foreign judgment which is subject to modification would be a waste of everyone’s time.”) Further, K.S.A. 60-2202 makes any judgment a lien against the real estate of the judgment debtor, which is the other requirement of Rule 62(f).
7. When determining whether a stay is warranted, Courts have addressed merits and relative harm (though the cases under which these factors arise largely pertain to Rule 62(c), which pertains to injunctions, not monetary judgments). See, e.g., *Hilton v. Braunskill*, 481 U.S. 770, 778, 107 S.Ct. 2113, 95 L.Ed.2d 724 (1987). See also *Standard Havens Prods. v. Gencor Indus.*, 897 F.2d 511 (Fed.Cir. 1990); *Motorola Credit Corporation v. Uzan*, 275 F.Supp.2d 519 (S.D.N.Y. 2003). Cf. *Grand Entertainment Group, Ltd. v. Star Media Sales, Inc.*, 1992 WL 114953 (E.D.Pa. 1992) (merits and harm factors apply to Rule 62(c); request for waiver of bond for stay of monetary damages requires showing of good cause

with focus on financial ability of the applicant and some method of securing the interests of the opposing party).

Regarding success on appeal, defendants believe that there are significant errors in this record, particularly pertaining to First Amendment issues, and the grossly excessive and unwarranted damages award, both compensatory and punitive, which are wholly unsupported by the record, and clearly the product of passion and prejudice. Given that any of these many issues could result in reversal, setting aside and/or reduction of the award, this factor militates in favor of waiving the bond herein.

Regarding relative injury, defendants would note that plaintiff has received legal representation pro bono, and has received significant donations to address costs of litigation, so he will not be injured in that regard. Further, as addressed in more detail below, the few assets that defendants do have which would be recoverable in any execution of judgment are secure, and will not be jeopardized in any way pending the review of this case on appeal.

Plaintiff and his counsel have made it clear that their goal is to bankrupt defendants to try to silence them. That is not relief they can obtain in this case; it is not relief to which they are entitled by any view of the matter; and thus it is not an interest that should be considered.

Conversely, if defendants are right about their First Amendment defense, and their activity is protected, it is the ultimate duty of a federal court to protect and uphold constitutional rights. Trying to extort or extract a prior restraint through runaway verdicts is just as inappropriate as a front-door prior restraint in the eyes of the law.

It is noteworthy that plaintiff's attorney, as well as several First Amendment scholars, have expressed publicly the view that the verdict is likely to be overturned, or at least reduced, on appeal. See, e.g., <http://www.baltimoresun.com/news/local/carroll/bal-te.md.westboro02nov02.0.4500443.story>. It is also noteworthy that plaintiff has himself articulated that he was shocked by the size of the verdict; he knows the amount will bankrupt defendants -- which is his goal -- and that his purpose is to force through bankruptcy defendants to stop picketing. See e.g., [http://www.ydr.com/newsfull/ci\\_7350265](http://www.ydr.com/newsfull/ci_7350265). As noted above, that is not an outcome that is allowed under the law.

8. In determining whether to require or waive a bond, or allow a reduced bond, some Courts have considered factors related to 1) the complexity of the collection process; 2) the length of the appeal; and, 3) the financial condition of the defendants, including their ability to provide or raise a bond. See, e.g., See *Hurley v. Atlantic*

*City Police Department*, 944 F.Supp. 371, 372-373, 377-378 (D.New Jersey 1996), and cases cited therein.

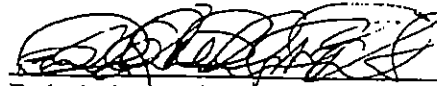
9.

As the Court knows, from having reviewed the financial information of the defendants, there are limited assets, and some of them are tied up in real property. One of the properties is the church itself, which includes a parish, where defendant Phelps and his wife have lived for over 50 years, thus presenting questions of whether there is a homestead (which would be raised in the future at the appropriate time). The defendants have fully complied with all orders of the Court including providing all financial information required. Even though defendants strongly disagree with the Court taking jurisdiction over them, or allowing this case to go forward, as set out in the record, the record equally reflects that all orders of the Court have been followed. Thus, the Court has the assurance that the few assets defendants do have will remain intact and kept secure such as the Court requires, in the event the judgment is upheld (which defendants believe is highly unlikely based on the state of the law today). The Court can provide protective measures to the plaintiff's judgment, to the extent there is any property which can be executed on, pending the appeal of the issues in this case. The fact that most (if not all) recoverable assets are in a few pieces of real estate means that collection would be complex, and third parties may be harmed if

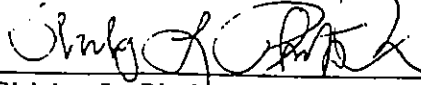
they buy the property only to learn that the judgment is reversed. There is no reason to think the appeal will be unduly delayed, and in fact because of an interlocutory appeal pending with the Fourth Circuit in this matter, the Court is already familiar with the case. The reality is that plaintiff will never be able to collect anything close to the \$10.9 million verdict and judgment in this case, because defendants simply do not have that amount of assets (attesting to the excessiveness of the verdict). Thus, it is not feasible to think defendants can post a bond in that amount either.

