

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

ALBERT SNYDER,
Plaintiff

v.

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

Civil Action No. 06-CV-1389 RDB

STIPULATION CONCERNING DISCOVERY

By stipulation of the parties, this agreement shall govern any and all discovery outside of the District of Maryland.

I. BACKGROUND

1. The parties by and through counsel, conducted a scheduling conference with the Court on November 28, 2006. The Court authorized the parties to begin discovery.

2. Defendant Phelps, by and through counsel, represented to the Court that his current physical health made travel to Maryland for a deposition difficult.

3. Based upon defendant Phelps' representation, plaintiff has agreed to depose defendant Phelps in Kansas as an accommodation to defendant Phelps.

II. KANSAS DEPOSITION

4. No counsel of record are admitted to practice law in Kansas.

5. Neither plaintiff nor any of plaintiff's counsel have conducted business in Kansas, have any contacts there and will be appearing in that forum for the limited purpose of discovery.

6. Plaintiff accepted Kansas as the forum for deposing defendant Phelps solely as an accommodation to defendant Phelps age and asserted physical ailments.

7. Plaintiff has alleged that defendant Phelps traveled to Maryland with other members of defendant Westboro Baptist Church, Inc. (“WBC”). These unnamed defendants have been identified as “John and Jane Doe” in the Complaint. The identities of the unnamed defendants have been requested via interrogatories and were responded to on or about January 23, 2007.

8. At the appropriate time, plaintiff will file a Motion to Amend the Complaint to join and identify the unnamed defendants. In general, the unnamed defendants are the adult WBC members that allegedly protested and disrupted Lance Corporal Matthew Snyder’s funeral, as more fully described in the Complaint. Additionally, the unnamed defendants allegedly defamed the plaintiff on WBC’s website - www.godhatesfags.com - as more fully described in the Complaint. All unnamed defendants are related to defendant Phelps and, in addition, are members of WBC.

9. Defendant Phelps is the pastor of WBC.

10. WBC is located in Topeka, Kansas. Its members live in Topeka, Kansas.

III. JURISDICTION

11. The parties agree that plaintiff and plaintiff’s counsel’s are appearing in Kansas as an accommodation to the defendants and for the sole and limited purposes described above.

12. Participation by plaintiff or plaintiff’s counsel in depositions in Kansas does not establish personal jurisdiction of state or federal courts of Kansas over plaintiff or of any of Plaintiff’s counsel or fulfill the minimum contacts required to defend any actions in Kansas.

13. Defendants agree not to serve or attempt to serve plaintiff or any of his counsel with legal process while in Kansas or otherwise utilize their presence in Kansas as a predicate for establishing personal jurisdiction of any of them.

14. Defendants agree not to initiate or pursue any action against plaintiff or his counsel for any act or omission concerning or related to discovery in Kansas. The sole purpose for the plaintiff or his counsel to travel to Kansas is to accommodate the defendants in the discovery process.

15. Defendants agree not to initiate or pursue any ethical complaints against plaintiff's counsel. Further, in the event defendants or their counsel believe a rule requires them to file an ethics complaint, defendants will seek leave of court before filing any such complaint.

16. The parties agree that the sole and exclusive jurisdiction of any and all disputes by and between the parties or their counsel is the District of Maryland.

17. Mr. Jon Katz, Esquire, represents the defendants in the above-captioned matter. Phelps Chartered Law Firm represents the defendants in other matters. Additionally, Phelps Chartered Law Firm represents other WBC members.

18. The Phelps Chartered Law Firm attorneys are defendant Phelps' children and defendant Phelps is the founding member of the Phelps Chartered Law Firm. See www.phelpschartered.com/FirmHistory.

19. Although attorneys from the Phelps Chartered Law Firm have not entered their appearance in the within action, Mr. Katz has provided them with this Stipulation.

20. The Phelps Chartered Law Firm and their attorneys agree to be bound by the within Stipulation. In addition, the Phelps Chartered Law Firm agrees not to represent any person or entity in any action or claim against the plaintiff or his counsel concerning or related to discovery in Kansas. By signing this Stipulation, Phelps Chartered attorneys are not entering their appearance in this matter.

21. Similarly, the Phelps Chartered Law Firm and its attorneys agree not to file any ethics complaints against plaintiff's counsel. In the event that the Phelps Chartered Law Firm or its attorneys believe a rule requires them to file an ethics complaint, Mr. Katz, on their behalf, will seek leave of Court before filing any such complaint.

22. The parties agree that the Court may enforce the within Stipulation by filing a Motion in the above-captioned case. The parties to this agreement agree that the Court may enforce this agreement with contempt powers.

23. In the event that either party or the Phelps Chartered Law Firm violates this agreement, the violating party shall pay the non-violating parties attorney fees.

24. In the event that any WBC member, entity or person related to defendant Phelps files an action against the plaintiff or his counsel, the defendants and Phelps Chartered attorneys concur in any and all motions to transfer venue from any Court to the District of Maryland.

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