

NO. 22-122

**IN THE SUPREME COURT OF THE
UNITED STATES**

PHILIP SNYDER,

PETITIONER,

V.

TENTH PRESBYTERIAN CHURCH,

RESPONDENT.

**ON PETITION FOR WRIT OF
CERTIORARI TO THE SUPREME
COURT OF PENNSYLVANIA**

**RESPONDENT'S BRIEF IN
OPPOSITION TO PETITION FOR
WRIT OF CERTIORARI**

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COUNTERSTATEMENT OF
QUESTION PRESENTED

Whether a preliminary injunction is warranted when an individual's conduct is hostile, threatening and dangerous, such that the behavior extends beyond "free speech" and, therefore, is not protected under either the United States Constitution or the Constitution of the Commonwealth of Pennsylvania.

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INTRODUCTION

The instant matter involves a disgruntled, excommunicated member of Tenth Presbyterian Church (“Church” or “Respondent”), who claims that his abusive conduct, which has caused distress and invoked fear among Church members, is subject to First Amendment protection. Petitioner, Philip Snyder (“Petitioner”), who has engaged in threatening behavior towards congregants and has even been spotted with a gun on the premises, believes that it is his “Christian duty” to remove Senior Minister Liam Goligher (“Dr. Goligher”) from the Church. (Supp. App. C at p. 249-250; Feb. 10, 2020 N.T. at p. 65, l. 15 – p. 66, l. 6). The Trial Court (Court of Common Pleas of Philadelphia County, Pennsylvania), taking the evidence in totality, found that Petitioner would not cease his efforts to remove Dr. Goligher from the Church and determined that “the injunction is necessary to prevent further escalation of the protesting standoff including the possibility of violence.” App. B at p. 42. Similarly, upon review of the record, the Superior Court of Pennsylvania found that reasonable grounds existed to support the imposition of a preliminary injunction. *See* App. C.

Although Petitioner categorizes the Superior Court of Pennsylvania’s

Order upholding the Trial Court's imposition of a preliminary injunction as a prior restraint on his speech, Petitioner fails to acknowledge that his conduct eclipses pure speech. For example, an elderly woman was accosted by Petitioner on Easter Sunday in 2019. (Supp. App. C at p. 306-307; Feb. 10, 2020 N.T. at 122, l. 8 – p. 123, l. 13). Similarly, on another occasion, Petitioner called another Church member, Susan Elzey, a “liar” and continued to harass her as she entered the Church. (Supp. App. B at p. 114; Jan. 30, 2020 N.T. at p. 71, ll. 6-22). Further, Petitioner demonstrated a fascination with firearms and would inform Dr. Goligher of individuals whom he believed were carrying. (Supp. App. C at p. 277; Feb. 10, 2020 N.T. at p. 93, ll. 18-22). This behavior clearly extends beyond mere speech, as it subjects individuals, who simply seek to gather in their house of worship, to abuse. Petitioner's conduct is not protected under either the First and/or Fourteenth Amendments of the United States Constitution, or Article I, Section 7 of the Pennsylvania Constitution.

As will be explained below, the Superior Court of Pennsylvania's holding is proper, and an appeal to the Supreme Court of the United States is not warranted.

**COUNTERSTATEMENT OF THE
CASE**

Respondent is located in Center City Philadelphia and has a congregation of more than 2,000 members. Petitioner is a former member of the Church who moved to Philadelphia from California in 2008 to join the Church. While a member of the Church, Petitioner sent many letters through e-mail and/or regular mail to hundreds, if not thousands, of the Church's members containing salacious allegations that crimes were committed at the Church or involving the congregation. The allegations included: sexual assault, rape, harboring an illegal alien, theft of minor's property, and theft by a deacon. Respondent devoted substantial time and resources to address Petitioner's grievances and allegations – to ensure him that things were not as he perceived. Specifically, Senior Minister Liam Goligher attempted to counsel Petitioner by organizing meetings with him and individuals with whom Petitioner had raised concerns; however, Petitioner was relentless and demanded that all of the leaders of the Church resign. In response to Petitioner's mass-mailings, the Church sent letters to its members informing them that all matters were investigated, handled and closed. Ultimately, Petitioner was excommunicated from the Church in

August of 2016 for violating the Book of Order (the governing document of the Presbyterian Church) and was escorted from the premises to protect the safety of the Church and its members.

