

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division**

ALBERT SNYDER,)	
)	
Plaintiff)	Case No. 1:06-CV-01389-RDB
)	
FRED W. PHELPS, SR., et al,)	
)	
Defendants.)	

DEFENDANT WESTBORO BAPTIST CHURCH, INC.'S AND FRED W. PHELPS'S MEMORANDUM REGARDING SCOPE OF DR. BLUMBERG'S INDEPENDENT MEDICAL EXAMINATION, AND MOTION TO RECONSIDER LIMITATION ON THE LENGTH OF THE IME.

Pursuant to the June 11, 2007, conference call in this civil action, Defendants Westboro Baptist Church and Fred Phelps, Sr. (collectively, "Defendants") present the following:

1. Defendants reincorporate by reference the attached Second Declaration of Neil Blumberg, M.D. Dr. Blumberg spoke with undersigned counsel on June 12, 2007, informed him that he is offsite on June 12 to sign the Second Declaration today, and confirmed that he will sign and provide undersigned counsel said Declaration verbatim before June 13, 2007. Undersigned counsel plans to file the same before close of business on June 13, 2007, after returning from court.

2. The cases cited by undersigned counsel in his June 7, 2007, letter for the above-described June 11 conference call support giving substantial weight to independent medical examination (IME) experts not only for assertions that the presence of witnesses will disrupt the reliability of the IME, but also for Dr.

Blumberg's assertions that limits on the scope and time length of the IME will similarly disrupt such liability.

3. Defendants hereby move the Court to reconsider its limitation on June 11 to a three-hour IME. This case is too high-stakes for this decision to have been made without affording the parties an opportunity to brief the issue, which Defendants now do with this Memorandum and accompanying Declaration from Neil Blumberg, M.D.

Moreover, nothing in the Court's standing order on conference calls before filing discovery motions put Defendants on notice that such an issue could or would have been handled during the June 11 conference call which undersigned counsel requested for the sole issue of whether witnesses could be present at the IME. The issue of the length of the IME was only raise by opposing counsel in his June 8 filing entered on the ECF filing system only a few business hours before the June 11 conference call.

WHEREFORE, Defendants respectfully submit the attached Declaration of Dr. Blumberg both as to the scope of the IME and to urge that a three-hour IME will amount to no useful IME at all.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document production responses was served by the CM/ECF filing system (and by mail to the pro se defendants) on June 12, 2007, to:

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