

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 MOTION IN LIMINE TO LIMIT THE NUMBER OF FACT WITNESSES  
THAT THE DEFENDANTS ARE ABLE TO PRESENT**

Plaintiff, Albert Snyder, by and through counsel, files the within Motion in Limine to Limit the Number of Fact Witnesses that Defendants are able to Present.

1. Defendants, by and through their proposed Pretrial Order, disclosed their witness list. Doc. No. 159.

2. Defendants identified *fifty-four* fact witnesses and four expert witnesses.

3. Trial is scheduled to begin on October 22, 2007, and two weeks have been allotted for trial.

4. During the two week trial period, defendants have requested (by means of their proposed Pretrial Order, Doc. No. 159) that trial recess by noon on Friday, October 26, 2007, and reconvene on Tuesday, October 30, 2007.

5. Upon information and belief, many of the identified witnesses will not have firsthand knowledge of the alleged claims or purported defenses. Therefore, the witnesses should be precluded from testifying.

6. Alternatively, *fifty-four* witnesses will result in “needless presentation of cumulative evidence.” Fed. R. Civ. P. 403.

7. Upon information and belief, Defendants do not genuinely believe that *fifty-four* defense witnesses could be examined in two weeks, regardless of whether their request to end the first week early or begin the second week late is granted.

8. In addition, plaintiff is required to present his evidence during the same two week trial period.

9. The purpose of providing a witness list, among other things, is: (1) to allow the parties to prepare for trial; and (2) to prevent trial by ambush or unfair surprise.

10. Defendants’ *fifty-four* person fact witness list is tantamount to no notice of the witnesses who defendants genuinely believe will be called at trial.

11. Defendants should be limited to a reasonable amount of witnesses or time allotted for defense presentation.

12. Alternatively, defendants should be required to proffer the proposed testimony of each and every witness they have designated during or immediately following the pretrial conference.

WHEREFORE, plaintiff, Albert Snyder, respectfully requests that this Honorable Court limit the number of fact witnesses the defendants are able to present.

BARLEY SNYDER LLC

/s/ Sean E. Summers

By:

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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 Limit the Number of Fact Witnesses that the Defendants are able to Present are being served in the following manner:

Via ECF:

Jonathan L. Katz, Esquire  
Marks & Katz, LLC  
1400 Spring Street  
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Via First Class Mail:

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/s/ Sean E. Summers

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Date: October 10, 2007