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October 18, 2007

**VIA ECF**

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

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

Dear Judge Bennett:

This letter is in response to this Honorable Court's request that each party submit a brief letter concerning expert witnesses remaining in the courtroom during another witnesses' testimony. Initially it is important to note that plaintiff is not sure which witnesses defendants want their experts to observe. Regardless, the rule concerning exclusion of witnesses is straightforward. Consequently, plaintiff objects to any non-party witnesses being present for the testimony of another witness.

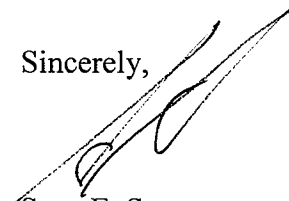
Federal Rule of Evidence 615 states that "the Court shall order witnesses excluded so that they cannot hear the testimony of other witnesses." There are very limited exceptions to this rule but defendants have not demonstrated that any of those exceptions are applicable. Fed. R. Evid. 615 (1-4). Indeed, "[t]he rule is designed to discourage and expose fabrication, and accuracy, and collusion." Opus 3 Ltd. v. Heritage Park, Inc., 91 F.3d 625, 628 (4th Cir. 1996). "The merit of such a rule has been recognized since at least biblical times." Id. In the Fourth Circuit, "[i]t is now well-recognized that sequestering witnesses 'is (next to cross-examination) one of the greatest engines that the skill of man has ever invented for the detection of liars in a court of justice.'" Id. (All internal citations omitted.)

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Defendants have not carried their burden concerning any of the enumerated exceptions clearly identified in Fed. R. Evid. 615. Therefore, all non-party witnesses must be sequestered during trial.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean E. Summers", written over a diagonal dotted line.

Sean E. Summers

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cc: Jonathan Katz, Esq. - via ECF  
Shirley L. Phelps-Roper - via e-mail  
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