

Rebekah A. Phelps-Davis
Pro Se Defendant
1216 Cambridge
Topeka, KS 66604
785.845.5938
785.233.0766 - fax
& Shirley L. Phelps-Roper
Pro Se Defendant
3640 Churchill Road
Topeka, KS 66604
785.640.6334
785.233.0766 - fax
beshsnscs.@cox.net

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AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND – BALTIMORE DIVISION

ALBERT SNYDER,

Plaintiff,

vs.

Case No. 1:06-cv-1389-RDB

FRED W. PHELPS, SR.;
SHIRLEY L. PHELPS-ROPER;
REBEKAH A. PHELPS-DAVIS; and,
WESTBORO BAPTIST CHURCH, INC.,
Defendants.

ANSWER TO COMPLAINT BY DEFENDANTS
REBEKAH A. PHELPS-DAVIS & SHIRLEY L. PHELPS-ROPER

Rebekah A. Phelps-Davis and Shirley L. Phelps-Roper, as pro se defendants herein, hereby answer the Complaint filed February 5, 2007, and served on them March 26, 2007, as follows:

FIRST DEFENSE

Introduction and General Responses and Denials

Defendants Phelps-Davis and Phelps-Roper answer the numbered paragraphs of the Complaint, *ad seriatim*, as follows. To the extent the Complaint alleges that defendants are officers or directors of defendant Westboro that is denied.

Specific Responses

1. In response to paragraph 1 of the Complaint, defendants agree these are the claims plaintiff asserts, but deny the claims are supported by the facts or the law; deny that they acted with any wrongful or unlawful intent; deny that plaintiff is damaged; and deny that there is any basis for this action or for a claim for punitive damages.
2. In response to paragraph 2 of the Complaint, defendants deny the Court has jurisdiction, deny that plaintiff has properly alleged diversity of citizenship; and deny that the amount in controversy exceeds \$75,000.
3. In response to paragraph 3 of the Complaint, defendants deny that venue is proper in Maryland, and specifically deny that a substantial part of the events giving rise to the claim occurred in Maryland.
4. In response to paragraph 4 of the Complaint, defendants request a jury trial.
5. In response to paragraph 5 of the complaint, defendants are without sufficient knowledge to admit or deny where plaintiff lives.
6. In response to paragraph 6 of the Complaint, it is admitted.
7. In response to paragraph 7 of the Complaint, it is admitted.
8. In response to paragraph 8 of the Complaint, it is admitted.

9. In response to paragraph 9 of the Complaint, it is admitted.
10. In response to paragraph 10 of the Complaint, it is denied in full.
11. In response to paragraph 11, it is admitted.
12. In response to paragraph 12, it is admitted that plaintiff has stated he is the father of Matthew Snyder; defendants are without sufficient knowledge to admit or deny the date of Matthew Snyder's birth.
13. In response to paragraph 13, defendants are without sufficient knowledge to admit or deny when Matthew Snyder joined the United States Marine Corps.
14. In response to paragraph 14, defendants are without sufficient knowledge to admit or deny when Matthew Snyder was deployed to Iraq.
15. In response to paragraph 15, it is admitted that public reports indicated Matthew Snyder was killed on March 3, 2006; defendants are without sufficient knowledge to admit or deny how he died, or whether it was in the line of duty.
16. In response to paragraph 16, defendants are without sufficient knowledge to admit or deny when Matthew Snyder was returned to the United States, or when or what kind of funeral his family planned. It is admitted that public announcements stated that his funeral was to be held on March 10, 2006, at St. John's Catholic Church in Westminster, Maryland.
17. In response to paragraph 17, it is admitted.
18. In response to paragraph 18, it is denied in full.

19. In response to paragraph 19, it is denied that defendants preach and advocate a hatred for homosexuals; it is denied that defendants protest military funerals; it is admitted that defendants have at times on public sidewalks or right-of-ways held signs saying, “God Hates Fags,” “Semper Fi Fags,” and “Thank God for Dead Soldiers,” all of which is their religious opinion and expression.

20. In response to paragraph 20, it is admitted that the words quoted appear on one of the Web pages of Westboro Baptist Church, Inc., and that said language is a partial answer to the question of why Westboro members picket at soldiers’ funerals; and all such language is part of the full Web site which is in its entirety expression of religious opinion and commentary by Westboro Baptist Church, Inc.

21. In response to paragraph 21, it is denied.

22. In response to paragraph 22, it is denied.

23. In response to paragraph 23, it is denied.

24. In response to paragraph 24, it is admitted that these words appear on the Web site www.godhatesfags.com, and that this is only a small portion of the epic that appears at www.godhatesfags.com/featured/epics/2006/20060310_maryland-epic.pdf, the full content of which shows on the face it is religious opinion.

25. In response to paragraph 25, it is denied as worded; it is admitted that the quoted words appear on the Web site www.godhatesfags.com, and that this is only a small portion of the epic

that appears at www.godhatesfags.com/featured/epics/2006/20060310_maryland-epic.pdf, the full content of which shows on the face it is religious opinion.

