

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND - BALTIMORE DIVISION

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 APPENDIX IN SUPPORT
OF RESPONSE TO DEFENDANTS PHELPS-DAVIS AND PHELPS-ROPER'S
POST-TRIAL MOTION FOR STAY**

Table of Contents

	Exhibit
Excerpt, deposition of Shirley L. Phelps-Roper, 6/14/07, pp. 37-38	A
Excerpt, deposition of Rebekah Phelps-Davis, 6/14/07, p. 94	B
Excerpt, deposition of Timothy B. Phelps, 4/20/07, p. 29	C
Answer of Westboro Baptist Church, Inc., to Request No. 5, Request for Production of Documents, Second Set	D
Answer of Westboro Baptist Church, Inc., to Request No. 1, Request for Production of Documents, Second Set	E
Financial Affidavit of Westboro Baptist Church, Inc.	F
Financial Affidavit of Rebekah A. Phelps-Davis, with p. 165 of deposition	G
Shawnee County, Kansas, Real Property Information Listing	H

BRADFORD ASSOCIATES
PHELPS-ROPER, SHIRLEY - Vol. 2

Page 1

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

EXHIBIT A

ALBERT SNYDER,)

Plaintiff

Vs.)

FRED W. PHELPS, SR., Civil Action No:

SHIRLEY L. PHELPS-ROPER,) 1:06-CV-13890RDB

REBEKAH A. PHELPS-DAVIS,

BAPTIST CHURCH, INC.,)

Defendants

Thursday, June 14, 2007

Linthicum Heights, Maryland

The Videotape Deposition of:

SHIRLEY L. PHELPS-ROPER,

A Defendant, called for examination by counsel
For Plaintiff, pursuant to notice, held at the
Country Inn & Suites by Carlson, 1717 West Nursery
Road, Linthicum Heights, Maryland, beginning at
12:27 p.m., before Chris Fox, Notary Public in and
for the State of Maryland, when were present on
behalf of the respective parties

1 pursuant to this letter?

2 A. Not pursuant to this letter, no.

3 Q. Now, I'm going to ask you questions
4 about the same sentence I asked your sister
5 about. And I'll read it to you.

6 You need to get your glasses?

7 A. Yes, I'm afraid so. Thank you. Okay.

8 Q. Before we get into specific document,
9 did you review any documents prior to coming
10 here today?

11 A. No. I didn't review any documents
12 prior to coming here today, no.

13 Q. Did you review -- you know that
14 Mr. Katz and I, on behalf of our respective
15 clients, exchanged documents. Did you review
16 the documents that I provided to Mr. Katz?

17 A. I don't know what documents you speak
18 of, but I have seen some documents that you've
19 filed, that are court filings.

20 Q. Okay. Other than the court filings?

21 A. I have seen no documents that you've
22 produced, that I can recall, at all.

1 Q. Okay. So, any documents that you
2 reviewed in this case, either were court
3 filings, or things that you did not receive
4 from us, meaning the Plaintiff?

5 A. That's correct.

6 Q. Did you review any deposition
7 transcripts?

8 A. No, I did not.

9 Q. To include your father's video?

10 A. No. I have never seen my father's
11 video.

12 Q. And you're certain you didn't review
13 any documents produced by the Plaintiff?

14 A. I don't believe I have seen any
15 documents produced by the Plaintiff.

16 Q. Now, getting back to Phelps-Davis No.
17 4.

18 A. Yes.

19 Q. If you look at the second paragraph,
20 second sentence says: Therefore, we recognize
21 that our message though once quite traditional
22 will not be well received by some factions of

BRADFORD ASSOCIATES
PHELPS-DAVIS, REBEKAH - Vol. 2

Page 1

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

EXHIBIT B

ALBERT SNYDER,)

Plaintiff

Vs.)

