

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
Baltimore Division

ALBERT SNYDER, :
 :
Plaintiff : Civ. No. 1:06-cv-01389-RDB
 :
FRED PHELPS, et al, :
 :
Defendant. :

**ANSWER TO COMPLAINT BY DEFENDANTS FRED W. PHELPS, SR., AND
WESTBORO BAPTIST CHURCH, INC.**

Defendants Fred W. Phelps, Sr. ("Phelps") and Westboro Baptist Church, Inc. ("Westboro"), through undersigned counsel, hereby answer the Complaint as follows:

FIRST DEFENSE

Introduction and General Responses and Denials.

Defendants Phelps and Westboro answer the numbered paragraphs of the Complaint, *ad seriatim*, as follows. Defendants Phelps and Westboro are without sufficient information to admit or deny the allegations about the Jane Doe and John Doe defendants; therefore, all allegations about the Jane Doe and John Doe defendants are denied. To the extent that the Complaint alleges that Defendant Phelps is an officer or director of Westboro, that is denied.

Specific Responses.

1. The first sentence of this paragraph describes the lawsuit, and does not require a response; to the extent an

answer to the first sentence is required, it is denied, other than to admit that Albert Snyder is the father of Matthew Snyder. Defendants admit that Matthew Snyder is deceased. The remaining allegations in this paragraph of the Complaint are denied.

2. Denied.

3. Denied.

4. This paragraph of the Complaint demands a jury trial, so does not require a reply. To the extent a reply is required, this paragraph of the Complaint is denied.

5. Defendant is without sufficient information to admit or deny the allegations of this paragraph of the Complaint. Therefore, those allegations are denied.

6. Admitted.

7. Admitted.

8. Denied.

9. This paragraph of the Complaint is too vague -- in part by referring to unspecified activities -- for Defendants to be able to provide an answer. Therefore, this paragraph of the Complaint is denied.

10. Defendant is without sufficient information to admit or deny the allegations of this paragraph of the Complaint, other than to admit that Matthew Snyder is deceased and that

Albert Snyder is his father. Therefore, all remaining allegations of this paragraph of the Complaint are denied.

11. Defendant is without sufficient information to admit or deny the allegations of this paragraph of the Complaint. Therefore, those allegations are denied.

12. Defendant is without sufficient information to admit or deny the allegations of this paragraph of the Complaint, other than to admit that at some point Matthew Snyder was stationed in Iraq with the United States military, and that he was killed in Iraq while in the military. Therefore, all remaining allegations of this paragraph of the Complaint are denied.

13. Defendant is without sufficient information to admit or deny the allegations of this paragraph of the Complaint, other than to admit that at some point Matthew Snyder was stationed in Iraq with the United States military, and that he was killed in Iraq while in the military. Therefore, all remaining allegations of this paragraph of the Complaint are denied.

14. Defendant is without sufficient information to admit or deny the allegations of the first sentence of this paragraph of the Complaint, other than to admit that Matthew Snyder's body was returned to the United States from Iraq. Therefore, all

remaining allegations of the first sentence of this paragraph of the Complaint are denied. The second sentence of this paragraph of the Complaint is admitted.

15. Defendants admit that Westboro hosts the websites listed in this paragraph of the Complaint. All remaining allegations are denied.

16. As to the first sentence of this paragraph of the Complaint, Defendant Westboro and Defendant Phelps have in the past preached their interpretation of the Bible as it applies to homosexuals, including their beliefs concerning God's hatred for homosexuals, believing that they love their neighbor by preaching to their neighbor. The remainder of the first sentence of this paragraph of the Complaint is denied. As to the second sentence of this paragraph, Defendants Westboro and Phelps have in the past advocated holding up signs outside the funeral locations of several people who have died while with the military -- often the locations of the signs are a substantial distance from the funerals -- which signs have included the language listed in this sentence in this paragraph of the Complaint.

17. This paragraph of the Complaint accurately quotes a portion of the frequently asked questions section of <http://www.godhatesfags.com/main/faq.html>, except that the word

protest needs to be stricken, and the word picket needs to be inserted. The remainder of this paragraph of the Complaint is denied.

18. This paragraph is denied, other than to admit that some Westboro members, including Phelps, appeared a significant distance outside the funeral of Matthew Snyder holding up a variety of signs, including one or more of the phrases listed in paragraph 16 of the Complaint.

19. Denied.

20. Defendants deny the allegations of this paragraph of the Complaint, other than to admit that one or more websites run by Westboro included discussion of Matthew Snyder and his family, and that such website contents speak for themselves.

21. This paragraph of the Complaint quotes only a portion of
http://www.godhatesfags.com/featured/epics/2006/20060310_maryland-epic.pdf . This webpage and website speak for themselves. Aside from the foregoing response, the remainder of this paragraph of the Complaint is denied.

22. This paragraph of the Complaint quotes only a portion of
http://www.godhatesfags.com/featured/epics/2006/20060310_maryland-epic.pdf . This webpage and website speak for themselves.

Aside from the foregoing response, the remainder of this paragraph of the Complaint is denied.

23. This paragraph of the Complaint is denied, other than to admit what has already been admitted above, and to admit that the www.godhatesfags.com website includes discussion about Matthew Snyder, his funeral, and the presence of some Westboro members -- including Phelps -- a significant distance from Matthew Snyder's funeral.

