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May 24, 2007

The Honorable Richard D. Bennett  
United States District Court  
District of Maryland  
U.S. Courthouse - Chambers 5D  
101 W. Lombard Street  
Baltimore, MD 21201

Re: **Snyder v. Phelps, et al.**  
**Civil No. RDB 06-1389**

Dear Judge Bennett:

The Plaintiff has requested this conference and this letter is submitted pursuant to the Court's Order, by means of a letter, dated November 28, 2006. In general, Defendants Shirley Phelps-Roper and Rebekah Phelps-Davis ("pro se defendants") will not participate in discovery until Ordered to do so by the Court.

On May 4, 2007, Plaintiff sent proposed dates to depose the pro se defendants. In response, pro se defendants claimed that they were not required to participate in discovery until a scheduling conference was held. Ironically, the pro se defendants filed a Motion to Stay Discovery on April 16, 2007. This Honorable Court denied the pro se defendants' request to stay discovery but did not mention a scheduling conference. Implicitly, discovery should have resumed for the pro se defendants after the Court denied their motion.

On April 24, 2007, pro se defendants filed a variety of motions to include a Motion for reconsideration of the Motion to Stay Discovery, which is pending resolution. Presumably, the pro se defendants thought that they were required to comply with and participate in discovery or they would not have filed a Motion to Stay Discovery (or the subsequent Motion for Reconsideration) -- any other story does not make sense.

In the event that a scheduling conference is required prior to beginning discovery with the pro se defendants, Plaintiff requests that dates immediately be set and additional time be granted to conduct discovery. However, the trial date can remain the same.

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As an additional matter, the pro se defendants filed a responsive pleading styled as, *inter alia*, a Motion to Dismiss and a Motion for Summary Judgment. When Plaintiff was required to respond to the aforementioned motion, the transcripts for the previously taken depositions were not available. However, the pro se defendants had the opportunity to utilize the transcripts for their reply brief.

With this background, Plaintiff will request Leave of Court pursuant to L. R. 105.2(a) concerning authorization to file a sur-reply. This, obviously, assumes that the Court intends to rule on a motion for summary judgment at this premature stage and before the pro se defendants are deposed. If this is something that is required to be discussed in advance of its filing, Plaintiff would like to discuss the same during the conference. Otherwise, Plaintiff will just file the motion and have the Court rule upon it.

Sincerely,

/s/ Sean E. Summers

Sean E. Summers

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