

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
Baltimore Division

ALBERT SNYDER,	:	
	:	
Plaintiff	:	Civ. No. 1:06-cv-01389-RDB
	:	
FRED PHELPS, et al,	:	
	:	
Defendant.	:	

**DEFENDANTS FRED PHELPS AND WESTBORO BAPTIST'S EXPERT WITNESS
DISCLOSURE**

Pursuant to the Court's scheduling order, Defendants Fred W. Phelps, Sr., and Westboro Baptist Church make the following expert witness disclosures:

1. Neil Blumberg, M.D., Suite 206 - Padonia Centre, 30 East Padonia Road, Timonium, Maryland 21093, Telephone: 410-561-1156, email: neilblumbergmd@aol.com.

Dr. Blumberg is a psychiatrist. His resume and retainer letter are attached hereto, and the contents therein are incorporated herein.

Dr. Blumberg will testify as an expert in psychiatry, psychology, general medicine, and diabetes.

Dr. Blumberg will testify in regard to the contention of Plaintiff and/or his doctors that his depression and return of diabetes systems was contributed to by Defendants.

Defendants reserve the option to update this disclosure of Dr. Blumberg, and plan to do so with a written report by Dr. Blumberg that addresses Plaintiff's interrogatory answers, documents responding to Defendants' request for production of documents, deposition testimony, and a medical examination to be conducted of Plaintiff by Dr. Blumberg.

2. Timothy George, Th.D

Beeson Divinity School, 800 Lakeshore Drive, Birmingham, AL 35229, Phone: 205-726-2991, Fax: 205-726-2080

Dr. George is the Dean and Professor of Divinity at Beeson Divinity School. Dr. George is expected to testify as an expert in theology, the Hebrew Testament (aka Old Testament) and Christian Testament (aka New Testament) of the bible, on the expositors of the bible and their interpretations of the bible, and in Baptist Christianity. He is expected to testify about the extent to which there is a basis in the bible for such assertions by the Westboro Baptist Church that the bible directs people publicly to demonstrate in praise of God's acts (both those acts that help and harm people), that homosexuality is a severe sin that God hates, and that when a man divorces his wife, he makes his wife an adulterer.

Defendants await a response from Dr. George about Defendants' request for him to serve as an expert witness.

Defendants reserve the option to update this disclosure of Dr. George, and plan to do so with a written report by Dr. George that addresses the foregoing matters.

Dr. George's biographical information found by undersigned counsel is as follows:

<http://www.beesondivinity.com/templates/cusbeeson/details.asp?id=25215&PID=109040>

Timothy George

Dean and Professor of Divinity

A.B., University of Tennessee at Chattanooga

M.Div., Harvard Divinity School

Th.D., Harvard University.

Timothy George is the founding dean of Beeson Divinity School and has been at Beeson since its inception in 1988. He teaches church history, historical theology, and theology of the Reformers. He is currently serving as executive editor for Christianity Today along with serving on the editorial advisory boards of The Harvard Theological Review, Christian History, and Books & Culture. He has served on the Board of Directors of Lifeway Christian Resources (formerly the Baptist Sunday School Board) of the Southern Baptist Convention. A prolific author, he has written more than 20 books and regularly contributes to scholarly journals. His textbook, *Theology of the Reformers*, is

the standard textbook in many schools and seminaries on reformation theology. It has now been translated into several languages. He has been active in the evangelical dialogue with the Roman Catholic Church in addition to being a highly sought after preacher and conference speaker. As founding dean, George has been instrumental in shaping the character and mission of Beeson Divinity School. An ordained minister, he has pastored churches in Tennessee, Alabama, and Massachusetts. He and his wife, Denise, have two children, Christian and Alyce.

3. Harry S. Stout, Ph.D.

Department of History

Yale University

Hall of Graduate Studies

320 York Street

P.O. Box 208324

New Haven, CT 06520-8324

(203) 432-1366

Dr. Stout is Jonathan Edwards Professor of American Religious History, Yale University, with appointments in History, Religious Studies, American Studies, and Divinity School.