WHEREFORE, defendants request that the Court enter its stay in this matter, with such protective measures as are reasonable and realistic, ordering that the verdict and judgment be stayed in full pending resolution of post-trial motions and appeal in this matter, without requiring a bond.

Respectfully submitted,



Rebekah A. Phelps-Davis, Defendant Pro Se



Shirley L. Phelps-Roper, Defendant Pro Se

CERTIFICATE OF SERVICE

We hereby certify that the foregoing motion was served on November 7, 2007, as follows:

Original + 2 copies, with 2-hole punch, by express mail, with return envelope, to:

U S District Court Clerk  
101 W. Lombard Street, 4<sup>th</sup> Floor  
Baltimore, MD 21201

Copy by regular mail to:


Mr. Sean E. Summers, Esq.  
Barley Snyder LLC  
100 E Market St  
PO Box 15012  
York, PA 17401

Mr. Craig Tod Trebilcock, Esq.  
Shumaker Williams PC  
135 N George St Ste 201  
York PA 17401

Mr. Jonathan L. Katz, Esq.  
1400 Spring St., Suite 410  
Silver Spring, MD 20910



Rebekah A. Phelps-Davis, Defendant Pro Se



Shirley L. Phelps-Roper, Defendant Pro Se



IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND - BALTIMORE DIVISION

ALBERT SNYDER,  
Plaintiff

v.

Civil Action No. 06-CV-1389 RDB

FRED W. PHELPS, SR.,  
SHIRLEY L. PHELPS-ROPER,  
REBEKAH A. PHELPS-DAVIS, and  
WESTBORO BAPTIST CHURCH, INC.  
Defendants

PLAINTIFF'S RESPONSE TO DEFENDANTS PHELPS-DAVIS AND PHELPS-ROPER'S  
POST-TRIAL MOTION FOR STAY

Plaintiff, Albert Snyder, by and through counsel, files the within Response to Defendants Phelps-Davis and Phelps-Roper's Post-Trial Motion For Stay.

1. Defendants seek to obtain a full stay of the judgment and verdict in this case without the presentation of a bond pending the resolution of post-trial motions and all appeals. This Court, "in its discretion *and on such conditions for the security of the adverse party as are proper,*" may stay the execution of judgment. Fed. R. Civ. P. 62(b) (emphasis added).

2. Defendants reference the rule but fail to identify the terms of the bond required pending appeal. D. Md. Loc. Civ. R. 110(a) provides that the amount of the supersedeas bond filed to stay execution of a money judgment pending appeal shall be 120% of the amount of the judgment plus an additional \$500 to cover costs on appeal.

3. Fed. R. Civ. P. 62(d) provides that appellant may obtain a stay by posting a supersedeas bond.

4. Defendants reference a footnote in an unpublished opinion from 1986 to suggest for the Court that the registration of a judgment pending appeal "[is]" questionable at best." In

fact, however, the language of 28 U.S.C. § 1963 (2000) explicitly permits the registration of a judgment in another district during the appeal period so long as the registration is done by court order and for good cause. “Good cause” can be shown “upon a mere showing that the defendant[s] [have] substantial property in the other district and insufficient in the rendering district to satisfy the judgment.” Siegel, Commentary to the 1988 Revision, 28 U.S.C. 1963 *quoted in* Associated Bus. Tel. Sys. Corp. v. Greater Capital Corp., 128 F.R.D. 63 (D.N.J. 1989). Additionally, Plaintiff fears that, given the time to do so, Defendants will transfer or conceal the property it owns in order to obviate Plaintiff’s collection of the judgment. In the case of Chicago Downs Ass’n v. Chase, 944 F.2d 366 (7th Cir. 1991), the court held that the plaintiff’s belief that defendant would transfer or conceal the property it owned in another district, along with defendant’s election not to post a bond to secure the judgment entered against it, satisfied the “good cause” requirement for allowing the registration of the judgment in another district. If defendants are given the length of the appellate period to transfer, hide and squander assets, nothing will remain. In the instant matter, Defendants have:

- (a) already claimed that the largest corporate asset is a “homestead” despite record evidence that the property is owned by the corporation (Doc. No. 212, p. 6 of 8);
- (b) made misstatements under oath. Defendant Phelps-Roper stated in her Affidavit that she reviewed hundreds of documents produced to defendants Phelps and WBC and that she even summarized the same. Phelps-Roper Affidavit 106-109. However, on June 14, 2007, defendant Phelps-Roper swore under oath that she did not review any documents produced in this lawsuit. Phelps-Roper Depo. pp. 37-38, Appendix Ex. A. Similarly, defendants Phelps-Davis swore under oath in an Affidavit that she reviewed and summarized documents produced

during this litigation. Phelps-Davis Affidavit 100-102. However, on June 14, 2007, defendant Phelps-Davis testified under oath, contrary to her sworn testimony in her Affidavit, that she did not review any documents exchanged during this litigation. “Did you review any [documents] that were requested by Mr. Katz on his -- behalf of his clients? No. None? Nope. Certain? Certain.” Phelps-Davis Depo. p. 94, Appendix Ex. B. The Affidavits were signed on April 22, 2007 and the deposition was held on June 14, 2007.