FRED W. PHELPS, SR.,) Civil Action No:

SHIRLEY L. PHELPS-ROPER,) 1:06-cv-1389-RDB

REBEKAH A. PHELPS-DAVIS,)

BAPTIST CHURCH, INC.,)

Defendants)

Thursday, June 14, 2007

Linthicum Heights, Maryland

The Videotape Deposition of:

REBEKAH PHELPS-DAVIS

A Defendant, called for examination by counsel
For Plaintiff, pursuant to notice, held at the
Country Inn & Suites by Carlson, 1717 West Nursery
Road, Linthicum Heights, Maryland, beginning at 8:00
a.m., before Chris Fox, Notary Public in and for the
State of Maryland, when were present on behalf of
the respective parties

1 A. No.

2 Q. None?

3 A. No. I haven't asked him to produce
4 any documents.

5 Q. I know you haven't in your independent
6 individual capacity --

7 A. Right.

8 Q. -- asked him to produce anything.

9 A. Right.

10 Q. But that wasn't exactly my question.
11 My question was: Did you review any
12 that were requested by Mr. Katz on his --
13 behalf of his clients?

14 A. No.

15 Q. None?

16 A. Nope.

17 Q. Certain?

18 A. Certain.

19 Q. Did you review any documents your
20 father or WBC produced as part of this
21 litigation?

22 A. Not that I -- no. I did not review

BRADFORD ASSOCIATES
PHELPS, TIMOTHY B. - Vol. 1

Page 1

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

EXHIBIT C

ALBERT SNYDER,

Plaintiff

Vs.

FRED W. PHELPS, SR., Civil Action

JOHN DOES, and No: 06-CV-1389 RDB

WESTBORO BAPTIST

CHURCH, INC.,

Defendants

Friday, April 20th, 2007

Silver Spring, Maryland

The Deposition of:

TIMOTHY B. PHELPS,

Taken at the Law Offices of Marks & Katz, LLC,
1400 Spring Street, Suite 410, Silver Spring,
Maryland, scheduled to begin at 9:00 a.m.,
before Chris Fox, Notary Public, when were
present on behalf of the respective parties.

1 necessary.

2 Q. Do you regularly sign off on checks to
3 pay bills for WBC?

4 A. No, sir.

5 Q. Are you and Brent Roper the only two
6 that have that authority?

7 A. I don't know. I know that we have it.
8 And I would assume that if there's anyone
9 else, it's just something that he's worked up.

10 Q. The property, the real property that
11 the WBC sits on, who owns that?

12 A. WBC.

13 Q. Is there a mortgage on that property?

14 A. I don't believe so, but I know that
15 they recently did some renovations and there
16 may have been a loan. But I think it's paid
17 off now, so I think it's owned outright.

18 Q. How many members, WBC members are
19 there?

20 A. I believe there is 71. But I -- we
21 don't keep a roster, so it's just those that
22 are in the church, that when we sit at the

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 REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED TO DEFENDANT WESTBORO BAPTIST CHURCH, INC. - SECOND SET**

Pursuant to Fed.R.Civ.P.34 and L.R. 104, Albert Snyder, by his undersigned attorneys, requests that Defendant Westboro Baptist Church, Inc., respond to this Request within the time prescribed by the Federal Rules of Civil Procedure, and produce the following documents.

INSTRUCTIONS

1. If, in responding to this Request for Production, the responding party encounters any ambiguities when construing a request or definition, the response shall set forth the matter deemed ambiguous and the construction used in responding.

2. Whenever in this Request you are asked to identify or produce a document which is deemed by you to be properly withheld from production for inspection or copying.

A. If you are withholding the document under claim of privilege (including, but not limited to, the work product doctrine), please provide the information set forth in Fed. R. Civ. P. 26(b)(5) and Discovery Guideline 9(c)(ii)(b), including the type of document, the general subject matter of the document, the date of the document, and such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and where not apparent, the relationship of the author,

5. The federal and state income tax return for Westboro Baptist Church, Inc., for the year 2006.

6. Any and all documents reflecting a Westboro Baptist Church, Inc. financial liability in excess of \$500.

BARLEY SNYDER LLC

By: 

Paul W. Minnich
Rees Griffiths
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

1895953

**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.)	

**DEFENDANT WESTBORO BAPTIST CHURCH, INC.'S
RESPONSES TO PLAINTIFF'S SECOND REQUEST FOR PRODUCTION
OF DOCUMENTS**

Defendant Westboro Baptist Church, Inc. ("Westboro") submits the following responses and objections to "Plaintiff's Request for Production of Documents Directed to Defendant Westboro Baptist Church, Inc. – Second Set."