In January of 2017, Petitioner filed a lawsuit against two leaders of the Church, alleging that their letters to congregants were defamatory, as was his excommunication. During the pendency of his lawsuit, Petitioner engaged in leafletting in front of the Church. The communications distributed by Petitioner contained the same unsubstantiated, unfounded, and/or salacious allegations. The case ultimately proceeded to a jury trial in March of 2019, and the jury returned a verdict in favor of the Church leaders.

Since the verdict against him in the defamation trial, Petitioner has now eclipsed pure speech. Petitioner began to picket outside of the Church every Sunday before, during and after services. Petitioner regularly appeared directly in front of the Church with a tall banner that has the following words in descending order: “Naked” “Beating” “Lies” “Rape” “Threats.” While picketing, Petitioner harassed and intimidated Church members in front of their families through his words and actions as they walk to and from Church. Because Petitioner’s activities have

surpassed constitutional protection in violation of the rights of the Church and its members to peacefully assemble to worship, the Church filed the underlying complaint in equity and a motion for injunctive relief to enjoin Petitioner from picketing, harassing and interfering with the Church and its members' privacy and freedom to worship. The hearings for the Church's motion for injunctive relief occurred on January 30, 2020 and February 10, 2020.

Douglas Baker, a former employee of the Church, testified that he had been made aware of physical and threatened violence from Petitioner. (Supp. App. B at p. 108; Jan. 30, 2020 N.T. at p. 65, ll. 14-17). Mr. Baker reported that it was his understanding that Petitioner had been wearing a concealed weapon near the Church. (Supp. App. B at p. 68; Jan. 30, 2020 N.T. at p. 25, ll. 14-22). In fact, he attended Alert, Lockdown, Inform, Counter, Evacuate ("ALICE") security training solely because of Petitioner's conduct. (Supp. App. B at p. 71; Jan. 30, 2020 N.T. at p. 28, ll. 1-5). Mr. Baker testified that congregants contacted him and explained that they were fearful for their safety at the Church and, as a result of Petitioner's behavior, would not attend services. (Supp. App. B at p. 86; Jan. 30, 2020 N.T. at 43, l. 9 – p. 44 l. 5).

Susan Elzey, a Church member who had testified against Petitioner at the defamation trial, explained how she was a victim of Petitioner's hostile behavior. When she, along with her daughter and a guest, were approaching the Church for Sunday services, Petitioner called her a "liar" and continued to harass her as she entered the Church. (Supp. App. B at p. 114; Jan. 30, 2020 N.T. at p. 71, ll. 6-22). Ms. Elzey, despite wanting to know why Petitioner would call her a "liar," did not feel comfortable approaching Petitioner at that time. A few weeks later, Ms. Elzey approached Petitioner: "I had observed that [Petitioner] was in a conversation with a close friend of mine. I decided that I would join that conversation. I felt safe to do so, because there were other people nearby who were clearly observing and ready to intervene if necessary." (Supp. App. B at p. 118; Jan. 30, 2020 N.T. at p. 75, ll. 8-13). During the interaction, Petitioner informed Ms. Elzey that he has "made an oath to God that he would never, ever cease his pursuit to see Dr. Goligher gone." (Supp. App. B at p. 119; Jan. 30, 2020 N.T. at p. 76, ll. 18-21). Petitioner also shared with Ms. Elzey that he believed that he was "God's instrument of justice," that "nobody knew except for him and God who Liam Goligher really is," and that any congregant who supports Dr. Goligher, "the son of

Satan,” is “doing Satan’s work.” (Supp. App. B at p. 119; Jan. 30, N.T. at p. 76, ll. 5-15). Ms. Elzey explained that Petitioner had worn his gun visibly to church in the past. (Supp. App. B at p. 122; Jan. 30, 2020 at p. 79, ll. 18-22). Ms. Elzey also testified that Petitioner’s demeanor is threatening and that, since the trial, he has been more aggressive when interacting with congregants. (Supp. App. B at p. 123, 126; Jan. 30, 2020 N.T. at p. 80, ll. 2-19; p. 83, ll. 6-25).