(c) claimed under penalty of perjury that the liabilities of the corporation are \$19,288 in current debt and \$86,696 in mortgage debt. However, corporate designee Tim Phelps testified in his deposition that the real property was paid off. Tim Phelps Depo. p. 29, Appendix Ex. C. The corporate defendant was required to disclose “[a]ny and all documents reflecting a Westboro Baptist Church, Inc. financial liability in excess of \$500.” Appendix Ex. D. The response was unequivocal -- “Defendant has no such documents.” *Id.* Defendants are aware of their duty to update discovery responses and did not do so concerning any liabilities. The Court can use its common sense to conclude that a bank would not give a mortgage of \$86,696 without some type of documentation.

(d) disclosed during discovery that the corporate bank account had a balance of \$42,380.46 on June 29, 2007. Appendix Ex. E. However, Tim Phelps claimed that the corporate defendant had only \$13,136 in cash in his financial statement disclosure. Appendix Ex. F.

(e) a history of making deliberate misstatements under oath. See State v. Phelps, 226 Kan. 371, 598 P.2d 180 (Ks. 1979); *Id.* at 380, 598 P.2d at 187 (“The seriousness of

the present case coupled with his previous record leads this court to the conclusion that [Defendant Fred Phelps] has little regard for the ethics of his profession.”)

(f) Defendant Phelps-Davis claimed in her “Personal Financial Statement,” see Appendix Ex. G, that her house was owned jointly by her and her husband -- “This is our homestead and my husband has a 1/2 interest in this property.” However, in her deposition, Phelps-Davis acknowledged that the property was owned by her and her alone. Phelps-Davis Depo. p. 165. See Appendix Ex. G. Defendant Phelps-Davis is either (1) not telling the truth or (2) has begun the process of fraudulent transfers. Indeed, public records show that Phelps-Davis owned her property just prior to trial. Appendix Ex. H.

(g) made incredible declarations under oath. Consequently, the jury concluded that defendants were not telling the truth. For example, Phelps-Davis claimed that she had \$306 of cash as her only liquid asset. Simultaneously, she claimed that she was going to continue terrorizing families across the country by protesting funerals. Defendant Fred Phelps, for example, claimed that he never thought children would be at Matt Snyder’s funeral. This is a blatant misstatement under oath. The jury concluded that Defendants made deliberate misstatements under oath and this Honorable Court should conclude the same.

5. Rule 62(f) speaks for itself.

6. Defendants’ characterization of Kansas’ procedure for registering foreign judgments is misleading as a matter of course. The Kansas Code of Civil Procedure Section 60-3004(a) states the following:

If the judgment debtor shows the district court that an appeal from the foreign judgment is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is

*vacated, upon proof that the judgment debtor has furnished the security for the satisfaction of the judgment required by the state in which it was rendered.*

Kan. Civ. Proc. Code Ann. § 60-3004(a) (West 2006) (Emphasis added).

7. Defendants have entirely failed to present the evidence required to obtain the stay requested. A stay pending appeal is extraordinary relief for which the moving party bears a heavy burden of proof. In Long v. Robinson, 432 F.2d 977, 979 (4th Cir. 1970), the Fourth Circuit Court of Appeals defined the four factors that *must* be met in order for Defendants' motion for stay to succeed: (1) that defendant will likely prevail on the merits of the appeal; (2) that defendant will suffer irreparable injury if the stay is denied; (3) that other parties will not be substantially harmed by the stay; and (4) that the public interest will be served by granting the stay. Defendants have addressed only two of these four well established factors, and in addressing those two factors, Defendants have failed to provide any evidentiary support.

(a) With regard to success on appeal factor, Defendants have failed to present any evidence to support their argument that "significant errors in this record" have occurred on which they believe the judgment against them will be overturned. To support their argument on likelihood of success on appeal, Defendants rely solely on newspaper articles that are not part of the evidentiary record.

(b) Under Long, Defendants are also required to show that they will suffer irreparable harm if the requested stay is denied. Defendants have entirely failed to establish that they would suffer irreparable injury if the requested stay is denied. In fact, they have altogether failed to address the issue.

(c) Defendants are also required under Long to present evidence that other parties will not be substantially harmed by the stay if it is granted. Defendants have presented

only their opinion regarding Plaintiff's legal fees, with no evidentiary support, that Plaintiff will suffer no injury if the requested stay is granted. Moreover, financial injury is not the only harm that may be considered in analyzing this factor. In Sisters of Mercy Health Sys. v. Kula, 2006 WL 2090090 (W.D.Okla. 2006), the District Court held that a stay that compounds emotional injuries was considered substantial harm. Defendants have suggested that Plaintiff will not be harmed in any way because his legal representation is being handled on a pro bono basis and because a fund has been set up for the recovery of costs. Defendants have presented no evidence to support their belief that Plaintiff will not be substantially harmed in any other way.

Defendants have not addressed, and certainly have not disproved, the obvious emotional and psychological damage that further delays to closure of this matter will render upon Plaintiff. Put differently, Defendants have failed to carry their burden.

(d) Finally, Defendants are *required* to satisfy the fourth factor under Long that the public interest will be served by granting the stay. Defendants have, once again, failed to meet this requirement. Maryland has a strong interest concerning the protection of grieving families and Defendants have repeatedly stated that they will continue protesting funerals. In short, the public interest will be served by allowing Plaintiff to execute the judgment.

