

Barley Snyder LLC

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September 10, 2007

The Honorable Richard D. Bennett
United States District Judge
District of Maryland
U.S. Courthouse - Chambers 5D
101 W. Lombard Street
Baltimore, MD 21201

Re: **Snyder v. Phelps, et al.**
No. 06-1389

Dear Judge Bennett:

This letter is submitted in support of plaintiff's discovery issues being addressed by the Court on September 12, 2007 at 10:00 a.m. Pursuant to a Request for Production of Documents, plaintiff requested, in general, financial records from defendants Phelps and Westboro Baptist Church, Inc. See attached Exhibit A. In response, defendants submitted redacted bank statements. See, e.g., attached Exhibit B.¹

Plaintiff has made a claim for civil conspiracy and needs un-redacted statements to demonstrate a conspiracy. In particular, a conspiracy can be established by, among other things, showing that defendants paid for each other's travel. A conspiracy requires an agreement amongst the parties and financial contributions to each other demonstrate an agreement amongst the parties.

Additionally, plaintiff has made a claim for punitive damages. Defendants will, presumably, argue that any award for punitive damages must have some relationship to defendants' assets and ability to pay. Consequently, plaintiff needs to demonstrate defendants' ability to pay an appropriate punitive damage award for the deterrence of future misconduct.

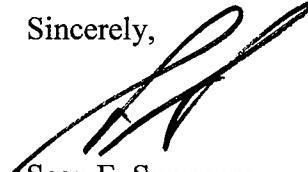
¹ Defendants marked financial records confidential pursuant to this Honorable Court's Confidentiality Order. Consequently, plaintiff will fax those documents to the Court in advance of the conference.

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Plaintiff has been notified that defendants Phelps-Roper and Phelps-Davis have requested that various discovery issues be addressed and plaintiff will respond to those when defendants' position paper is filed.

Sincerely,



Sean E. Summers

SES:2043779_1
Attachment

EXHIBIT A
PLAINTIFF'S REQUEST FOR PRODUCTION OF
DOCUMENTS

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.

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: _____

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CONFIDENTIAL
ATTACHMENT FILED UNDER SEAL

EXHIBIT B
DEFENDANT WBC'S RESPONSE TO
PLAINTIFF'S REQUEST FOR PRODUCTION OF
DOCUMENTS