

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.

DEFENDANTS FRED PHELPS AND WESTBORO BAPTIST CHURCH'S
OBJECTION TO BILL OF COSTS

Pursuant to L.R. 109.1(c), Defendants Fred W. Phelps, Sr. and Westboro Baptist Church, Inc. (collectively “Defendants”) hereby submit their objections to the bill of costs submitted by Plaintiff, 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.

“In the federal practice in equity the giving or withholding costs or the apportionment and division thereof is a matter within the discretion of the court; such discretion, however, to be exercised, not arbitrarily, but with reference to the general principles of equity and special circumstances of each case.” *Kell v. Trenchard*, 146 F. 245, 247 (4th Cir. 1906) (citations omitted). The statutory provision governing bills of costs is 28 USCS § 1920.

.1. For many months, Plaintiff and his counsel made a very public appeal for donations to defray his litigation expenses. In September 2007, Plaintiff responded to the

pro se Defendants' 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 (*see, e.g.*, <http://news.google.com/news?tab=wn&hl=en&ned=us&q=%22westboro+baptist%22+snyder&btnG=Search> (last checked November 30, 2007) -- particularly after the jury verdict was returned -- and the ongoing fundraising by plaintiff and his counsel (*see, e.g.*, <http://matthewsnyder.org/help.html> (last checked November 30, 2007)), 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.

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.

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.

6. The costs are exorbitant in general, particularly considering the very limited nature of any physical 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 that the costs be offset against the donations raised by Plaintiff and his counsel 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,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served by the CM/ECF filing system to all following counsel of record, and by first-class mail only to the *pro se* parties on November 30, 2007, to:

Sean E. Summers, Esq.
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