General Objection: Defendant objects to this second set of document production requests, in that the information they seek is not reasonably calculated to obtain any admissible evidence other than for seeking punitive damages. The information provided by Plaintiff in discovery, even if accepted as true, is insufficient to send a punitive damages claim to the jury. Only for purposes of this response to Plaintiff's document production request, Defendant's chances of dismissing Plaintiff's punitive damages function has not been considered in making this response.

1. All statements for the period January 1, 2006, to date, for all bank accounts held by Westboro Baptist Church, Inc.

Without waiving said objection, Defendant has no such documents, and is is not required to file income tax returns.

5. Any and all documents reflecting a Westboro Baptist Church, Inc., financial liability in excess of \$500.

Response: Objection as overbroad, and, therefore, not reasonably calculated to lead to the discovery of admissible evidence. Further objection for seeking private financial information that is not relevant to pursuing a punitive damages claim. Without waiving said objection, Defendant has no such documents.

Respectfully submitted,

Jonathan L. Katz
D.Md. Bar No. 07007
1400 Spring St., Suite 410
Silver Spring, MD 20910
Ph: (301) 495-4300
Fax: (301) 495-8815
jon@markskatz.com

EXHIBIT E

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 REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED TO DEFENDANT WESTBORO BAPTIST CHURCH, INC. - SECOND SET**

Pursuant to Fed.R.Civ.P.34 and L.R. 104, Albert Snyder, by his undersigned attorneys, requests that Defendant Westboro Baptist Church, Inc., respond to this Request within the time prescribed by the Federal Rules of Civil Procedure, and produce the following documents.

INSTRUCTIONS

1. If, in responding to this Request for Production, the responding party encounters any ambiguities when construing a request or definition, the response shall set forth the matter deemed ambiguous and the construction used in responding.
2. Whenever in this Request you are asked to identify or produce a document which is deemed by you to be properly withheld from production for inspection or copying.
 - A. If you are withholding the document under claim of privilege (including, but not limited to, the work product doctrine), please provide the information set forth in Fed. R. Civ. P. 26(b)(5) and Discovery Guideline 9(c)(ii)(b), including the type of document, the general subject matter of the document, the date of the document, and such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and where not apparent, the relationship of the author,

not intended to impose a discovery obligation on any person who is not a party to the litigation or to limit the Court's jurisdiction to enter any appropriate order.

6. *Person*: The term "person" is defined as any natural person or any business, legal or governmental entity, or association.

7. *You/Your*: The terms "you" or "your" include the person(s) to whom this Request is addressed, and all of that person's agents, representatives and attorneys.

8. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all"; "any" means "any and all." "Including" means "including but not limited to." "And" and "or" encompass both "and" and "or." Words in the masculine, feminine or neuter form shall include each of the other genders.

9. If the requested documents are maintained in a file, the file folder is included in the request for production of those documents.

10. *Website*: The term "website" means the websites identified in paragraph 17 of the Amended Complaint.

DOCUMENT REQUEST

1. All statements for the period January 1, 2006, to date, for all bank accounts held by Westboro Baptist Church, Inc.

2. All statements for the period January 1, 2006, to date, for all investment or brokerage accounts or other financial accounts held by Westboro Baptist Church, Inc.

3. The check register for Westboro Baptist Church, Inc., for the period January 1, 2006, to date.

4. Any and all financial statements, both audited and unaudited, prepared by or on your behalf since January 1, 2006.

**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.)	

**DEFENDANT WESTBORO BAPTIST CHURCH, INC.'S
RESPONSES TO PLAINTIFF'S SECOND REQUEST FOR PRODUCTION
OF DOCUMENTS**

Defendant Westboro Baptist Church, Inc. ("Westboro") submits the following responses and objections to "Plaintiff's Request for Production of Documents Directed to Defendant Westboro Baptist Church, Inc. – Second Set."