Defendants' reliance upon comments made by "plaintiff's attorney, as well as several First Amendment scholars" is of no moment. Importantly, any reduction in the punitive damage award presumes that defendants have accurately disclosed their financial status. Where, as here, it is apparent that Defendants have made deliberate misstatements under oath, this Honorable Court would reward defendants for their misstatements if any reduction in the award is based upon Defendants' so-called "Personal Financial Statements." Reliance upon attorneys that did

not hear the evidence at trial and were not privy to the Court's instructions is frivolous and worthy of sanctions.

8. Fed. R. Civ. P. 62(d) provides that an appellant may obtain a stay of judgment upon the posting of a supersedeas bond. A district court may also exercise its discretion to waive the bond requirement imposed by Rule 62(d). Dillon v. City of Chicago, 866 F.2d 902, 904 (7th Cir. 1988). Although the district court has the discretion to waive the bond requirement, it can only do so upon presentation of objective evidence to support the waiver. If this Honorable Court is going to entertain the request to reduce the requisite bond, a hearing should be held and Defendants should be required to explain their discrepancies under oath. In any event, Defendants should be required to post a bond of some amount.

9. Defendants have provided no evidence that would permit the court to objectively determine that they are incapable of securing the judgment. If a court chooses to depart from the usual requirement of a full security supersedeas bond to suspend the operation of an unconditional money judgment, it should place the burden on the moving party to objectively demonstrate the reasons for such a departure. Poplar Grove Planting and Ref. Co., Inc. v. Bache Halsey Stuart, 600 F.2d 1189 (5th Cir. 1979). "It is not the burden of the judgment creditor to initiate contrary proof". Id. at 1191. Again, this Honorable Court should not rely upon the financial disclosures made concerning the punitive damage phase of the trial--to do so would reward the Defendants for making deliberate misstatements under oath. As a reminder, all Defendants (and the designee) are attorneys and aware of their obligation to tell the truth.

For the foregoing reasons and in light of Defendants' failure to make the required legal showing, Plaintiff requests that this Honorable Court deny Defendants Phelps-Davis and Phelps-Roper's Post-Trial Motion for Stay.

BARLEY SNYDER LLC

/s/ Sean E. Summers

By: \_\_\_\_\_

Paul W. Minnich  
Sean E. Summers  
100 East Market Street  
P.O. Box 15012  
York, PA 17405-7012  
(717) 846-8888

Craig T. Trebilcock  
Shumaker Williams PC  
135 North George Street  
York, PA 17401  
(717) 848-5134

Attorneys for Plaintiff



**CERTIFICATE OF SERVICE**

I hereby certify that on this date true and correct copies of PLAINTIFF'S RESPONSE TO DEFENDANTS PHELPS-DAVIS AND PHELPS-ROPER'S POST-TRIAL MOTION FOR STAY are being served in the following manner:

Via First Class Mail:

Shirley L. Phelps-Roper  
3640 Churchill Road  
Topeka, KS 66604

Rebekah A. Phelps-Davis  
1216 Cambridge  
Topeka, KS 66604

Via ECF:

Jonathan R. Katz, Esq.

BARLEY SNYDER LLC

/s/ Sean E. Summers

By: \_\_\_\_\_

Paul W. Minnich  
Sean E. Summers  
100 East Market Street  
P.O. Box 15012  
York, PA 17405-7012  
(717) 846-8888

Date: November 26, 2007

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND - BALTIMORE DIVISION

ALBERT SNYDER,  
Plaintiff

v.

Civil Action No. 06-CV-1389 RDB

FRED W. PHELPS, SR.,  
SHIRLEY L. PHELPS-ROPER,  
REBEKAH A. PHELPS-DAVIS, and  
WESTBORO BAPTIST CHURCH, INC.  
Defendants

**PLAINTIFF'S APPENDIX IN SUPPORT  
OF RESPONSE TO DEFENDANTS PHELPS-DAVIS AND PHELPS-ROPER'S  
POST-TRIAL MOTION FOR STAY**

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Excerpt, deposition of Timothy B. Phelps, 4/20/07, p. 29	C
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Answer of Westboro Baptist Church, Inc., to Request No. 1, Request for Production of Documents, Second Set	E
Financial Affidavit of Westboro Baptist Church, Inc.	F
Financial Affidavit of Rebekah A. Phelps-Davis, with p. 165 of deposition	G
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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

ALBERT SNYDER, )

Plaintiff

Vs. )

FRED W. PHELPS, SR., Civil Action No:

SHIRLEY L. PHELPS-ROPER, ) 1:06-CV-13890RDB

REBEKAH A. PHELPS-DAVIS,

BAPTIST CHURCH, INC., )

Defendants

**EXHIBIT A**

-----  
Thursday, June 14, 2007

Linthicum Heights, Maryland

The Videotape Deposition of:

SHIRLEY L. PHELPS-ROPER,

A Defendant, called for examination by counsel  
For Plaintiff, pursuant to notice, held at the  
Country Inn & Suites by Carlson, 1717 West Nursery  
Road, Linthicum Heights, Maryland, beginning at  
12:27 p.m., before Chris Fox, Notary Public in and  
for the State of Maryland, when were present on  
behalf of the respective parties

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1 pursuant to this letter?