Dr. Goligher also observed a “definite change [in Petitioner’s behavior] when he lost the trial.” (Supp. App. C at p. 292; Feb. 10, 2020 N.T. at p. 108, ll. 10-11). He explained one of the disturbing comments Petitioner made regarding who may be armed: “He stood beside me at the front door, and he was obviously looking for people who might be carrying, and he would whisper in my ear that this or that person was carrying.” (Supp. App. C at p. 277; Feb. 10, 2020 N.T. at p. 93, ll. 18-22). Additionally, Dr. Goligher testified that an elderly woman told him that she had been accosted by Petitioner on Easter Sunday in 2019 and that she had felt threatened. (Supp. App. C at p. 306-307; Feb. 10, 2020 N.T. at 122, l. 8 –123, l. 13).

Petitioner himself testified he believes that this is his “Christian duty” to remove Dr. Goligher from the Church.

(Supp. App. C at p. 249-250; Feb. 10, 2020 N.T. at p. 65, l. 15 – p. 66, l. 6). It is his desire to continue this conduct until he accomplishes his goal of having Dr. Goligher removed from the Church. (Supp. App. C at p. 231; Feb. 10, 2020 N.T. at p. 47, ll. 11-16). Petitioner stated that, while a member of the Church, he had believed that the Church leaders had hired a hitman to murder him and that they were going to poison him, so he did not take communion. (Supp. App. C at p. 337; Feb. 10, 2020 N.T. at p. 153, ll. 17-22). Petitioner explained that if the trial court did not grant Respondent's motion for injunctive relief, his conduct outside of the Church would continue. (Supp. App. C at p. 256; Feb. 10, 2020 N.T. at p. 72, ll. 16-22). During the hearing, Petitioner appeared unfazed that his conduct was causing distress and invoking fear among Church members. Additionally, when asked about conveying his message to people, Petitioner admitted that he has his blog as an alternate means of communication. (Supp. App. C at p. 228; Feb. 10, 2020 N.T. at p. 44, ll. 14-25). Further, he acknowledged that he is able to reach more people with the internet than in person. (Supp. App. C at p. 273; Feb. 10, 2020 N.T. at p. 89, ll. 11-13).

Lastly, because Petitioner's activities have continued to escalate and he is a zealous gun owner, there is a

reasonable belief in the congregation that he intends to engage in violent action, such as a mass shooting at the Church. Petitioner has exhibited a fascination with firearms, and congregants have seen Petitioner with his gun visible on the premises. Because of Petitioner's unsettling conduct, members of the Church have expressed their fears regarding attending services, and some members have stopped attending services altogether. (Supp. App. C at p. 227-228; Feb. 10, 2020 N.T. at p. 43, l. 20 – p. 44, l. 5).

Upon hearing all of the testimony, the Trial Court explained:

We know, regardless of what your religion may be, we've seen houses of worship that have been attacked. Even without as much information as we have here in this case. Whether it's a mosque, a church, whether it's a Jewish synagogue, we see these things happen, unfortunately. . . . [T]here is someone else who will come right here and say, "Listen, Judge, I have a right to bear arms." We respect the Bill Of Rights. We understand that, but your right is not paramount to someone else's if it infringes upon the safety and the peace of mind of others.

Supp. App. C at p.346; Feb. 10, 2020 N.T. p. 162, ll. 1-15.

The Trial Court, taking the evidence in totality, determined that “the injunction is necessary to prevent further escalation of the protesting standoff including the possibility of violence.” App. B at p. 42. In making such a ruling, the Trial Court stated that the issue before the court concerned “[Petitioner’s] overall behavior and demeanor with respect to [Respondent] and the singlemindedness of his ‘mission from God.’” App. B at p. 35. Specifically, the trial court explained:

[T]his Court heard ample evidence and testimony that [Petitioner’s] attitude and prior relationship with [Respondent], along with the escalation in [Petitioner’s] behavior, created a threat to the safety of [Respondent’s] congregation, especially in light of the recent mass shootings at houses of worship across the country. Therefore, this Court properly granted [Respondent’s] Motion because the injunctive relief is content neutral and reasonably limits the time, place and manner of [Petitioner’s] conduct.

App. B at p. 30.

The Trial Court found that the following facts were sufficient to establish the six factors and thus necessitate injunctive relief: (1) Petitioner's contentious and harassing behavior prevented Church members from peacefully assembling to worship; (2) Petitioner's fascination with firearms; (3) Petitioner's belief that congregants were doing Satan's work; and (4) Petitioner's belief that he has a "Christian duty" to, and will not cease in his efforts to, remove Dr. Goligher from the Church. App. B at p. 42.