General Objection: Defendant objects to this second set of document production requests, in that the information they seek is not reasonably calculated to obtain any admissible evidence other than for seeking punitive damages. The information provided by Plaintiff in discovery, even if accepted as true, is insufficient to send a punitive damages claim to the jury. Only for purposes of this response to Plaintiff's document production request, Defendant's chances of dismissing Plaintiff's punitive damages function has not been considered in making this response.

1. All statements for the period January 1, 2006, to date, for all bank accounts held by Westboro Baptist Church, Inc.

Response: Objection as overbroad, and, therefore, not reasonably calculated to lead to the discovery of admissible evidence. Further objection for seeking private financial information that is not relevant to pursuing a punitive damages claim. Defendant plans to provide Plaintiff with redacted bank statements confirming Defendant's monthly total balances.

2. All statements for the period January 1, 2006, to date, for all investment or brokerage accounts or other financial accounts held by Westboro Baptist Church, Inc.

Response: Objection as overbroad, and, therefore, not reasonably calculated to lead to the discovery of admissible evidence. Further objection for seeking private financial information that is not relevant to pursuing a punitive damages claim. Without waiving said objection, Defendant has no such accounts.

3. The check register for Westboro Baptist Church, inc. for the period January 1, 2006, to date.

Response: Objection as overbroad, and, therefore, not reasonably calculated to lead to the discovery of admissible evidence. Further objection for seeking private financial information that is not relevant to pursuing a punitive damages claim. Defendant will provide the redacted bank statements detailed in response 1, and herein incorporates Defendant's response 1 by reference.

4. Any and all financial statements, both audited and unaudited, prepared by or on your behalf since January 1, 2006.

Response: Objection as overbroad, and, therefore, not reasonably calculated to lead to the discovery of admissible evidence. Further objection for seeking private financial information that is not relevant to pursuing a punitive damages claim. Without waiving said objection, Defendant has no such documents.

5. The federal and state income tax return for Westboro Baptist Church, inc., for the year 2006.

Response: Objection as overbroad, and, therefore, not reasonably calculated to lead to the discovery of admissible evidence. Further objection for seeking private financial information that is not relevant to pursuing a punitive damages claim.

Statement Date
6/29/07

WESTBORO BAPTIST CHURCH INC

Beginning Balance 6/01/07

34,692.41

6/29

42,380.46

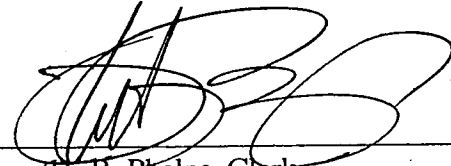
EXHIBIT F

DECLARATION

I hereby declare, under penalty of perjury, that the information contained in the attached "Financial Statement – Westboro Baptist Church" is true and correct, to the best of my knowledge and belief.

10-29-07

Date



Timothy B. Phelps, Clerk
Westboro Baptist Church, Inc.

FINANCIAL STATEMENT Westboro Baptist Church

10/29/2007

Assets	Amount in Dollars
Cash - checking accounts	\$ 13,136
Cash - savings accounts	-
Certificates of deposit	-
Securities - stocks / bonds / mutual funds	-
Notes & contracts receivable	-
Life insurance	-
Personal property	37,000
Retirement Funds	-
Real estate	442,800
Other assets	-
Other assets	-
Total Assets	\$ 492,936

Liabilities	Amount in Dollars
Current Debt (<i>Credit cards, Accounts</i>)	\$ 19,288
Notes payable	-
Taxes payable	-
Real estate mortgage	86,696
Other liabilities	-
Other liabilities	-
Total Liabilities	\$ 105,984
Net Worth	\$ 386,952

Signature: Timothy Phelps, Church Clerk	Date:
--	--------------

EXHIBIT G

DECLARATION

I hereby declare, under penalty of perjury, that the information contained in the attached "Personal Financial Statement – Rebekah Phelps-Davis" is true and correct, to the best of my knowledge and belief.

