

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 REPLY TO DEFENDANTS PHELPS-DAVIS AND PHELPS-ROPER'S
OBJECTIONS TO THE BILL OF COSTS**

On November 16, 2007, plaintiff requested taxation of costs against defendants. Doc. No. 218. Thereafter, on November 21, 2007, defendants Phelps-Davis and Phelps-Roper objected to the bill of costs. Doc. No 221. Interestingly, defendants Phelps-Davis and Phelps-Roper failed to cite any law or rule in support of their position. It is worth repeating that defendants Phelps-Davis and Phelps-Roper are attorneys and know their requirement to support their position with *some* legal authority.

Defendants' first concern is that plaintiff sought donations to cover his costs. First, plaintiff's arrangement with a non-party does not change 28 U.S.C. § 1920's policy favoring an award of costs. Next, defendants have presented zero authority to support their purported position. Finally, it is common practice for pro bono attorneys to seek costs and fees, *compare* 42 U.S.C. § 1988 with defendants' position, and if the Court would reward defendants by not awarding costs, it would be against public policy because it would discourage pro bono activities and charitable donations.

Defendants' reliance upon their post-trial motions is equally unavailing. Likewise, defendants offer no explanation concerning a stay pending appeal. Put differently, defendants fail to carry their burden concerning a stay.

The deposition transcripts were necessary. Notably, defendants failed to cite, once again, any authority for their argument. Curiously, defendants claim that there are "large costs for depositions," but the stenographer was selected by Mr. Katz. In any event, the costs reflect the customary charges for deposition transcripts in the Mid-Atlantic region. Next, defendants Phelps-Davis and Phelps-Roper complain that a "majority of the time spent in deposing the defendants in this case involved plaintiff mockingly examining them about the content of their religion." Not surprisingly, defendants Phelps-Davis and Phelps-Roper are misrepresenting the facts to this Honorable Court. Notably, Mr. Katz's objections on behalf of his clients (Doc. No. 223) are almost identical, except for this blatant misrepresentation. Plaintiff will gladly file the entire deposition transcript with the Court if the Court is inclined to entertain this misrepresentation. Indeed, this is yet another misrepresentation under oath that underscores the need for deposition transcripts.

Objections concerning expediting transcripts are of no moment. Importantly, plaintiff only ordered expedited transcripts that *defendants had already requested* on an expedited basis. In other words, plaintiff needed a copy because defendants had ordered a copy and defendants presumably thought it was necessary for trial.

Any other objections stated by defendant Phelps-Davis and Phelps-Roper are frivolous and not worthy of a response. Additionally, any attempt to "incorporate all previous filings and arguments" violates Local Rule 105.3.

WHEREFORE, plaintiff Albert Snyder respectfully requests that this Honorable Court award \$10,170.33 for costs as a prevailing party.

BARLEY SNYDER LLC

By: /s/ Sean E. Summers

Paul W. Minnich
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
Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on this date true and correct copies of Plaintiff's Reply to Defendants Phelps-Davis and Phelps-Roper's Objections to the Bill of Costs are being served in the following manner:

Via ECF:

Jonathan L. Katz, Esquire
Marks & Katz, LLC
1400 Spring Street
Suite 410
Silver Spring, MD 20910

Via first class mail:

Shirley L. Phelps-Roper
3640 Churchill Road
Topeka, KS 66604

Rebekah A. Phelps-Davis
1216 Cambridge
Topeka, KS 66604

BARLEY SNYDER LLC

By: /s/ Sean E. Summers
Sean E. Summers
100 East Market Street
P.O. Box 15012
York, PA 17405-7012
(717) 846-8888
Attorneys for Plaintiff

Dated: December 5, 2007