

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 RESPONSE TO DEFENDANTS PHELPS-DAVIS & PHELPS-ROPER'S
SUPPLEMENT IN SUPPORT OF POST-TRIAL MOTIONS**

Plaintiff Albert Snyder, by and through counsel, respectfully responds to defendants Rebekah A. Phelps-Davis ("Davis") and Shirley L. Phelps-Roper's ("Roper") Supplement in Support of Post-Trial Motions.

Plaintiff, reluctantly and in the interest of caution, must necessarily respond to Davis' and Roper's Supplement. In short, Davis and Roper must believe that they are the only ones entitled to their opinion. Davis and Roper claim that plaintiff "is expecting this Court to use its bond authority to try to silence further words by defendants." However, the referenced transcript does not refer to this purported statement, and even if it did, it would be nothing more than plaintiff's personal opinion. More specifically, plaintiff's personal opinion was not offered to the jury or the Court for consideration and, consequently, is no basis to support or contradict any post-trial motion. Simply put, it is irrelevant.

Plaintiff merely commented on defendants' threat to picket another funeral. Disingenuously, defendants suggest there is no basis to believe that defendants will protest

another funeral. To the contrary, defendants did threaten to protest a funeral. See attached Exhibit A.

During plaintiff's interview, he was asked to comment concerning his experience with defendants. Similar to the referenced funeral protest, defendants terrorized plaintiff during his son's funeral. In response, other families no longer disclose their loved one's funeral service. See attached Exhibit B. A civilized society deserves better. In fact, defendants' continued behavior underscores the need for punitive damages -- defendants continue to terrorize grieving families at their weakest moments. It is apparent that in response innocent victims are attempting to hide the whereabouts of funerals for their loved ones. The fact that any grieving person must conceal the timing and whereabouts of a funeral is reprehensible.

Finally, defendants suggest that plaintiff is now a public figure and that fact, assuming *arguendo* that it is true, is of consequence. First, plaintiff's "public figure" status is determined at the time the cause of action arises. Second, speaking with a local television station - nearly two years after defendants' actions - does not rise to the level of "public figure" status. The defendants are attorneys and know better.

In conclusion, defendants Rebekah A. Phelps-Davis' and Shirley L. Phelps-Roper's Supplement in Support of Post-Trial Motions should be disregarded because they are completely irrelevant to any facts or issues related to the post-trial motions.

BARLEY SNYDER LLC

/s/ Sean E. Summers

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CERTIFICATE OF SERVICE

I hereby certify that on this date true and correct copies of Plaintiff's Response to Defendants Phelps-Davis and Phelps-Roper's Supplement in Support of Post-Trial Motions are being served in the following manner:

Via ECF:

Jonathan R. Katz, Esq.

Via First Class Mail:

Shirley L. Phelps-Roper
3640 Churchill Road
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Rebekah A. Phelps-Davis
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Date: February 4, 2008