10-29-07

Date



Rebekah A. Phelps-Davis

PERSONAL FINANCIAL STATEMENT

Rebekah Phelps-Davis

10/29/2007

Assets	Amount in Dollars
Cash - checking accounts	\$ 306
Cash - savings accounts	-
Certificates of deposit	-
Securities - stocks / bonds / mutual funds	-
Notes & contracts receivable	-
Life insurance	-
Personal property	35,000
Retirement Funds	20,000
Real estate NOTE: This is our homestead and my husband has a 1/2 interest in this property	146,600
Other assets (<i>specify</i>)	-
Other assets (<i>specify</i>)	-
Total Assets	\$ 201,906

Liabilities	Amount in Dollars
Current Debt (<i>Credit cards, Accounts</i>)	\$ 4,000
Notes payable	25,000
Taxes payable	-
Real estate mortgages	65,016
Other liabilities	-
Other liabilities	-
Total Liabilities	\$ 94,016
Net Worth	\$ 107,890

All or nearly all of the above net worth is exempt under the Kansas homestead exemption (K.S.A. 60-2301, a homestead "shall be exempted from forced sale under any process of law, and shall not be alienated"), as well as the automobile, retirement, and personal property exemptions among others (see K.S.A. 60-2301, 60-2304, 60-2308, etc.).

Signature: Rebekah Phelps-Davis	Date:
--	--------------

BRADFORD ASSOCIATES
PHELPS-DAVIS, REBEKAH - Vol. 2

Page 1

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

ALBERT SNYDER,)

Plaintiff

Vs.)

FRED W. PHELPS, SR.,) Civil Action No:

SHIRLEY L. PHELPS-ROPER,) 1:06-cv-1389-RDB

REBEKAH A. PHELPS-DAVIS,

BAPTIST CHURCH, INC.,)

Defendants)

Thursday, June 14, 2007

Linthicum Heights, Maryland

The Videotape Deposition of:

REBEKAH PHELPS-DAVIS

A Defendant, called for examination by counsel
For Plaintiff, pursuant to notice, held at the
Country Inn & Suites by Carlson, 1717 West Nursery
Road, Linthicum Heights, Maryland, beginning at 8:00
a.m., before Chris Fox, Notary Public in and for the
State of Maryland, when were present on behalf of
the respective parties

1 is basically net worth, so that's what I'm
2 going to ask you some of these questions. Not
3 because I'm nosy. And if you want to object,
4 fine, object. But this is my one and only
5 chance to ask you questions.

6 With that in mind, it's my
7 understanding that your only employment is
8 Phelps-Chartered, correct?

9 A. That's correct.

10 Q. Is your only real property -- you
11 understand what real property is, correct?

12 A. Yes.

13 Q. Is your only real property your
14 residence?

15 A. Yes.

16 Q. Is the deed in you and your husbands
17 name?

18 A. No.

19 Q. Whose name?

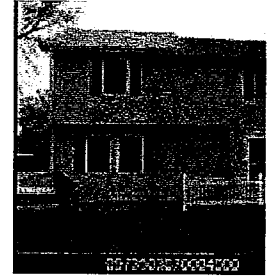
20 A. Mine.

21 Q. Is Phelps-Chartered a partnership, or
22 how is that configured from a legal

Shawnee County Appraiser

EXHIBIT H

Parcel ID: 0973503030004000
Owner Name: PHELPS-DAVIS REBEKAH ANNE
Owner Address: 1216 SW CAMBRIDGE AVE TOPEKA KS 66604
Property Address: 1216 SW CAMBRIDGE AVE TOPEKA 66604
Subdivision: DEVONSHIRE HEIGHTS #2



Zoning: For zoning information call City of Topeka at (785) 368-3728 or Shawnee County at (785) 291-5410.

NeighborHood: SW MCALISTER-OAKLEY, 10TH-HUNTOON
NBHD Code: 1672
Census Tract: West Topeka

*** Property Description:** CAMBRIDGE AVE LOT 51 DEVONSHIRE HEIGHTS SUB NO 2

*** Condensed legal desc. ; Do not use for legal purposes.**

Deed Book:	4062	Page:	813	Recorded Date:	07/16/
Section:	35	Township:	11	Range:	15
Block:		Lot:	5,1	Tax Unit:	001

Class:	RU		
Land :	10,340		
Improvement :	136,260		
2007 Appraised Value by Class:	146,600		
2007 Total Appraised Value:	146,600	Total Assessed Value:	16,859
2006 Total Appraised Value:	102,300	Property Value Change:	43.30% INCREASE