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 JUN 19 2007  
 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.

**PRELIMINARY SUBMISSION PER RULE 26(a)(2)**  
**& MOTION FOR ADDITIONAL TIME FOR**  
**FINAL RULE 26(a)(2) SUBMISSION**

Rebekah A. Phelps-Davis and Shirley L. Phelps-Roper, as pro se defendants herein, hereby jointly make the following submissions pursuant to Rule 26(a)(2); and, defendants move the Court for additional time of four weeks, or to and including July 16, 2007, within which to make their final Rule 26(a)(2) submissions herein.

In support hereof, defendants show the Court the following:

1. Defendants Phelps-Davis and Phelps-Roper incorporate all expert witnesses listed, reports submitted, and other Rule 26(a)(2) information provided, by defendants Westboro and Phelps; and hereby state their intent to rely on those expert witnesses already identified in this record,

including all reports, supplemental reports, submissions, supplemental submissions, and otherwise.

2. Defendants Phelps-Davis and Phelps-Roper identify two additional expert witnesses, as follows:
  - a. Jeffrey Kramer, Kramer Communications, 12504 Quarterhorse Drive, Bowie, MD 20720; 301.352.3052. Mr. Kramer will videotape the area where defendants picketed on March 10, 2006, and the surrounding area, including the church, the buildings near the church; the entrances to the church; the area between the entrances and where defendants picketed; the area where plaintiff turned in to go to the church; and so forth. This videotape will be produced along with information about Mr. Kramer's credentials and fees as soon as they are completed. Information about Kramer Communications can be found at [www.kramercommunications.tv](http://www.kramercommunications.tv).
  - b. Expert witness(es) on the topic of religious history in America as it pertains to the similarities between churches/preachers/religious beliefs in early America and defendants'. In this respect, defendants show the Court that they have made contact with various potential experts; that additional time is needed to secure their participation, finalize arrangements and get a report from one or more of them; and that the potential individuals to serve as expert witness(es) in this category (with whom contact has been made) are: Dr. Randall Balmer, Professor of Religion, Columbia University; details of his credentials are found at <http://www.barnard.edu/religion/balmer.htm>; . C. J. Mahaney, President or Jeff Purswell, Dean of the Pastors College, Sovereign Grace Ministries; details of their credentials are found at [www.sovereigngraceministries.org/About/LeadershipBios/CJBio.aspx](http://www.sovereigngraceministries.org/About/LeadershipBios/CJBio.aspx) and <http://www.sovereigngraceministries.org/PC/JeffPurswellBio.aspx>; Dr. George M. Marsden,

Professor of History, University of Notre Dame; details of his credentials can be found at <http://www.nd.edu/~gmarsden/cv.html>; Dr. W. Clark Gilpin, Professor of the History of Christianity and Theology, University of Chicago; details of his credentials are found at <http://divinity.uchicago.edu/faculty/gilpin.shtml>; Dr. Philip Goff, Center for the Study of Religion and American Culture, University of Indiana, details of his credentials are found at <http://www.liberalarts.iupui.edu/rel/downloads/cv-goff.pdf>; Dr. Stephen Prothero, Department of Religion, Boston University, details of his credentials are found at <http://www.bu.edu/religion/faculty/bios/prothero.html>; and/or Donald L. Drakeman, author of *The Church Historians Who Made the First Amendment What It Is Today*.

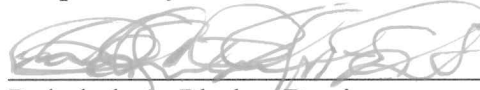
3. Given that the second expert has not been finalized and identified, defendants respectfully ask that the Court allow them four weeks additional time, or to and including July 16, within which to make final submissions related to this witness. In support of this request, defendants show the Court:
  - a. Defendants were served in this case on March 26, 2007.
  - b. Defendants filed motions to dismiss and for summary judgment on April 24, 2007.
  - c. The Court overruled those motions on June 5, 2007, and ordered defendants to Answer.
  - d. Defendants' Answer is being submitted simultaneous with this filing.
  - e. On May 29, 2007, the Court scheduled a conference call at plaintiff's counsel's request to address discovery issues. Though no prior notice was filed indicating a scheduling conference would be held at that time, the Court advised during the conference call that it would hold a scheduling conference at that time.

- f. Thus, on May 29, 2007, the Court set June 18, 2007, as the date by which defendants are required to make Rule 26(a)(2) submissions.
- g. The Court inquired at the time of the conference call whether these defendants would use any experts different from those identified by defendants Westboro and Phelps. Defendants have had an opportunity to review the issue of what additional expert witnesses may be required in this matter, though only a few weeks since the scheduling conference (and only fifteen weeks since being served). Defendants believe expert witnesses in the two areas indicated above are necessary for their defense. The reason for the videographer is to provide neutral documented evidence of the distance between defendants and other Westboro picketers and any funeral goers, including plaintiff; and the overall layout. (Defendants may ask the Court to permit the jury to go to the scene; this alternative may also be necessary for the jury to see how the events occurred on March 10, 2006.) In addition, defendants believe given the nature of the allegations against them, which all pertain to words which are expressions of their religious beliefs applied to current events, that it is important to have a religious historian address the fact that many early churches and preachers in America had similar doctrines about God's wrath, vengeance, retribution, and punishment for sin, and hell, and related matters. Plaintiff has testified to his views about God and has put them in issue in this case, and has in strong terms decried and denounced defendants' religious views, as they pertain to the purpose in picketing in relation to death events; and has requested damages, including punitive damages, against defendants, based solely on their words which are clearly religious in nature. Thus these issues are proper subjects of expert testimony.

- h. Given the very limited time that has been available to defendants, and the fact that defendants' message is highly controversial and frequently the topic of strong disagreement (so some witnesses are not willing to be involved), finalizing an expert on this topic will require additional time.
- i. Defendants have acted diligently, researching and making contact with persons with expertise in religious history as they are able to identify them; and as indicated above, one person in particular has indicated a willingness to review the possibility of testifying on these topics, but more time is needed for this review, his decision, and follow up as necessary.
- j. Defendants have been working on this task and will continue doing so, and believe they can accomplish the same within the additional five weeks requested.
- k. Plaintiff could be afforded time past the discovery cutoff of August 6, 2007, if/as necessary, to depose this expert, without jeopardizing the trial date or any other dates. Defendant Phelps-Davis attempted to communicate with counsel for plaintiff about his position on this request on June 18, but due to schedules she was unable to reach counsel before this document had to be taken to the post office for express mailing. So plaintiff's position on this request is unknown.

WHEREFORE, defendants respectfully submit their preliminary submissions under Rule 26(a)(2); and request that the Court issue an order allowing them four weeks additional time, or to and including July 16, 2007, within which to make final Rule 26(a)(2) submissions herein.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

We hereby certify that the foregoing document 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, 4<sup>th</sup> Floor  
Baltimore, MD 21201

Copy by regular mail to:  
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Rebekah A. Phelps-Davis, Defendant Pro Se



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Shirley L. Phelps-Roper, Defendant Pro Se