2 A. Not pursuant to this letter, no.

3 Q. Now, I'm going to ask you questions  
4 about the same sentence I asked your sister  
5 about. And I'll read it to you.

6 You need to get your glasses?

7 A. Yes, I'm afraid so. Thank you. Okay.

8 Q. Before we get into specific document,  
9 did you review any documents prior to coming  
10 here today?

11 A. No. I didn't review any documents  
12 prior to coming here today, no.

13 Q. Did you review -- you know that  
14 Mr. Katz and I, on behalf of our respective  
15 clients, exchanged documents. Did you review  
16 the documents that I provided to Mr. Katz?

17 A. I don't know what documents you speak  
18 of, but I have seen some documents that you've  
19 filed, that are court filings.

20 Q. Okay. Other than the court filings?

21 A. I have seen no documents that you've  
22 produced, that I can recall, at all.

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1 Q. Okay. So, any documents that you  
2 reviewed in this case, either were court  
3 filings, or things that you did not receive  
4 from us, meaning the Plaintiff?

5 A. That's correct.

6 Q. Did you review any deposition  
7 transcripts?

8 A. No, I did not.

9 Q. To include your father's video?

10 A. No. I have never seen my father's  
11 video.

12 Q. And you're certain you didn't review  
13 any documents produced by the Plaintiff?

14 A. I don't believe I have seen any  
15 documents produced by the Plaintiff.

16 Q. Now, getting back to Phelps-Davis No.  
17 4.

18 A. Yes.

19 Q. If you look at the second paragraph,  
20 second sentence says: Therefore, we recognize  
21 that our message though once quite traditional  
22 will not be well received by some factions of

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PHELPS-DAVIS, REBEKAH - Vol. 2

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

**EXHIBIT B**

ALBERT SNYDER, )

Plaintiff

Vs. )

FRED W. PHELPS, SR., ) Civil Action No:

SHIRLEY L. PHELPS-ROPER, ) 1:06-cv-1389-RDB

REBEKAH A. PHELPS-DAVIS, )

BAPTIST CHURCH, INC., )

Defendants )

-----  
Thursday, June 14, 2007

Linthicum Heights, Maryland

The Videotape Deposition of:

REBEKAH PHELPS-DAVIS

A Defendant, called for examination by counsel  
For Plaintiff, pursuant to notice, held at the  
Country Inn & Suites by Carlson, 1717 West Nursery  
Road, Linthicum Heights, Maryland, beginning at 8:00  
a.m., before Chris Fox, Notary Public in and for the  
State of Maryland, when were present on behalf of  
the respective parties

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PHELPS-DAVIS, REBEKAH - Vol. 2

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1 A. No.

2 Q. None?

3 A. No. I haven't asked him to produce  
4 any documents.

5 Q. I know you haven't in your independent  
6 individual capacity --

7 A. Right.

8 Q. -- asked him to produce anything.

9 A. Right.

10 Q. But that wasn't exactly my question.

11 My question was: Did you review any  
12 that were requested by Mr. Katz on his --  
13 behalf of his clients?

14 A. No.

15 Q. None?

16 A. Nope.

17 Q. Certain?

18 A. Certain.

19 Q. Did you review any documents your  
20 father or WBC produced as part of this  
21 litigation?

22 A. Not that I -- no. I did not review



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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

**EXHIBIT C**

ALBERT SNYDER,

Plaintiff

Vs.

FRED W. PHELPS, SR.,

Civil Action

JOHN DOES, and

No: 06-CV-1389 RDB

WESTBORO BAPTIST

CHURCH, INC.,

Defendants

-----  
Friday, April 20th, 2007

Silver Spring, Maryland

The Deposition of:

TIMOTHY B. PHELPS,

Taken at the Law Offices of Marks & Katz, LLC,  
1400 Spring Street, Suite 410, Silver Spring,  
Maryland, scheduled to begin at 9:00 a.m.,  
before Chris Fox, Notary Public, when were  
present on behalf of the respective parties.

BRADFORD ASSOCIATES  
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1 necessary.

2 Q. Do you regularly sign off on checks to  
3 pay bills for WBC?

4 A. No, sir.

5 Q. Are you and Brent Roper the only two  
6 that have that authority?

7 A. I don't know. I know that we have it.  
8 And I would assume that if there's anyone  
9 else, it's just something that he's worked up.

10 Q. The property, the real property that  
11 the WBC sits on, who owns that?

12 A. WBC.

13 Q. Is there a mortgage on that property?

14 A. I don't believe so, but I know that  
15 they recently did some renovations and there  
16 may have been a loan. But I think it's paid  
17 off now, so I think it's owned outright.

18 Q. How many members, WBC members are  
19 there?

20 A. I believe there is 71. But I -- we  
21 don't keep a roster, so it's just those that  
22 are in the church, that when we sit at the

## EXHIBIT D

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

ALBERT SNYDER,  
Plaintiff

v.