The Superior Court of Pennsylvania agreed that the Trial Court had reasonable grounds to impose a preliminary injunction against Petitioner. *See* App. C.

REASONS FOR DENYING CERTIORARI

In support of his contention that an appeal to the Supreme Court of the United States is warranted, Petitioner claims that his "speech is clearly protected by the First and Fourteenth Amendments of the United States Constitution and Article I, Section 7 of the Pennsylvania Constitution." (Petition for Writ of Certiorari at p. 6). Petitioner, however, ignores the fact that

his alleged “free speech” creates a clear and present danger to the public and, therefore, does not qualify for state and/or federal constitutional protection. For the reasons set forth below, this Honorable Court should deny Petitioner’s Petition for Writ of Certiorari.

I. The Facts In The Instant Matter Do Not Present The Issues Raised By Petitioner

Contrary to Petitioner’s assertion that “[Respondent is] unable to allege that Petitioner threatened violence or committed illegal criminal action against it or its members” (Petition for Writ of Certiorari at p. 4), there is ample evidence to suggest otherwise. Mr. Baker testified that he had been made aware of an increase in physical and threatened violence from Petitioner. (Supp. App. B at 108; Jan. 30, 2020 N.T. at p. 65, ll. 14-17). Further, Dr. Goligher reported that an elderly woman told him that she had been accosted by Petitioner on Easter Sunday in 2019 and that she had felt threatened. (Supp. App. C at p. 306-307; Feb. 10, 2020 N.T. at 122, l. 8 – p. 123, l. 13). Additionally, Ms. Elzey explained that, as she, along with her daughter and a guest, were approaching the Church for Sunday services, Petitioner called her a “liar” and

continued to harass her as she entered the Church. (Supp. App. B at p. 114; Jan. 30, 2020 N.T. at p. 71, ll. 6-22). Ms. Elzey further testified that Petitioner “had made an oath to God that he would never, ever cease his pursuit to see Dr. Goligher gone.” (Supp. App. B at p. 119; Jan. 30, 2020 N.T. at p. 76, ll. 18-21). Petitioner also shared with Ms. Elzey that he believed that he was “God’s instrument of justice,” that “nobody knew except for him and God who Liam Goligher really is,” and that any congregant who supports Dr. Goligher, “the son of Satan,” is “doing Satan’s work.” (Supp. App. B at p. 119; Jan. 30, N.T. at p. 76, ll. 5-15). Ms. Elzey explained that Petitioner’s demeanor is threatening and that, since the trial, he has been more aggressive when interacting with congregants. (Supp. App. B at p. 123, 126; Jan. 30, 2020 N.T. at p. 80, ll. 2-19; p. 83, ll. 6-25). Ms. Elzey explained that Petitioner had worn his gun visibly to church. (Supp. App. B at p. 122; Jan. 30, 2020 at p. 79, ll. 18-22).

After hearing this testimony, the Trial Court found that, “[Petitioner] creates an atmosphere of fear due to his history of openly carrying firearms, his confrontational attitude, and his singlemindedness with respect to his ‘mission’ to destroy [Respondent’s] church leadership.” App. B at p. 35. The Trial Court noted that it is Petitioner’s

behavior, rather than his opinions, that are at issue. App. B at p. 30; 36. Therefore, Petitioner has mischaracterized the facts in this matter, and Petitioner's Petition for Writ of Certiorari should be denied.

II. Petitioner Has Failed To Identify Any Case Law To Support His Contention That The Holding Of The Superior Court of Pennsylvania Conflicts With Precedent On The Same Legal Issues

Petitioner contends that the February 10, 2020 Court Order granting Respondent's motion for injunctive relief is a prior restraint on his speech, but Petitioner fails to even consider the definition of a prior restraint. Black's Law Dictionary defines "prior restraint" as follows: "A governmental restriction on speech or publication before its actual expression. Prior restraints violate the First Amendment **unless** the speech is obscene, is defamatory, or **creates a clear and present danger to society.**" Black's Law Dictionary (10th ed. 2014) (emphasis added). "[A]s a person's activities move away from pure speech and into the area of expressive conduct they require less constitutional protection. As the mode of expression

moves from the printed page or from pure speech to the commission of public acts the scope of permissible regulation of such expression increases.” *Rouse Philadelphia Inc. v. Ad Hoc ’78*, 417 A.2d 1248, 1254 (Pa. Super. 1979), citing *U.S. v. O’Brien*, 391 U.S. 367 (1968) and *Commonwealth v. Winkelman*, 326 A.2d 496 (Pa. Super. 1974). An injunction issued to restrain conduct that includes threats of violence and interference with public order and safety is proper. See *City Line Open Hearth, Inc. v. Hotel, Motel & Club Employees’ Union*, 413 Pa. 420, 437 (1964).

