

No. 08-1026

IN THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

ALBERT SNYDER,

Plaintiff/Appellee,

vs.

WESTBORO BAPTIST CHURCH, INC., et al.,
Defendants/Appellants,

Appeal from the District of Maryland
Trial Court Judge: Honorable Richard D. Bennett
District Court Docket Number 06-CV-1389

**APPELLANTS' MOTION TO ENLARGE AND USE
EXHIBITS DURING ORAL ARGUMENT**

Appellants move the Court for an order permitting them to use enlarged versions of photographs that were admitted as exhibits at trial, and which are key exhibits to the arguments appellants will make at the oral argument of this matter on December 2, 2008. In support hereof, appellants show the Court the following:

1. The exhibits which appellants seek leave to use in enlarged form during oral argument are these trial exhibits: Defendants' exhibits 6, 42a, 42b, 42c, 42d, and plaintiff's exhibits 5-11; all of which are found at Appendix Volume XV.
2. Appellants request leave to prepare enlarged versions of these exhibits, approximately 20"x29" in size, and forward them to the Clerk's office so they are available for use during oral argument, pursuant to the Oral Argument Procedures

of this Court, and Rule 34(g), Federal Rules of Appellate Procedure and Local Rule 11(c).

3. In the alternative, appellants request leave to prepare color copies of these exhibits, and forward three (3) sets to the Clerk's office, so they will be provided to Panel members for immediate reference during oral argument.

4. On October 29, 2008, appellants' counsel e-mailed appellee's counsel to learn their position on this request; no response has been received, so appellee's position on this motion is unknown.

WHEREFORE, defendants/appellants seek leave to prepare enlarged versions of trial exhibits, including defendants' exhibits 6, 42a, 42b, 42c, 42d, and plaintiff's exhibits 5-11, to send to the Clerk for use at oral argument; or alternatively, for leave to prepare three (3) color copies/sets of these exhibits to forward to the Clerk to be provided to Panel members for ready reference at oral argument herein on December 2, 2008.

Respectfully submitted,

/s/ Margie J. Phelps

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Appellants' Motion to Enlarge and Use Exhibits During Oral Argument was filed electronically and served by e-mail on Mr. Sean E. Summers, Esq. and Mr. Craig Trebilcock, Esq., on November 2, 2008.

/s/ Margie J. Phelps

Margie J. Phelps