

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

ALBERT SNYDER,

Plaintiff,

vs.

Case No. 1:06-cv-1389-RDB

FRED W. PHELPS, SR.;
SHIRLEY L. PHELPS-ROPER;
REBEKAH A. PHELPS-DAVIS; and,
WESTBORO BAPTIST CHURCH, INC.,
Defendants.

U.S. DISTRICT COURT
DISTRICT OF MARYLAND
MAY 26 2007
CLERK'S OFFICE
AT BALTIMORE
BY _____ DEPUTY

DEFENDANTS PHELPS-DAVIS & PHELPS-ROPER'S
OBJECTION TO BILL OF COSTS
MOTION TO STRIKE BILL OF COSTS
AND/OR MOTION TO RECONSIDER
BILL OF COSTS OR ANY AWARD OF COSTS
AND/OR MOTION TO STAY

Rebekah A. Phelps-Davis and Shirley L. Phelps-Roper, as pro se defendants herein, hereby jointly submit their objection to the bill of costs submitted by plaintiff's counsel; motion to strike said bill of costs; and/or move to reconsider the bill of costs or any award of costs based thereon; and request that the Court disallow any costs in this matter, for the reasons set forth below, and/or stay the award of any costs pending appeal of this case.

1. Throughout these proceedings, including on the eve of closing arguments and jury deliberation, plaintiff and his counsel have made a large public showing of seeking donations to pay for the costs of this case. After plaintiff objected to providing information on the amount of funds raised, in September 2007, this Court ordered that the interrogatory requesting the

amount raised be answered. Thus, on 9/21/07, plaintiff responded to interrogatory No. 29 saying that as of that date he has raised \$10,072.54. That covers all but \$97.79 of the costs itemized in the bill of costs. Given the massive publicity that this case has received, and the ongoing fundraising by plaintiff and his counsel, it is highly likely that substantially more has been received since that date. Thus, plaintiff should be required to update the Court and defendants on this matter, and no costs should be awarded. If other third parties donated funds to pay these costs, plaintiff and his counsel have not incurred the costs, and thus are not entitled to a second payment for those costs. (**See copy of Interrogatory Answers attached.**)

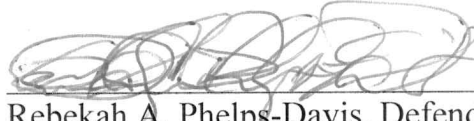
2. Plaintiff is not entitled to recover costs because judgment in plaintiff's favor in this case is and would be error as a matter of fact and law, for all the reasons set out in the post-trial motions filed by defendants.
3. Award and payment of costs should not be made until appeals are exhausted in this matter, and in that regard any such requirement should be stayed pending full appeal.
4. There is not itemization included with the bill of costs for the \$233.80 requested for copies; nor is there any showing of why such copies were necessary for this trial.
5. There is no showing of why the depositions and transcripts were necessary for the case; why it was necessary to expedite any that were expedited; or

why the large costs for depositions was necessary. Further, the vast majority of the time spent in deposing the defendants in this case involved plaintiff mockingly examining them about the content of their religion, which was and is wholly improper, so plaintiff's counsel should not be rewarded for that wrongful conduct by requiring defendants to pay for the costs involved. There was very little use of any deposition testimony during summary judgment motions or trial by plaintiff. There is no showing that the transcripts from depositions or during trial were necessary to present the case herein. (Indeed, the very limited occasions when plaintiff's counsel attempted to use a snippet of a deposition to try to impeach defendants was not appropriate or effective, witnessed by the fact that the Court disallowed an instruction on prior inconsistent statements.) Thus, plaintiff has not established that the transcripts of depositions or trial testimony were necessarily obtained for use in the case.

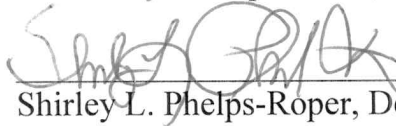
6. The costs are exorbitant in general, particularly considering the very limited nature of any injury to the plaintiff.
7. The financial condition of the defendants does not warrant the costs.
8. All objections to any liability or imposition of any judgment for any costs or payments in this case of any kind are preserved here; and defendants incorporate all previous filings and arguments made to the Court heretofore as though set out here in full by this reference.

WHEREFORE defendants object, move to strike, and request that plaintiff take nothing on its bill of costs; alternatively defendants request the costs be offset against the donations raised for the very stated purpose of covering costs; and that the Court order plaintiff to update the Court and parties on the amount of money raised as this case goes forward; and/or alternatively defendants request that the costs be reduced; and/or alternatively defendants request that any requirement that costs be paid be stayed pending appeal of this matter.

Respectfully submitted,



Rebekah A. Phelps-Davis, Defendant Pro Se



Shirley L. Phelps-Roper, Defendant Pro Se

CERTIFICATE OF SERVICE

We hereby certify that the foregoing filing was served on November 21, as follows:

Original + 2 copies, with 2-hole punch, by express mail, with return envelope, to:

U S District Court Clerk
101 W. Lombard Street, 4th Floor
Baltimore, MD 21201

Copy by regular mail to:

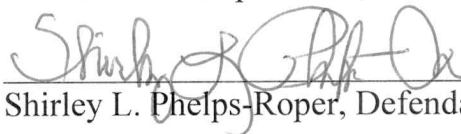
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Rebekah A. Phelps-Davis, Defendant Pro Se



Shirley L. Phelps-Roper, Defendant Pro Se