

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.

**MOTION OF DEFENDANTS WESTBORO BAPTIST CHURCH AND FRED W. PHELPS,  
SR., TO TREAT REPLY MOTIONS AS TIMELY FILED**

Defendants Westboro Baptist Church, Inc. ("WBC") and Fred W. Phelps, Sr., by and through the undersigned counsel, respectfully move, for the following reasons, to treat as timely filed their replies ("Replies") to Plaintiff's oppositions to Defendants' Motion to Stay and consolidated Post-Trial Motions:

1. Defendants' Replies were due December 17, 2007, as follows: eleven days under the local rules to reply, and three additional days under Fed. R. Civ. P. 6(d). Plaintiff filed his reply on December 3, 2007.
2. Defendants' Stay reply was filed electronically eighteen minutes late, at 12:18 a.m. on December 18, 2007. Defendant's reply regarding the remaining post-trial motions was filed thirty-one minutes late, at 12:31 a.m.

3. Undersigned counsel did not anticipate any delay in filing Defendants' Replies, but that unexpectedly arose, and was further affected by a technical difficulty with the freezing of his Microsoft Word program, which necessitated taking time to figure out how to unfreeze Microsoft Word.
4. This is the first time that any defendant in this civil action has sought such relief after the filing of a document with the Court. Undersigned counsel anticipates that this is an aberration that will not be repeated.
5. This filing delay amounts to no more than one-half hour; no parties will be prejudiced by the granting of this Motion, and the interests of justice will be served by permitting Defendants' Motion to Stay and consolidated post-trial motions to be ruled on their merits.
6. Local Rule 105(9) directs parties to attempt to obtain the consent of other counsel before filing a motion to extend a motion filing deadline. Prior to filing this Motion, undersigned counsel left a voice mail with Plaintiff's counsel Sean Summers on December 18, 2007, seeking said consent -- and confirming that he always will extend similar return courtesies -- and will

update the Court with Mr. Summers's reply. It is inferred that *pro se* defendants consent to this Motion, as their interests will be served to the extent that Defendants are successful on their stay motion and consolidated post-trial motions.

7. Section XI of the Court's Electronic Filing Requirements And Procedures Manual recognizes that at times litigants will be "unable to timely file a document due to technical problems with either the electronic filing system or [the litigant's] own system," in which case the litigant is permitted to file a request for enlargement of time. The foregoing provision recognizes that technological delays sometimes will arise with computer systems.

WHEREFORE, Defendants respectfully move to treat their Replies concerning their Motion to Stay and consolidated Post-Trial Motions as timely filed.

Respectfully submitted,

\_\_\_\_/s/\_\_\_\_\_

Jonathan L. Katz

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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was served by the CM/ECF filing system on December 18, 2007, to:

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

Becky Phelps-Davis (by mail only)  
1216 Cambridge  
Topeka, KS 66604

Shirley Phelps-Roper (by mail only)  
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\_\_\_\_\_/s/\_\_\_\_\_  
Jonathan L. Katz