

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

Plaintiff, Albert Snyder, by and through counsel, files the within Motion in Limine.

1. On August 31 and September 4, 2007, defendants submitted a proposed jury questionnaire. Among other things, the questionnaire asked potential jurors questions concerning their knowledge of or familiarity with defendants.

2. Upon information and belief, this Honorable Court will ask potential jurors *voir dire* questions concerning their familiarity with the parties, to include defendants.

3. Upon information and belief, defendants will challenge for cause potential jurors who are familiar with defendants' protests and the means by which they carry out their protests.

4. Trial is scheduled to begin on October 22, 2007.

5. Defendants have issued a news release (and posted the same on www.godhatesfags.com)¹ indicating their intent to protest numerous Maryland churches on October 20 and 21, 2007. See attached Exhibit A.

¹ See www.godhatesfags.com/fliers/oct2007/20071015_baltimore-whorehouses.pdf (last checked October 17, 2007).

6. Upon information and belief, the church attendees identified in Exhibit A will be potential jurors in the District of Maryland, and possibly the within matter.

7. Defendants have conceded throughout this litigation that no one welcomes their presence or is receptive to their message, of course with the obvious exception of themselves. In this regard, it follows that the church attendees will not welcome defendants' presence or message at their place of worship on October 20 or 21, 2007. Further, defendants' targeting of particular religious denominations is an attempt to taint a particular population.

8. If defendants proceed with their threatened protests, they should do so at their own peril. In other words, defendants should not be able to strike any jurors for cause because their church was protested a day or two before trial.

9. Furthermore, defendants have indicated their belief concerning a difficulty finding witnesses to testify on their behalf and have even implied that it will be difficult to find a jury to judge them in accordance with the law, as instructed by this Honorable Court.

10. Again, defendants' choice to protest numerous Maryland churches should be done at their own peril and no jurors should be stricken based upon defendants' activities one or two days before trial begins.

11. As an aside, if jury selection takes longer because of defendants pre-trial protests, this additional time should be subtracted from defendants' allotted trial time.

WHEREFORE, plaintiff Albert Snyder respectfully requests that no jurors be stricken because of defendants' activities on October 20 or 21, 2007.

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 are being served in the following manner:

Via ECF:

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Date: October 17, 2007