Dr. Stout is expected to testify as an expert in theology, the Hebrew Testament (aka Old Testament) and Christian Testament (aka New Testament) of the bible, on the expositors of the bible and their interpretations of the bible, and in Baptist Christianity. He is expected to testify about the extent to which there is a basis in the bible for such assertions by the Westboro Baptist Church that the bible directs people publicly to demonstrate publicly in praise of God's acts (both those acts that help and harm people), that homosexuality is a severe sin that God hates, and that when a man divorces his wife, he makes his wife an adulterer.

Defendants await a response from Dr. Stout about Defendants' request for him to serve as an expert witness. Defendants reserve the option to update this disclosure of Dr. Stout, and plan to do so with a written report by Dr. Stout that addresses the foregoing matters.

Dr. Stout's resume is attached. More information about him is here: <http://www.yale.edu/history/faculty/stout.html> .

4. Defendants plan to call an endocrinology expert. They are still awaiting replies from the following endocrinologists as to their availability to serve as an expert, and Defendants reserve the option to name an endocrinologist other than one of the following.

-James Mersey, M.D.

Chief of Endocrinology

Great Baltimore Medical Center

410-828-7417

- Philip A. Levin, MD

Director, The Diabetes Center at Mercy, Endocrinology

301 St. Paul Pl., Diabetes Center

Baltimore, Maryland 21202

410-332-9800

- James Dicke, M.D.

Endocrinology, Diabetes & Metabolism, 6701 N. Charles Street,

Suite 4105, Baltimore, MD 21204, 410-296-5484/410-821-2804.

Doctors Levin and Dicke are experts in endocrinology, and are expected to testify as endocrinology experts and as diabetes experts. These doctors, as well as expert Neil Blumberg - listed *supra* -- are expected to testify in regard to the contention of Plaintiff and/or his doctors that his return of diabetes systems was contributed to by Defendants.

Defendants reserve the option to update this disclosure of the foregoing endocrinologists.

5. The following three Westboro Baptist Church members are expected to testify as experts in theology, the Hebrew Testament (aka Old Testament) and the Christian Testament (aka New Testament) of the bible, on the expositors of the bible and their interpretations of the bible, and in Baptist Christianity. They are expected to testify about the extent to which there is a basis in the bible for such assertions by the Westboro Baptist Church that the bible directs people publicly to demonstrate publicly in praise of God's acts (both those acts that help and harm people), that homosexuality is a severe sin that God hates, and that when a man divorces his wife, he makes his wife an adulterer.

Defendants reserve the option to update this disclosure of the following three experts, and plan to do so with a written report further addressing the foregoing matters. These experts will not be billing for their time (as opposed to seeking payment for their bills, as appropriate).

Each of the following three experts' CV's are attached:

Brent Roper, 3640 Churchill Road,, Topeka, Kansas 66604,
(785) 273-0277.

Fred W. Phelps, Jr., Topeka, Kansas
Fred W. Phelps. Jr. and Betty Phelps
3600 S. W. Holly Lane

Topeka, Kansas 66604, (785) 272-4135

Fred W. Phelps, Sr. Westboro Baptist Church
3701 S.W. 12th Street, Topeka, Kansas 66604.

Respectfully submitted

MARKS & KATZ, L.L.C.

/s/ Jonathan L. Katz
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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Disclosure was served by the CM/ECF filing system on February 20, 2006, to:

Paul W. Minnich, Esquire
Rees Griffiths, Esquire
Craig T. Trebilcock, Esquire
Sean E. Summers, Esquire

/s/ Jonathan L. Katz
Jonathan L. Katz

UNITED STATES DISTRICT COURT
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DEFENDANTS FRED PHELPS AND WESTBORO BAPTIST'S SUPPLEMENTAL
EXPERT WITNESS DISCLOSURE

Pursuant to the Court's scheduling order, Defendants Fred W. Phelps, Sr., and Westboro Baptist Church make the following supplemental expert witness disclosure, which supplements but do not replace Defendants' previous expert witness disclosures. :

1. Timothy M. Boehm, M.D. Dr. Boehm is an endocrinologist. His address and qualifications are on his attached resume. He is expected to testify, among other things, that diabetes can be temporarily exacerbated by stress. He is further expected to testify that it is less likely, if at all, for the exacerbation to be more than temporary.