Here, the Trial Court’s Order is not a prior restraint on Petitioner’s speech, because Petitioner’s alleged “free speech” creates a clear and present danger to the public and, therefore, does not qualify for state and/or federal constitutional protection. Because Petitioner is picketing with the goal of removing Dr. Goligher from Church leadership and has utilized harassment and intimidation as a means of accomplishing his “Christian duty,” Petitioner has created an atmosphere of fear among Church members. The evidence clearly establishes that Petitioner’s conduct stretches beyond his subjective opinions. The issue in this matter is not solely the content of the speech; rather, it is Petitioner’s desire to remove Church leaders and his

harassment and intimidation of church members as a means of achieving his goal. Petitioner's conduct has escalated over time and clearly creates a danger to the members of the Church. Therefore, the Trial Court's Order is not a prior restraint.

In support of his argument, Petitioner relies on various cases to demonstrate that peaceful protesting is protected under the First Amendment; however, Petitioner's reliance is misplaced. For example, Petitioner cites to *Organization for a Better Austin v. Keefe*, 402 U.S. 415, 419, 91 S.Ct. 1575, 1577 (1971) for the proposition that speech that intends to influence conduct is not removed from First Amendment protection. (Petition for Writ of Certiorari at p. 7-8). Petitioner conveniently ignores the end of that paragraph in the U.S. Supreme Court Opinion, which states, "so long as the means are **peaceful**, the communication need not meet standards of acceptability." *Id.* (emphasis added).¹

1 "The claim that the expressions were intended to exercise a coercive impact on respondent does not remove them from the reach of the First Amendment. Petitioners plainly intended to influence respondent's conduct by their activities; this is not fundamentally different from the function of a newspaper. Petitioners

Keefe concerned the peaceful distribution of literature; however, in contrast, the instant matter involves harassment and threatening conduct by Petitioner.²

Petitioner also references *Willing v. Mazzocone*, 482 Pa. 377, 382 A.2d 1155 (1978) for the proposition that there is a state constitutional right to speak one's mind regardless of whether the opinion is based upon fact or fantasy. (Petition

were engaged openly and vigorously in making the public aware of respondent's real estate practices. Those practices were offensive to them, as the views and practices of petitioners are no doubt offensive to others. But so long as the means are peaceful, the communication need not meet standards of acceptability.” *Id.* (internal citations omitted).

2 Similarly, Petitioner cites to *Amalgamated Food Employees v. Logan Valley Plaza*, 391 U.S. 308, 88 S.Ct. 1601 (1968) and *NAACP v. Clairborne Hardware Co.*, 459 U.S. 898, 103 S.Ct. 199 (1982) for the proposition that peaceful picketing, boycotts and marches are protected by the First Amendment. (Petition for Writ of Certiorari at p. 6; 8-9). Petitioner's reliance on these cases, however, fails for the same reason as his reliance on *Keefe*.

for Writ of Certiorari at p. 10-11). Again, Petitioner is missing the issue in the current case. The Trial Court correctly notes that the issue in *Willing* concerned the subjective nature of the thoughts and that the issue in this case is “[Petitioner’s] overall behavior and demeanor with respect to Respondent and the singlemindedness of his ‘mission from God.’” App. B at p. 35. Petitioner acknowledges that it is alleged that he has yelled at and harassed members of the Church, but Petitioner does not even identify anything in the record to show that these allegations are false; however, the evidence in this matter contains plenty of examples to demonstrate that these allegations are, indeed, true. For example, as explained above, Ms. Elzey testified that Petitioner harassed her and called her a “liar” while she, alongside her daughter and a guest, entered the Church. Therefore, the facts in the instant matter do not concern the same issue the court faced in *Willing*.