26. In response to paragraph 26, it is denied.

27. In response to paragraph 27, defendants state that the content of the Web site speaks for itself; it is admitted that photos of signs appear on the Web site that say, "God Hates You," "America is Doomed," "You're Going to Hell", "Fag Troops, "God Hates the USA," "God's View," "Don't Pray for the USA," and "God Hates Fags." It is denied that any sign states "Semper Fi, Semper Fags," or "Pope in hell in Westminster, MD," on the Web site or otherwise. It is denied that these photos were all from Westminster, Maryland. It is denied that any signs were held "at Matt's funeral," as all signs in Westminster, Maryland on March 10, 2006, were a thousand feet away from the funeral, before the funeral started, and no person going to/from the funeral saw them.

28. With regard to paragraph 28, it is denied in full.

29. With regard to paragraph 29, all above responses are incorporated here by reference as though set out here in full verbatim.

30. With regard to paragraph 30, it is denied in full.

31. With regard to paragraph 31, it is denied in full.

32. With regard to paragraph 32, it is denied in full.

33. With regard to paragraph 33, it is denied in full.

34. With regard to paragraph 34, it is denied in full.

35. With regard to paragraph 35, it is denied in full.
36. With regard to paragraph 36, it is denied in full.
37. In response to paragraph 37, it is denied in full.
38. With regard to paragraph 38, it is denied as worded; it is admitted that defendants have announced further pickets related to the public demonstrations held in connection with soldiers' funerals and will continue to do so, as such is a legitimate means of expressing their religious views on matters of intense public interest in a public arena.
39. With regard to paragraph 39, it is denied as worded as to these defendants.
40. With regard to paragraph 40, it is denied as to these defendants.
41. With regard to paragraph 41, all above responses are incorporated here by reference as though set out here in full verbatim.
42. With regard to paragraph 42, it is denied in full.
43. With regard to paragraph 43, it is denied in full, and defendants affirmatively assert that the funeral was in fact a public event, opened to the public, and of public interest and importance; and further the activity occurring outside of the funeral was also a public event, opened to the public, on public right-of-ways, of public interest and importance.
44. With regard to paragraph 44, it is denied in full.
45. With regard to paragraph 45, it is denied in full.
46. With regard to paragraph 46, all above responses are incorporated here by reference as though set out here in full verbatim.

47. With regard to paragraph 47, it is denied in full.
48. With regard to paragraph 48, it is denied in full.
49. With regard to paragraph 49, it is denied in full, and defendants affirmatively assert that their actions and statements are wholly consistent with powerful legitimate concerns of the public, and in the best interest of the public, such that their actions were privileged.
50. With regard to paragraph 50, it is denied in full.
51. With regard to paragraph 51, it is denied in full.
52. with regard to paragraph 52, all above responses are incorporated here by reference as though set out here in full verbatim.
53. With regard to paragraph 53, it is denied in full.
54. With regard to paragraph 54, it is denied in full.
55. With regard to paragraph 55, it is denied in full.
56. with regard to paragraph 56, it is denied in full.
57. With regard to paragraph 57, it is denied in full.
58. With regard to paragraph 58, all above responses are incorporated here by reference as though set out here in full verbatim.
59. With regard to paragraph 59, it is denied in full.
60. With regard to paragraph 60, it is denied in full.
61. With regard to paragraph 61, it is denied in full.
62. With regard to paragraph 62, it is denied in full.

63. With regard to paragraph 63, it is denied in full.

64. Defendants state that plaintiff is not entitled to any damages, either general, special, costs, disbursements or punitive damages, in fact or law, on any theory, for any reason, including that he has not suffered any compensable damages, and is not entitled to assert any alleged injury on behalf of any other person or estate.

65. To the extent any fact alleged is not admitted specifically above, it is hereby denied.

66. To the extent any legal theory asserted is not refuted and denied specifically above, it is hereby refuted and denied.

Second Defense

67. Defendants have answered all numbered paragraphs of the Complaint. To the extent that defendants have not answered all allegations in the Complaint, the remaining allegations that have not already been answered are hereby denied.

Third Defense

Defendants assert all applicable specific defenses in law and fact, including but not limited to the following:

68. The Complaint is barred by the applicable statute of limitations.

69. The Complaint is barred by the doctrines and law governing unclean hands, laches, waiver and estoppel.

70. The Complaint fails to state a claim upon which relief can be granted.

71. Plaintiff is not eligible for any judgment for any harm alleged to have occurred to Matthew Snyder or his estate, as any such claims died with him, and he and his estate are not named parties herein.

72. Plaintiff is not eligible for any judgment for any harm alleged to have occurred to any other family member, as they are not parties herein.

73. Plaintiff is not eligible for any judgment for any harm alleged to have occurred to any other person, including any other family member of any deceased soldier, any estate of any deceased soldier, or otherwise, as they are not parties herein.

