

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division**

ALBERT SNYDER,)	
)	
Plaintiff)	Case No. 1:06-CV-01389-RDB
)	
FRED W. PHELPS, SR., et al,)	
)	
Defendants.)	

**DEFENDANTS FRED W. PHELPS AND WESTBORO BAPTIST CHURCH'S
MOTION FOR APPROPRIATE RELIEF**

Defendants Fred W. Phelps, Sr. and Westboro Baptist Church, Inc. (collectively “Defendants”) respectfully move that admonitions of counsel for the parties be conducted out of the hearing and view of the jury. In further support of this request, Defendants state as follows:

1. Attached is a transcript excerpt of the interchange between undersigned counsel and the Court from the afternoon of October 26, 2007. Undersigned counsel’s requests to approach the bench were denied. Had undersigned counsel been permitted to approach the bench, he would have requested that he not be admonished in front of the jury.

2. Undersigned counsel is doing his best fully to meet his obligations zealously to represent his clients while fulfilling all his remaining obligations under the applicable rules for conducting this trial and for conducting himself as an attorney.

Undersigned counsel's ability effectively to represent his clients is seriously hampered when he is admonished in front of the jury, rather than when the jury is not aware of the admonition.

3. In another circumstance, earlier last week, in front of the jury, the Court negatively characterized undersigned counsel's objection to the Plaintiff's first priest witness's testifying on a particular line of questioning. Even if the Court was not going to sustain the objection, objections and motions generally are the only way to preserve matters for appeal.

4. Even if the Court instructs the jury to ignore any appearance of bias or irritation by the Court with any of the parties, such an instruction would be insufficient to offset the prejudice to the Defendants of such admonitions presented in front of the jury .

WHEREFORE, Defendants respectfully move that admonitions of counsel for the parties be conducted out of the hearing and view of the jury.

Respectfully submitted,

/s/
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion was served by hand delivery and the CM/ECF filing system (and by hand delivery only to the pro se defendants) on October 29, 2007, to:

Sean E. Summers, Esq.
Craig Tod Trebilcock, Esq.

Ms. Rebekah Phelps-Davis
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Topeka, KS 66604

Ms. Shirley Phelps-Roper
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_____/s/_____
Jonathan L. Katz