Additionally, Petitioner cites to *Tate v. Philadelphia Transport Co.*, 410 Pa. 490, 190 A.2d 316, 320 (1963) for the proposition that peaceful picketing conducted in a lawful manner and for a lawful purpose is lawful, even though it shuts down, bankrupts or puts out of business the company or firm which is picketed. (Petition for Writ of Certiorari at p. 10). In *Tate*, the Court references

Wortex Mills, Inc. v. Textile Workers Union of America, C.I.O., 369 Pa. 359, 369, 85 A.2d 851 (1952) to define what constitutes a “lawful” purpose: “Freedom of speech gives no right of intimidation or coercion and no right to damage or injure another's business or property, except where this results indirectly from peaceful and orderly picketing for a purpose which the law regards as legitimate and lawful.” In the instant matter, however, Petitioner’s conduct is not lawful, as he has directly harassed, intimidated and engaged in hostile conduct towards Church members in order to achieve his “mission” from God. As explained above, Petitioner is utilizing harassment and intimidation – unlawful conduct – to achieve his goal of removing Dr. Goligher from the Church, as he believes that this is his “Christian duty.” (Supp. App. C at 249-250; Feb. 10, 2020 N.T. at p. 65, l. 15 – p. 66, l. 6). Dr. Goligher reported that an elderly woman told him that she had been accosted by Petitioner on Easter Sunday in 2019 and that she had felt threatened. (Supp. App. C at p306-307; Feb. 10, 2020 N.T. at 122, l. 8 – p. 123, l. 13). When Ms. Elzey, along with her daughter and a guest, were approaching the Church for Sunday services, Petitioner called her a “liar” and continued to harass her as she entered the Church. (Supp. App. B at p. 114; Jan. 30, 2020 N.T. at p. 71, ll. 6-22). Additionally, Petitioner has exhibited a

fascination with firearms. Dr. Goligher testified to the disturbing comments Petitioner would make regarding who may be armed: “He stood beside me at the front door, and he was obviously looking for people who might be carrying, and he would whisper in my ear that this or that person was carrying.” (Supp. App. C at p. 277; Feb. 10, 2020 N.T. at p. 93, ll. 18-22). Moreover, congregants have seen Petitioner with his gun visible on the premises. (Supp. App. B at p. 122; Jan. 30, 2020 at p. 79, ll. 18-22). This is especially disturbing given the increase in mass shootings at places of worship throughout the United States. Because of Petitioner’s unlawful conduct, members of the Church have expressed their fears regarding attending services, and some members have stopped attending services altogether. (Supp. App. C at p. 227-228; Feb. 10, 2020 N.T. at p. 43, l. 20 – p. 44, l. 5). The evidence clearly establishes that Petitioner’s conduct stretches beyond his subjective opinions. Petitioner is engaging in unlawful conduct in order to carry out his “God-given mission” to remove a Church leader. As such, the facts in the instant matter do not concern the same issue the court faced in *Tate*.

Therefore, for the reasons discussed above, Petitioner’s conduct goes beyond mere “free speech.” Petitioner’s harassment of Church

members places people in fear of harm. The Trial Court and Superior Court both found reasonable grounds to limit Petitioner's conduct. Petitioner is still permitted to use online forums to communicate his message with others without subjecting those who wish to peacefully assemble to worship to harassment, fear and/or violence. Therefore, Petitioner has failed to identify any valid reason (as no such reason exists) for this Honorable Court to grant his Petition for Writ of Certiorari.

CONCLUSION

For the reasons set forth above, Respondent respectfully requests that this Honorable Court deny Petitioner's Petition for Writ of Certiorari.

Respectfully submitted,

**OBERMAYER
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A handwritten signature in black ink, appearing to be 'G. Samms', written over a horizontal line.

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Dated: September 23, 2022

SUPPLEMENTAL APPENDIX “A”

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**NON-PRECEDENTIAL DECISION - SEE SUPERIOR
COURT I.O.P. 65.37**

TENTH PRESBYTERIAN	:	IN THE SUPERIOR
CHURCH	:	COURT OF
	:	PENNSYLVANIA
v.	:	
PHILIP SNYDER	:	
Appellant	:	No. 2522 EDA 2021

Appeal from the Order Entered November 10, 2021
In the Court of Common Pleas of Philadelphia County Civil
Division at
No(s): 190703016

BEFORE: BENDER, P.J.E., STABILE, J., and
PELLEGRINI, J.¹

MEMORANDUM BY PELLEGRINI, J.: **FILED**
SEPTEMBER 08, 2022

In this case that returns to us after remand by this
Court, Philip Snyder (Snyder) appeals from the order entered
in the Court of Common Pleas of Philadelphia County (trial
court) granting the emergency motion for injunctive relief

¹ Retired Senior Judge assigned to the Superior Court.

