#### IN THE UNITED STATES DISTRICT COURT DISTRICT OF MARYLAND

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 MOTION IN LIMINE TO PRECLUDE EXPERTS WHO HAVE NOT PRODUCED AN EXPERT REPORT

Plaintiff, Albert Snyder, by and through counsel, files the within Motion in Limine to Preclude Experts who Have Not Produced an Expert Report.

1. This Honorable Court ordered that expert reports be exchanged or produced by

August 8, 2007.

2. As of this date, defendants have produced expert reports for Randall Balmer, Neil

Blumberg, M.D., F.A.P.A. and Timothy M. Boehm, M.D..

3. By means of Answers to Interrogatories and Expert Witness Disclosures,

defendants identified the following as experts: Fred W. Phelps, Sr., Fred W. Phelps, Jr., Brent

Roper, Timothy George, Th.D., Harry S. Stout, Ph.D., James Mersey, M.D., Philip A. Levin,

M.D., James Dicke, M.D., and Joseph A. DeSoto, M.D.

4. Motions in Limine are due on October 5, 2007.

5. Plaintiff requested that defendants confirm that the only individuals they will

qualify as experts are those who have produced expert reports. As of this date, defendants have not confirmed -- saying that they will respond on a subsequent date concerning experts.

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6. In the interest of caution, plaintiff is filing the within Motion in Limine to preclude expert testimony from any expert who has not to date produced an expert report. If defendants subsequently respond confirming their final expert list is limited to experts who have produced reports, plaintiff will withdraw this motion.

WHEREFORE, plaintiff Albert Snyder respectfully requests that this Honorable Court preclude expert testimony of any expert who has not produced an expert report.

#### 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

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## **CERTIFICATE OF SERVICE**

I hereby certify that on this date true and correct copies of Plaintiff's Motion in Limine to

Preclude any Experts who have not Produced an Expert Report are being served in the following

manner:

<u>Via ECF:</u> Jonathan L. Katz, Esquire Marks & Katz, LLC 1400 Spring Street Suite 410 Silver Spring, MD 20910

<u>Via First Class Mail:</u> Shirley L. Phelps-Roper 3640 Churchill Road Topeka, KS 66604

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

# BARLEY SNYDER LLC

/s/ Sean E. Summers

By:

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Date: October 5, 2007