FRED W. PHELPS, SR.,  
SHIRLEY L. PHELPS-ROPER,  
REBEKAH A. PHELPS-DAVIS, and  
WESTBORO BAPTIST CHURCH, INC.  
Defendants

Civil Action No. 06-CV-1389 RDB

**PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS  
DIRECTED TO DEFENDANT WESTBORO BAPTIST CHURCH, INC. - SECOND SET**

Pursuant to Fed.R.Civ.P.34 and L.R. 104, Albert Snyder, by his undersigned attorneys, requests that Defendant Westboro Baptist Church, Inc., respond to this Request within the time prescribed by the Federal Rules of Civil Procedure, and produce the following documents.

INSTRUCTIONS

1. If, in responding to this Request for Production, the responding party encounters any ambiguities when construing a request or definition, the response shall set forth the matter deemed ambiguous and the construction used in responding.

2. Whenever in this Request you are asked to identify or produce a document which is deemed by you to be properly withheld from production for inspection or copying.

A. If you are withholding the document under claim of privilege (including, but not limited to, the work product doctrine), please provide the information set forth in Fed. R. Civ. P. 26(b)(5) and Discovery Guideline 9(c)(ii)(b), including the type of document, the general subject matter of the document, the date of the document, and such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and where not apparent, the relationship of the author,

5. The federal and state income tax return for Westboro Baptist Church, Inc., for the year 2006.
6. Any and all documents reflecting a Westboro Baptist Church, Inc. financial liability in excess of \$500.

BARLEY SNYDER LLC

By: 

Paul W. Minnich  
Rees Griffiths  
Sean E. Summers  
100 East Market Street  
P.O. Box 15012  
York, PA 17405-7012  
(717) 846-8888

Craig T. Trebilcock  
Shumaker Williams PC  
135 North George Street  
York, PA 17401  
(717) 848-5134

1895953

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
Baltimore Division

ALBERT SNYDER, )  
 )  
 Plaintiff ) Case No. 1:06-CV-01389-RDB  
 )  
 FRED W. PHELPS, SR., et al, )  
 )  
 Defendants. )

DEFENDANT WESTBORO BAPTIST CHURCH, INC.'S  
RESPONSES TO PLAINTIFF'S SECOND REQUEST FOR PRODUCTION  
OF DOCUMENTS

Defendant Westboro Baptist Church, Inc. ("Westboro") submits the following responses and objections to "Plaintiff's Request for Production of Documents Directed to Defendant Westboro Baptist Church, Inc. – Second Set."

**General Objection:** Defendant objects to this second set of document production requests, in that the information they seek is not reasonably calculated to obtain any admissible evidence other than for seeking punitive damages. The information provided by Plaintiff in discovery, even if accepted as true, is insufficient to send a punitive damages claim to the jury. Only for purposes of this response to Plaintiff's document production request, Defendant's chances of dismissing Plaintiff's punitive damages function has not been considered in making this response.

1. All statements for the period January 1, 2006, to date, for all bank accounts held by Westboro Baptist Church, Inc.

Without waiving said objection, Defendant has no such documents, and is is not required to file income tax returns.

5. Any and all documents reflecting a Westboro Baptist Church, Inc., financial liability in excess of \$500.

**Response:** Objection as overbroad, and, therefore, not reasonably calculated to lead to the discovery of admissible evidence. Further objection for seeking private financial information that is not relevant to pursuing a punitive damages claim. Without waiving said objection, Defendant has no such documents.

Respectfully submitted,

---

Jonathan L. Katz  
D.Md. Bar No. 07007  
1400 Spring St., Suite 410  
Silver Spring, MD 20910  
Ph: (301) 495-4300  
Fax: (301) 495-8815  
[jon@markskatz.com](mailto:jon@markskatz.com)

# EXHIBIT E

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

ALBERT SNYDER,  
Plaintiff

v.

FRED W. PHELPS, SR.,  
SHIRLEY L. PHELPS-ROPER,  
REBEKAH A. PHELPS-DAVIS, and  
WESTBORO BAPTIST CHURCH, INC.  
Defendants

Civil Action No. 06-CV-1389 RDB

**PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS  
DIRECTED TO DEFENDANT WESTBORO BAPTIST CHURCH, INC. - SECOND SET**

Pursuant to Fed.R.Civ.P.34 and L.R. 104, Albert Snyder, by his undersigned attorneys, requests that Defendant Westboro Baptist Church, Inc., respond to this Request within the time prescribed by the Federal Rules of Civil Procedure, and produce the following documents.

INSTRUCTIONS

1. If, in responding to this Request for Production, the responding party encounters any ambiguities when construing a request or definition, the response shall set forth the matter deemed ambiguous and the construction used in responding.
2. Whenever in this Request you are asked to identify or produce a document which is deemed by you to be properly withheld from production for inspection or copying.
  - A. If you are withholding the document under claim of privilege (including, but not limited to, the work product doctrine), please provide the information set forth in Fed. R. Civ. P. 26(b)(5) and Discovery Guideline 9(c)(ii)(b), including the type of document, the general subject matter of the document, the date of the document, and such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and where not apparent, the relationship of the author,

not intended to impose a discovery obligation on any person who is not a party to the litigation or to limit the Court's jurisdiction to enter any appropriate order.

6. *Person*: The term "person" is defined as any natural person or any business, legal or governmental entity, or association.