24. This paragraph of the Complaint is denied, other than to admit that http://www.godhatesfags.com/featured/epics/2006/20060310_maryland-epic.pdf correctly depicts some or all of the signs that were displayed by some Westboro members -- and Fred Phelps held one or more signs -- a significant distance from Matthew Snyder's funeral. The foregoing website does not show a sign saying "God hates you," nor a sign saying "Pope in hell in Westminster, Maryland" (the sign actually says "Pope in hell"). Nor does the website portray any signs with the word "semper."

25. This paragraph of the Complaint is denied, other than to admit the presence of some Westboro members -- including Phelps -- a significant distance from Matthew Snyder's funeral, that they held up signs, and that some of them, including Phelps, also spoke.

26. This paragraph of the Complaint merely reincorporates the foregoing paragraphs of the Complaint. To the extent that an answer is needed, this paragraph of the Complaint is denied, except to the extent of any admissions *supra*.

27. This paragraph of the Complaint is denied.

28. This paragraph of the Complaint is denied.

29. This paragraph of the Complaint is denied.

30. This paragraph of the Complaint is denied.

31. This paragraph of the Complaint is denied.

32. This paragraph of the Complaint is denied.

33. This paragraph of the Complaint is denied, other than to confirm any admissions made *supra*. The use of the words "publicly" and "public" in this paragraph of the Complaint are too vague -- and are not terms of legal art -- to enable a denial or admission, so are denied.

34. This paragraph of the Complaint is denied.

35. This paragraph of the Complaint is denied, except to admit that some members of Westboro Baptist have, since Matthew Snyder's funeral, stated that they intend to appear outside the funerals of other soldiers' funerals -- at a distance to be determined -- to communicate their beliefs.

36. This paragraph of the Complaint is denied, except to admit that the www.godhatesfags.com website does include

discussion of other soldier funerals where some Westboro members will appear and communicate their beliefs outside the funeral locations at a distance to be determined.

37. Defendants are without sufficient knowledge to admit or deny the total dollar amount listed in this paragraph of the Complaint, including because Defendants are without sufficient information to answer as to the Jane Doe and John Doe defendants. Consequently, this paragraph of the Complaint is denied.

38. This paragraph of the Complaint merely reincorporates the foregoing paragraphs of the Complaint. To the extent that an answer is needed, this paragraph of the Complaint is denied, except to the extent of any admissions *supra*.

39. This paragraph is denied, except to admit that some Westboro members, including Phelps, appeared a significant distance outside the funeral of Matthew Snyder, and expressed their beliefs.

40. Denied.

41. Denied.

42. Denied.

43. This paragraph of the Complaint merely reincorporates the foregoing paragraphs of the Complaint. To the extent that an

answer is needed, this paragraph of the Complaint is denied, except to the extent of any admissions *supra*.

44. Denied.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

49. This paragraph of the Complaint merely reincorporates the foregoing paragraphs of the Complaint. To the extent that an answer is needed, this paragraph of the Complaint is denied, except to the extent of any admissions *supra*.

50. Denied.

51. Denied.

52. Denied.

53. Denied.

54. Denied.

55. This paragraph of the Complaint merely reincorporates the foregoing paragraphs of the Complaint. To the extent that an answer is needed, this paragraph of the Complaint is denied, except to the extent of any admissions *supra*.

56. Denied.

57. Denied.

58. Denied.

59. Denied.

60. Denied.

SECOND DEFENSE

Defendants have answered all numbered paragraphs of the Complaint. To the extent that Defendants have not answered all allegations in the Complaint, the remaining allegations that have not already been answered are hereby denied.

THIRD DEFENSE

Defendants assert all applicable specific defenses in law and fact, including but not limited to the following:

1. The Complaint is barred by the applicable statutes of limitations.

2. The Complaint is barred by the doctrines and law governing unclean hands, laches, waiver, and estoppel.

3. The Court lacks jurisdiction and venue over Defendants and over the subject matter of this litigation.

4. Service of process upon Defendants -- and the process permitted by a previous Order of this Court -- was insufficient and not in conformity with the law. Process also was insufficient.

5. The Complaint fails to state a claim upon which relief may be granted.

6. Plaintiff is not eligible for any judgment for any harm to Matthew Snyder nor his estate, as the lawsuit is brought in Albert Snyder's individual capacity only.

7. Plaintiff has failed to use sufficient due diligence to learn and state the names of the Jane Doe and John Doe defendants. Consequently, the Jane Does and John Does should be dismissed from this civil action.

8. Defendants reincorporate by reference all arguments made in Defendants' Motion to Dismiss, in Defendants' Reply to Plaintiff's Opposition to Defendants' Motion to Dismiss, and in Defendants' Opposition to Plaintiff's Motion for Award of Costs and Fees.

9. Defendants' allegedly defamatory statements are protected from adverse court action by the First Amendment's free speech and free exercise of religion provisions.

FOURTH DEFENSE

Defendants demand strict proof of all allegations that they have denied.

WHEREFORE, having fully answered, Defendants pray that the Complaint be dismissed, and that an order be issued for Plaintiff to pay Defendants for all Defendants' litigation costs and expenses, and attorney's fees.

Respectfully submitted

MARKS & KATZ, L.L.C.

_/s/ Jonathan L. Katz_____
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JURY TRIAL DEMAND

Defendants respectfully demand a jury.

___/s/ Jonathan L. Katz_____
Jonathan L. Katz

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Answer was served by the CM/ECF filing system on November 20, 2006, to:

Paul W. Minnich, Esquire
Rees Griffiths, Esquire
Craig T. Trebilcock, Esquire
Sean E. Summers, Esquire

___/s/ Jonathan L. Katz_____
Jonathan L. Katz