2. Joseph A. De Soto, M.D. Dr. De Soto is a medical doctor. His address and qualifications are on his attached resume. He is expected to testify, among other things, that diabetes can be temporarily exacerbated by stress. He is further

expected to testify that it is less likely, if at all, for the exacerbation to be more than temporary.

3. Neil Blumberg, M.D. Dr. Blumberg is a medical doctor and psychiatrist. In addition to Defendant's previous designation of Dr. Blumberg as an expert, Dr. Blumberg is expected to testify that diabetes can be temporarily exacerbated by stress, but also to testify about the limits to which the exacerbation would be more than temporary.

Respectfully submitted

MARKS & KATZ, L.L.C.

/s/ Jonathan L. Katz
Jonathan L. Katz
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Silver Spring, MD 20910
Ph: (301) 495-4300
Fax: (301) 495-8815
jon@markskatz.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Disclosure was served by the CM/ECF filing system on May 17, 2007, to:

Paul W. Minnich, Esquire
Rees Griffiths, Esquire
Craig T. Trebilcock, Esquire
Sean E. Summers, Esquire

/s/ Jonathan L. Katz
Jonathan L. Katz

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**DEFENDANTS FRED PHELPS AND WESTBORO BAPTIST'S SUPPLEMENTAL
EXPERT WITNESS DISCLOSURE**

Pursuant to the Court's orders regarding expert disclosure and expert reports, Defendants Fred W. Phelps, Sr., and Westboro Baptist Church state the following information that supplements their prior expert witness disclosures:

1. On July 17, 2007, by email, undersigned counsel delivered to all parties' attorneys, and the pro se parties, expert Neil Blumberg, MD's report that followed his medical examination of Plaintiff. Undersigned counsel offered to provide a hard copy thereof at Plaintiff's request.

In the light of the Court's confidentiality order regarding discovery, Dr. Blumberg's report is not being filed with the Court, unless the Court so directs (either to file it under seal or not).

2. On July 13, 2007, at a witness deposition in this civil action, in Westminster, Maryland, undersigned counsel hand

delivered to Plaintiff's counsel Sean Summers a copy of expert Timothy Boehm's, M.D.'s report that followed his review of Plaintiff's medical records and deposition transcript.

In the light of the Court's confidentiality order regarding discovery, Dr. Boehm's report is not being filed with the Court, unless the Court so directs (either to file it under seal or not).

3. Defendants join in the *pro se* defendants' timely June 19, 2007 (at docket entry 94) designation of Randall Balmer as a religion expert. As addressed in said June 19, 2007, designation, Dr. Balmer's complete resume is at <http://www.barnard.edu/religion/cv/balmer.pdf> (last checked on July 17, 2007). Undersigned counsel confirmed with Dr. Balmer on June 13, 2007 that this is his current resume.

Dr. Balmer is at Barnard College, Columbia University, 3009 Broadway, New York, New York 10027-6598; Phone: (212) 854-3292 E-mail: rb281@columbia.edu. He is expected to testify as an expert in religion, including as an expert in Christianity, Jonathan Edwards and his beliefs, Puritans and their beliefs, and Calvinists and their beliefs.

He is expected to testify, among other things, that fire and brimstone Christian beliefs pre-date the Twentieth Century. Because Defendants preach fire and brimstone beliefs, among

their beliefs, Dr. Balmer's testimony will be used in part to support Defendants' First Amendment right to express and hold their religious views under attack in this litigation, and to bolster Defendants' credibility against any claim that their messages are created from whole cloth and are somehow not their sincerely held religious beliefs.

Dr. Balmer quoted \$300 to undersigned counsel for his hourly fee.

Respectfully submitted

MARKS & KATZ, L.L.C.

/s/ Jonathan L. Katz
Jonathan L. Katz
D.Md. Bar No. 07007
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