7. *You/Your*: The terms "you" or "your" include the person(s) to whom this Request is addressed, and all of that person's agents, representatives and attorneys.

8. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all"; "any" means "any and all." "Including" means "including but not limited to." "And" and "or" encompass both "and" and "or." Words in the masculine, feminine or neuter form shall include each of the other genders.

9. If the requested documents are maintained in a file, the file folder is included in the request for production of those documents.

10. *Website*: The term "website" means the websites identified in paragraph 17 of the Amended Complaint.

#### DOCUMENT REQUEST

1. All statements for the period January 1, 2006, to date, for all bank accounts held by Westboro Baptist Church, Inc.
2. All statements for the period January 1, 2006, to date, for all investment or brokerage accounts or other financial accounts held by Westboro Baptist Church, Inc.
3. The check register for Westboro Baptist Church, Inc., for the period January 1, 2006, to date.
4. Any and all financial statements, both audited and unaudited, prepared by or on your behalf since January 1, 2006.



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
Baltimore Division

ALBERT SNYDER,	)	
	)	
Plaintiff	)	Case No. 1:06-CV-01389-RDB
	)	
FRED W. PHELPS, SR., et al,	)	
	)	
<u>Defendants.</u>	)	

**DEFENDANT WESTBORO BAPTIST CHURCH, INC.'S  
RESPONSES TO PLAINTIFF'S SECOND REQUEST FOR PRODUCTION  
OF DOCUMENTS**

Defendant Westboro Baptist Church, Inc. ("Westboro") submits the following responses and objections to "Plaintiff's Request for Production of Documents Directed to Defendant Westboro Baptist Church, Inc. – Second Set."

**General Objection:** Defendant objects to this second set of document production requests, in that the information they seek is not reasonably calculated to obtain any admissible evidence other than for seeking punitive damages. The information provided by Plaintiff in discovery, even if accepted as true, is insufficient to send a punitive damages claim to the jury. Only for purposes of this response to Plaintiff's document production request, Defendant's chances of dismissing Plaintiff's punitive damages function has not been considered in making this response.

1. All statements for the period January 1, 2006, to date, for all bank accounts held by Westboro Baptist Church, Inc.

**Response:** Objection as overbroad, and, therefore, not reasonably calculated to lead to the discovery of admissible evidence. Further objection for seeking private financial information that is not relevant to pursuing a punitive damages claim. Defendant plans to provide Plaintiff with redacted bank statements confirming Defendant's monthly total balances.

2. All statements for the period January 1, 2006, to date, for all investment or brokerage accounts or other financial accounts held by Westboro Baptist Church, Inc.

**Response:** Objection as overbroad, and, therefore, not reasonably calculated to lead to the discovery of admissible evidence. Further objection for seeking private financial information that is not relevant to pursuing a punitive damages claim. Without waiving said objection, Defendant has no such accounts.

3. The check register for Westboro Baptist Church, inc. for the period January 1, 2006, to date.

**Response:** Objection as overbroad, and, therefore, not reasonably calculated to lead to the discovery of admissible evidence. Further objection for seeking private financial information that is not relevant to pursuing a punitive damages claim. Defendant will provide the redacted bank statements detailed in response 1, and herein incorporates Defendant's response 1 by reference.

4. Any and all financial statements, both audited and unaudited, prepared by or on your behalf since January 1, 2006.

**Response:** Objection as overbroad, and, therefore, not reasonably calculated to lead to the discovery of admissible evidence. Further objection for seeking private financial information that is not relevant to pursuing a punitive damages claim. Without waiving said objection, Defendant has no such documents.

5. The federal and state income tax return for Westboro Baptist Church, inc., for the year 2006.

**Response:** Objection as overbroad, and, therefore, not reasonably calculated to lead to the discovery of admissible evidence. Further objection for seeking private financial information that is not relevant to pursuing a punitive damages claim.

Statement Date  
6/29/07

WESTBORO BAPTIST CHURCH INC

Beginning Balance 6/01/07

34,692.41

6/29

42,380.46

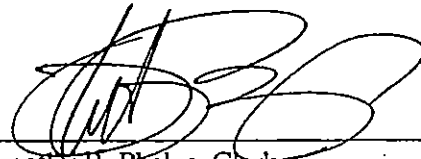
## EXHIBIT F

### DECLARATION

I hereby declare, under penalty of perjury, that the information contained in the attached "Financial Statement - Westboro Baptist Church" is true and correct, to the best of my knowledge and belief.

10-29-07

Date



\_\_\_\_\_  
Timothy B. Phelps, Clerk  
Westboro Baptist Church, Inc.

**FINANCIAL STATEMENT**  
**Westboro Baptist Church**  
 10/29/2007

<b>Assets</b>	<b>Amount in Dollars</b>
Cash - checking accounts	\$ 13,136
Cash - savings accounts	-
Certificates of deposit	-
Securities - stocks / bonds / mutual funds	-
Notes & contracts receivable	-
Life insurance	-
Personal property	37,000
Retirement Funds	-
Real estate	442,800
Other assets	-
Other assets	-
<b>Total Assets</b>	<b>\$ 492,936</b>

<b>Liabilities</b>	<b>Amount in Dollars</b>
Current Debt ( <i>Credit cards, Accounts</i> )	\$ 19,288
Notes payable	-
Taxes payable	-
Real estate mortgage	86,696
Other liabilities	-
Other liabilities	-
<b>Total Liabilities</b>	<b>\$ 105,984</b>
<b>Net Worth</b>	<b>\$ 386,952</b>

<b>Signature: Timothy Phelps, Church Clerk</b>	<b>Date:</b>
--	--------------

## EXHIBIT G

### DECLARATION

I hereby declare, under penalty of perjury, that the information contained in the attached "Personal Financial Statement – Rebekah Phelps-Davis" is true and correct, to the best of my knowledge and belief.

