

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ALBERT SNYDER,

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Plaintiff,

*

v.

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Civil Action No. RDB-06-1389

FRED W. PHELPS, SR., et al.,

*

Defendants.

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MEMORANDUM OPINION

This action arises out of a Complaint filed by Albert Snyder (“Plaintiff”) against Fred W. Phelps, Sr. (“Phelps”), Westboro Baptist Church, Inc. (“WBC”), Rebekah Phelps-Davis (“Phelps-Davis”), and Shirley Phelps-Roper (“Phelps-Roper”). Plaintiff alleges that the individual Defendants and other members of the WBC committed several intentional torts against him when they intruded upon and staged protests at the funeral for his son, a Lance Corporal in the U.S. Marines Corps who was killed in Iraq, and published defamatory information about Plaintiff and his family on the Internet. Pending before this Court is the Motion of Defendants Phelps-Davis and Phelps-Roper to Dismiss or for Summary Judgment and for Other Relief.¹ This Court has jurisdiction pursuant to 28 U.S.C. § 1332. The parties’ submissions have been reviewed and no hearing is necessary. *See* Local Rule 105.6 (D. Md. 2004). For the reasons stated below, Phelps-Davis and Phelps-Roper’s Motion to Dismiss or for

¹ Phelps-Davis and Phelps-Roper’s request for a scheduling conference is moot in light of a telephonic conference held March 29, 2007 discussing the schedule to be followed in this case and this Court’s letter order dated May 30, 2007 setting out the revised schedule. In addition, their request for reconsideration of the Order denying their Motion to Stay Discovery is moot as the motion sought only to stay discovery until they filed and this Court ruled upon a motion to dismiss—which ruling is set forth in this Memorandum Opinion and separate Order.

Summary Judgment is DENIED.

BACKGROUND

The facts are viewed in a light most favorable to the Plaintiff. Albert Snyder is a resident of York, Pennsylvania. His son, Matthew Snyder, was a Lance Corporal in the U.S. Marine Corps. On March 3, 2006, Lance Corporal Snyder was killed in the line of duty while conducting combat operations in Iraq. After his body was transported back to the United States, Plaintiff and his family arranged for funeral and burial services to be held on March 10, 2006, at St. John's Catholic Church in Westminster, Maryland.

It is undisputed that Defendants Shirley Phelps-Roper and Rebekah Phelps-Davis ("Defendants"), along with other members of the Westboro Baptist Church, headed by their father, Defendant Fred W. Phelps, Sr., picketed Lance Corporal Snyder's funeral without invitation. (Am. Compl. ¶ 21; Defs.' Mem. Supp. Mot. Dismiss ¶¶ 37, 44-47, 51). Their messages included "Semper Fi Fags," "God Hates America," and other similar sentiments expressing their views against homosexuality, Catholicism, and the military. (Defs.' Mem. Supp. Mot. Dismiss ¶¶ 81-82.) WBC and the individual Defendants also maintain several websites in which they endorse the same messages and post accounts and pictures of their funeral protests. On one of the websites, www.godhatesfags.com, the Defendants posted specific comments that Plaintiff and his wife "raised [Matthew] for the devil," "RIPPED that body apart and taught Matthew to defy his Creator, to divorce, and to commit adultery," "taught him how to support the largest pedophile machine in the history of the entire world, the Roman Catholic monstrosity," and "taught Matthew to be an idolator."

On June 5, 2006, Plaintiff filed suit in this Court against WBC, Phelps, and unnamed

Jane and John Does who took part in WBC's activities but had not yet been identified. The Complaint alleged five separate causes of action: Count I - Defamation; Count II - Intrusion upon Seclusion (Invasion of Privacy); Count III - Publicity Given to Private Life (Invasion of Privacy); Count IV - Intentional Infliction of Emotional Distress; and Count V - Civil Conspiracy. On August 2, 2006, after repeatedly attempting in vain to serve Phelps and WBC with process, Plaintiff moved for a court order allowing alternative service of process (Paper No. 12). As a result of prior counsel having indicated representation of Defendants Phelps and WBC, this Court, by Order dated August 2, 2006, granted Plaintiff's motion and allowed Plaintiff to serve Defendants by alternative means. On August 29, 2006, the Plaintiff moved for attorney's fees and costs associated with serving Phelps and the church (Paper No. 20). This Court granted the motion and awarded the Plaintiff \$3150.00 on December 11, 2006.

Meanwhile, Defendants Phelps and WBC filed a Motion to Dismiss on September 18, 2006 (Paper No. 23), for insufficient service of process, lack of subject matter jurisdiction, lack of personal jurisdiction, improper venue, and failure to state a claim upon which relief can be granted. This Court denied Phelps and WBC's motion on October 30, 2006.

On February 23, 2007, Snyder filed, by leave of Court, an Amended Complaint adding as Defendants Shirley L. Phelps-Roper and Rebekah A. Phelps-Davis ("Defendants"), two daughters of the Defendant Fred W. Phelps, Sr. The substance of the Amended Complaint is similar to the original Complaint, bringing the same five causes of action—defamation, intrusion upon seclusion, publicity given to private life, intentional infliction of emotional distress, and civil conspiracy—against all four named Defendants.

Phelps-Roper and Phelps-Davis, proceeding in proper person, filed a Motion to Stay