

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

ALBERT SNYDER,
Plaintiff

v.

FRED W. PHELPS, SR.,
JOHN DOES and JANE DOES, and
WESTBORO BAPTIST CHURCH, INC.
Defendants

Civil Action No. 1:06-cv-01389-RDB
Judge Bennett

MOTION FOR LEAVE TO AMEND COMPLAINT

Plaintiff, Albert Snyder, by and through his undersigned counsel, hereby moves your Honorable Court for leave to amend his Complaint, and in support thereof states as follows:

1. The moving party is the within Plaintiff, Albert Snyder.
2. The respondents are the within Defendants, Fred W. Phelps, Sr., and Westboro Baptist Church, Inc (“WBC”).
3. Plaintiff filed his Complaint on June 5, 2006, naming the Defendant WBC and one of its members as Defendants. At the time of filing the Complaint, Plaintiff was aware that other members of Defendant WBC, the identities of whom were unknown, were present and protested during his son’s funeral.
4. Plaintiff’s Complaint therefore identified as Defendants unnamed John Does and Jane Does who conspired with the named Defendants.
5. During the course of discovery, Defendant Phelps and WBC identified the adult members of Defendant WBC who protested during Matt Snyder’s funeral, being Shirley L. Phelps-Roper and Rebekah A. Phelps-Davis.

6. Plaintiff desires to amend his Complaint to substitute Shirley L. Phelps-Roper and Rebekah A. Phelps-Davis for the John Does and Jane Does named in the original Complaint.

7. Plaintiff believes and therefore avers justice requires that Shirley L. Phelps-Roper and Rebekah A. Phelps-Davis be named Defendants in this action and be given the opportunity to plead in response to Plaintiff's Amended Complaint.

8. Plaintiff's proposed Amended Complaint is attached to this Motion -- a red-lined version highlighting the proposed changes is identified as Exhibit A, and a clean version is identified as Exhibit B.

9. Federal Rule of Civil Procedure 15(a) provides that a party may amend his pleading by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires.

10. The undersigned counsel attempted to obtain the consent of counsel for Defendants to the requested amendment, but counsel for Defendants has declined to consent.

WHEREFORE, Plaintiff, Albert Snyder, hereby moves your Honorable Court for leave to amend his Complaint to name Shirley L. Phelps-Roper and Rebekah A. Phelps Davis as Defendants.

BARLEY SNYDER LLC

/s/ Sean E. Summers

By:

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Defendants

Civil Action No. 06-CV-1389 RDB

CERTIFICATE OF NON-CONCURRENCE

I hereby certify that I contacted counsel for defendants, Jonathan L. Katz, with regard to the Motion for Leave to Amend Complaint, and he has **not concurred** in the Motion.

BARLEY SNYDER LLC

/s/ Sean E. Summers

By:

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February 5, 2007