10-29-07  
Date

  
Rebekah A. Phelps-Davis

**PERSONAL FINANCIAL STATEMENT**

**Rebekah Phelps-Davis**

10/29/2007

Assets	Amount in Dollars
Cash - checking accounts	\$ 306
Cash - savings accounts	-
Certificates of deposit	-
Securities - stocks / bonds / mutual funds	-
Notes & contracts receivable	-
Life insurance	-
Personal property	35,000
Retirement Funds	20,000
Real estate NOTE: This is our homestead and my husband has a 1/2 interest in this property	146,600
Other assets (specify)	-
Other assets (specify)	-
<b>Total Assets</b>	<b>\$ 201,906</b>

Liabilities	Amount in Dollars
Current Debt (Credit cards, Accounts)	\$ 4,000
Notes payable	25,000
Taxes payable	-
Real estate mortgages	65,016
Other liabilities	-
Other liabilities	-
<b>Total Liabilities</b>	<b>\$ 94,016</b>
<b>Net Worth</b>	<b>\$ 107,890</b>

All or nearly all of the above net worth is exempt under the Kansas homestead exemption (K.S.A. 60-2301, a homestead "shall be exempted from forced sale under any process of law, and shall not be alienated"), as well as the automobile, retirement, and personal property exemptions among others (see K.S.A. 60-2301, 60-2304, 60-2308, etc.).

<b>Signature: Rebekah Phelps-Davis</b>	<b>Date:</b>
--	--------------



BRADFORD ASSOCIATES  
PHELPS-DAVIS, REBEKAH - Vol. 2

Page 1

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

ALBERT SNYDER, )

Plaintiff

Vs. )

FRED W. PHELPS, SR.,

Civil Action No:

SHIRLEY L. PHELPS-ROPER, )

1:06-cv-1389-RDB

REBEKAH A. PHELPS-DAVIS,

BAPTIST CHURCH, INC., )

Defendants )

-----  
Thursday, June 14, 2007

Linthicum Heights, Maryland

The Videotape Deposition of:

REBEKAH PHELPS-DAVIS

A Defendant, called for examination by counsel  
For Plaintiff, pursuant to notice, held at the  
Country Inn & Suites by Carlson, 1717 West Nursery  
Road, Linthicum Heights, Maryland, beginning at 8:00  
a.m., before Chris Fox, Notary Public in and for the  
State of Maryland, when were present on behalf of  
the respective parties

BRADFORD ASSOCIATES  
PHELPS-DAVIS, REBEKAH - Vol. 2

Page 165

1 is basically net worth, so that's what I'm  
2 going to ask you some of these questions. Not  
3 because I'm nosy. And if you want to object,  
4 fine, object. But this is my one and only  
5 chance to ask you questions.

6 With that in mind, it's my  
7 understanding that your only employment is  
8 Phelps-Chartered, correct?

9 A. That's correct.

10 Q. Is your only real property -- you  
11 understand what real property is, correct?

12 A. Yes.

13 Q. Is your only real property your  
14 residence?

15 A. Yes.

16 Q. Is the deed in you and your husbands  
17 name?

18 A. No.

19 Q. Whose name?

20 A. Mine.

21 Q. Is Phelps-Chartered a partnership, or  
22 how is that configured from a legal

# Shawnee County Appraiser

# EXHIBIT H

Parcel ID: 0973503030004000  
 Owner Name: PHELPS-DAVIS REBEKAH ANNE  
 Owner Address: 1216 SW CAMBRIDGE AVE TOPEKA KS 66604  
 Property Address: 1216 SW CAMBRIDGE AVE TOPEKA 66604  
 Subdivision: DEVONSHIRE HEIGHTS #2



Zoning: For zoning information call City of Topeka at (785) 368-3728 or Shawnee County at (785) 291-5410.

NeighborHood: SW MCALISTER-OAKLEY, 10TH-HUNTOON  
 NBHD Code: 1672  
 Census Tract: West Topeka

\* Property Description: CAMBRIDGE AVE LOT 51 DEVONSHIRE HEIGHTS SUB NO 2

\* Condensed legal desc. ; Do not use for legal purposes.

Deed Book:	4062	Page:	813	Recorded Date:	07/16/
Section:	35	Township:	11	Range:	15
Block:		Lot:	5, 1	Tax Unit:	001
Class:	RU				
Land :	10,340				
Improvement :	136,260				
2007 Appraised Value by Class:	146,600				
2007 Total Appraised Value:	146,600	Total Assessed Value:	16,859		
2006 Total Appraised Value:	102,300	Property Value Change:	43.30%	INCREASE	