

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 BY ALL DEFENDANTS FOR RECONSIDERATION
ON THE STATUTORY CAP QUESTION
AND/OR MOTION FOR CERTIFICATION TO THE MARYLAND COURT OF APPEALS

Defendants Westboro Baptist Church, Inc. and Fred W. Phelps, Sr., through their undersigned counsel, and Rebekah Phelps-Davis and Shirley Phelps-Roper, *pro se*, respectfully move the Court for an order reversing its ruling that the statutory cap in Md. Code. Ann., Cts. & Jud. Proc. §11-108(b)(2)(ii) does not apply to the noneconomic damage award in this case; and/or for an order certifying the question to the Maryland Court of Appeals pursuant to Md. Code Cts. & Jud. Proc. Art. §§ 12-601 to 12-613. Defendants further move for a stay of execution of any judgment in this matter pending a decision by the Maryland Court of Appeals on the certified question.

A memorandum of points and authorities is submitted in support of this motion.

WHEREFORE, Defendants respectfully moves this court for an order reconsidering its ruling that the statutory cap in Md. Code. Ann., Cts. & Jud. Proc. §11-108(b)(2)(ii) does not apply to the noneconomic damage award in this case; and/or for an order certifying the question to the Maryland Court of Appeals

Respectfully submitted,

MARKS & KATZ, L.L.C.

/s/ Jonathan L. Katz
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing motion was served on February 20, 2008, as follows:

By CM/ECF filing:

Mr. Sean E. Summers, Esq.

Mr. Craig Tod Trebilcock, Esq.

/s/ Jonathan L. Katz _____
Jonathan L. Katz