

## AFFIDAVIT

State of Kansas; County of Shawnee; SS:

My name is Timothy B. Phelps, Sr. I am a member of Westboro Baptist Church ("WBC"), and the Clerk for the corporation. I make this affidavit in response to the proposal by plaintiff's counsel in *Snyder v. Phelps, et al.*, Case No. 06-CV-1389 RDB, for a stipulation and consent order pertaining to the deposition of Pastor Fred W. Phelps, Sr., in Topeka, KS in this case.

I have reviewed the proposed Stipulation and Consent Order Concerning Discovery proposed by plaintiff's counsel. The facts WBC offers in opposition to and/or for the Court's consideration of this proposal are:

1) Pastor Phelps is not the "leader" of WBC. He's not an officer of the corporation, nor an employee (he takes no pay for preaching). He is the pastor. According to the scriptures, he is as to the church "a servant unto all" (1 Co. 9:1); a "servant of Christ" (Ga 1:10); a servant of God (Isa. 41:9); a teacher in faith and verity (1 Ti 2:7); charged with feeding the sheep (that is spiritually) (John 21:15-17); an example to the flock (1 Pe 5:1-3). None of these amount to a "leader" in any sense; this fact is in error. Church members exercise independent judgment according to their conscience; while the members speak often one with another as the scriptures require, and are of one accord spiritually, Pastor Phelps does not purport to control what they say or do, and instead guides them spiritually and preaches. Paragraph 9 is factually in error.

2) WBC members do not all live in the "immediate vicinity" of WBC. Some live in the neighborhood; some do not. Paragraph 10 is factually in error.

3) None of the defendants and no member of WBC have any plan or intention of serving legal process of any kind on plaintiff's counsel while they are in Kansas, and instead would invoke proper procedures for any such. All defendants and WBC members intend to treat plaintiff's counsel with the utmost courtesy while in Kansas. This has been conveyed in writing through a proposed counter stipulation.

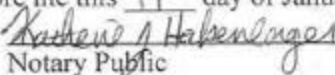
4) The law firm of Phelps-Chartered is not a party to or counsel in this case; they have no role in this case; they are not a branch office of WBC; they have no legal relationship to WBC beyond that of any of their clients, because they do from time-to-time represent WBC in its legal matters. Phelps-Chartered does not represent "the defendants in all other matters." Phelps-Chartered does not represent "all other WBC members." Paragraph 22 is factually in error. To my best knowledge and belief, the employees and attorney members of Phelps-Chartered have not been provided a copy of the proposed document by Mr. Katz; Mr. Katz has no relationship with Phelps-Chartered; so paragraph 24 is factually in error. Pastor Phelps and WBC have no authority whatsoever to bind Phelps-Chartered in any fashion and have not set out to do so, as that business is a separate professional legal entity over which Pastor Phelps and WBC have no control. Pastor Phelps retired over 15 years ago and has not been associated with Phelps-Chartered since that time.

FURTHER AFFIANT SAITH NOT.

  
TIMOTHY B. PHELPS, SR.

Subscribed and sworn to before me this 19<sup>th</sup> day of January, 2007.

My Appt. Expires: 7/10/10

  
Katherine A. Hockenbarger  
Notary Public