74. Plaintiff failed to use sufficient due diligence to learn the identity of these defendants and name them in a timely fashion and as such the claims against them should be dismissed.

75. Defendants incorporate all arguments, authorities, defenses, and content of their Motion to Dismiss or for Summary Judgment, Memorandum in support, and reply to plaintiff's response, herein, in full, as though set out verbatim, and itemized by defenses and theories.

76. Defendants incorporate all answers, responses, argument, authorities, theories and defenses asserted by defendants Westboro and Phelps in this action, in all filings, as though set out here verbatim, and itemized.

77. Defendants specifically allege the truth of their statements.

78. Defendants specifically allege that their actions pertained to a public figure, a public issue, a matter of public interest, a matter of legitimate public concern, and as such their words and actions were privileged and protected.

79. Defendants specifically assert the defense of good faith immunity from suit, in that their actions were privileged under the existing law, and they should have both absolute and/or conditional immunity herein, as a matter of law.
80. Defendants specifically assert the defense that their words about which plaintiff complains, to the extent either of these defendants uttered them, are statements of opinion, and thus as a matter of law not defamatory, and the Court lacks jurisdiction to adjudicate the same.
81. Defendants specifically assert that their actions and words were exclusively about public and published matters, and were never about any private fact or event or matter.
82. The First Amendment prohibits imposing civil penalties for protected religious speech; all of the words about which plaintiff complains are protected religious speech.
83. Defendants specifically and affirmatively assert that First Amendment privileges, immunities and protections cannot, as a matter of law, be circumvented by groundless tort claims.
84. Defendants specifically deny they published any private facts.
85. Defendants specifically deny that they intruded on any seclusion of any kind.
86. Defendants specifically assert that plaintiff is a public figure.
87. Defendants specifically assert that the funeral at issue was a public event.
88. Defendants specifically assert that the events surrounding the funeral at issue were public events and matters of public concern and interest.

89. Defendants specifically assert that the Court lacks subject matter jurisdiction herein because the matters complained of pertain to matters of religious opinion and doctrine, and are not the proper subjects of litigation or matters to be decided by civil courts or authorities, so any ruling by this Court on these issues would constitute excessive entanglement, establishment of a religion, and/or prohibition of a religion, contrary to the First Amendment including the Free Exercise and Establishment Clauses.

90. Defendants specifically assert that the Court lacks personal jurisdiction herein.

91. Defendants specifically assert that this is an improper venue.

92. Defendants contend they are entitled to judgment as a matter of law.

93. Defendants specifically assert that plaintiff has failed to sufficiently plead subject matter or personal jurisdiction, or any claim upon which relief can be granted.

94. Defendants specifically assert that defendant did not suffer any level of emotional injury adequate to satisfy the elements and requirements of the tort of intentional infliction of emotional distress, and/or that he suffered no physical or medical injury accompanying any emotional injury; and that rather plaintiff's angst is a product of his son's death over which defendants' had no control and his disagreement with defendants' religious beliefs, nothing more.

95. Defendants reserve all Rule 12(b) affirmative and/or general defenses not specifically enumerated herein, that may become apparent upon completion of further discovery and pretrial proceedings.

Fourth Defense

96. Defendants demand strict proof of all allegations that they have denied.

Fifth Defense

97. Defendants specifically assert that plaintiff has not been damaged and has no injuries and is entitled to no damages of any kind.

Jury Trial

98. Defendants request a jury trial.

Relief

99. Defendants having fully answered pray that the Complaint be dismissed; that defendant take nothing on his alleged claims for relief; that an order be issued for plaintiff to pay defendants' litigation costs, and attorney's fees; and that all such further relief in law and equity be afforded them for these false claims.

Respectfully submitted,



Rebekah A. Phelps-Davis

Pro Se Defendant

1216 Cambridge


Topeka, KS 66604

785.845.5938

785.233.0766 – fax

beshsnscs@cox.net

&



Shirley L. Phelps-Roper

Pro Se Defendant

3640 Churchill Road

Topeka, KS 66604

785.640.6334

785.233.0766 - fax

beshsnscs.@cox.net

CERTIFICATE OF SERVICE

We hereby certify that the pleading was served on June 18, 2007, as follows:

Original + 2 copies, with 2-hole punch, by express mail, with return envelope, to:
U S District Court Clerk
101 W. Lombard Street, 4th Floor
Baltimore, MD 21201

Copy by regular mail to:
Mr. Sean E. Summers, Esq.
Mr. Paul W. Minnich, Esq.
Mr. Rees Griffiths, Esq.
Barley Snyder LLC
100 E Market St
PO Box 15012
York, PA 17401

Mr. Craig Tod Trebilcock, Esq.
Shumaker Williams PC
135 N George St Ste 201
York PA 17401

Mr. Jonathan L. Katz, Esq.
1400 Spring St., Suite 410
Silver Spring, MD 20910



Rebekah A. Phelps-Davis, Defendant Pro Se



Shirley L. Phelps-Roper, Defendant Pro Se