

Jon Katz

From: Jon Katz [jon@markskatz.com]
Sent: Thursday, December 21, 2006 7:14 PM
To: 'Summers, Sean E.'
Cc: 'jon@markskatz.com'; 'aleida@markskatz.com'
Subject: RE: Snyder v Phelps et al.

Dear Sean- Thanks for your attached December 21 e-mail. I will be on vacation December 22 through the end of the month, and my office will not be doing any work on this case during that time, other than my secretary's monitoring my communications for all cases I'm handling. (Our remaining lawyer also has vacation plans for next week, and I will solely be handling scheduling, unless one of the following dates remains available and is reserved).

I try to be as reasonable as I can with opposing civil litigants' extension requests. However, I am unable to consent to extending the time period for filing a motion to amend the pleadings. By the way, you have not told me the reason why you did not serve discovery requests in time to have the information for filing such a motion by January 5.

About depositions in Kansas, am I to understand that you do not seek more than one day of depositions? You said you want to depose the defendants, of whom there are two. If so, I suggest scheduling depositions for a Monday, to minimize lost business day time at our respective offices. In that regard I am available February 19 and 26; and March 5/12/19/26. Of the dates you provided, I am not available for any of them, because of an intervening Feb. 14 Maryland trial.

I wish to depose Albert Snyder at my office. My calendar also is filling up. I propose February 16, 19, 21-23, and 26-28. Please reply as soon as possible about dates, and my secretary Aleida will mark my schedule and will arrange a notice of deposition.

As to your proposed order regarding holding the depositions in Kansas, please provide me a written proposed order for me to review. Moreover, as to your reference to "your clients", my only clients in Kansas (and in this case) are Fred Phelps and Westboro Baptist Church, Inc.

I look forward to finalizing the dates for depositions. Thanks. Jon

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From: Summers, Sean E. [mailto:ssummers@barley.com]
Sent: Thursday, December 21, 2006 4:51 PM
To: jon@markskatz.com
Subject: Snyder v Phelps et al.

Jon,

The purpose of this email is the following:

1. Motions to amend the pleadings are due on 1/5/07 according to my calendar. We plan on adding the adult individuals from WBC that protested at Matt's funeral. At this time, I do not have all of their names. I plan on sending written discovery requests by tomorrow, but as you know, your responses will not be due until after 1/5/07. Therefore, I'll be filing a motion to enlarge the time to amend the pleadings. Do you concur in that

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request? I plan on asking for 30 days. I am acting under the assumption that your clients will not voluntarily provide their names prior to 1/5/07. If I do not hear from you by December 29, 2006, I will file the motion and note your non-concurrence.

2. Are you and your clients available on February 13, 14, and 15 for depositions in Kansas? My calendar fills up fast so I would like to set dates.

3. Before we go to Kansas for a deposition, I want a court order which: (1) allows us to depose your clients and witnesses in Kansas; (2) our travel to Kansas does not establish jurisdiction for purposes of any type of jurisdiction (i.e., personal, subject matter or ethics complaints) in this litigation or future litigation; (3) your clients agree not to serve us with process. I normally would not ask for this but considering the Phelps clan has threatened to sue us - it certainly is an appropriate and understandable request. You may or may not know this but they filed an ethics complaint against me and one of my colleagues already, which, by the way, was summarily dismissed. I am requesting your concurrence in this motion. Please let me know if you concur. If I do not receive a response by January 15, 2007, I will file the motion and note your non-concurrence.

If you have any questions or concerns, do not hesitate to contact me.
Sean

Sean E. Summers (ssummers@barley.com)

Esquire

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