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filed by Tenth Presbyterian Church (the Church) and enjoining Snyder from appearing within 1,000 feet of all Church-owned properties. Snyder challenges the trial court's distance requirement as overly broad in contravention of this Court's remand directive. We vacate the trial court's order as it pertains to the distance requirement only, affirm it in all other respects, and remand with instructions.

I.

A.

The Church's primary facility is located at 1701 Delancey Street in Philadelphia, and it owns at least four additional properties on Spruce and S. 17th Streets (the Properties). We previously summarized the facts and procedural history of this case as follows:

Snyder moved to Philadelphia in 2008, after which he joined the Church, where he remained a member until the Church

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excommunicated Snyder in August 2016. Snyder thereafter began picketing at the Property regarding his excommunication and the conduct of certain current and prior Church officials. Snyder brought a defamation action against individual members of the Church, but ultimately, a jury tendered a verdict against Snyder.

After the verdict in the defamation action, Snyder protested outside of the Property every Sunday, before and after Church services. On July 24, 2019, the Church filed a Complaint for an injunction and an Emergency Motion for Injunctive Relief for a preliminary injunction. The Church sought to restrict Snyder from coming within 1,000 feet of all properties owned by the Church. Following oral argument, Snyder temporarily agreed to the Church's requested relief.

The trial court subsequently conducted a hearing on the Church's Motion for a preliminary injunction on January 30, 2020, and February 10, 2020. The trial court described the evidence presented at that hearing as follows:

Snyder testified that he began picketing outside of the Property after the March 22, 2019, jury verdict more frequently,

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with a sign that contained the phrase “naked beatings,” “lying,” and “rape,” because he was displeased with the results of the case. Snyder further testified that he had protested while wearing a body camera and filmed congregants outside of the Property. Snyder testified that a trial court Order and subsequent Opinion in the defamation case misrepresented the truth. Douglas Baker (Baker), the Church’s former administrator, testified that Snyder frequently wore a visibly “concealed” firearm to church services when he was a member, and that he continued the practice while picketing with the sign and body camera. Baker testified that Snyder would verbally harass and yell at congregants outside the Property and then post body camera videos on a blog. Dr. William Goligher (Dr. Goligher), senior minister for the Church, testified that Snyder called him the “son of Satan” and a liar. Dr. Goligher testified that Snyder had verbally disparaged Snyder’s own family for not committing to his protest and not being faithful, including referring to Snyder’s wife as Job’s wife. . . Dr. Goligher also testified that Snyder seemed preoccupied with safety and firearms, such that he would stand beside Dr. Goligher and point out individuals whom he thought were carrying firearms. Snyder’s fixation on

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security and policing, even minor behaviors of the Church congregants, went on for years and included concerns about stolen phones, money, and immigrants. Snyder himself provided testimony that he has been the only individual telling the truth, that he has mailed 100 pages of material to 200 members of the Church, that he will never stop any of his behaviors until the Church's leadership has resigned in full, and that the Church was trying to poison him and hire a hitman to assassinate him. Susan Elzey (Ms. Elzey), a congregant, testified that outside of Church services on June 16, 2019, Snyder told her he was an instrument of God, similar to a prophet, and that only Snyder knows the true nature of Dr. Goligher's soul. Snyder went on to tell Ms. Elzey that Dr. Goligher was a son of Satan, and that any congregants who support Dr. Goligher are doing Satan's work. Snyder also told Ms. Elzey that he was unhappy with his wife, described her as Job's wife because she did not support him, and that his oath to remove Dr. Goligher from the Church was more important to him than his family.

By Order dated February 10, 2020, the trial court granted the Church's Motion and enjoined Snyder from appearing within **five**

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thousand (5,000) feet of the Church’s properties located at (1) 1701 Delancey Street; (2) 1700 Spruce Street; (3) 315 S. 17th Street; (4) 1710 Spruce Street; and (5) 1716 Spruce Street.

(Trial Court Opinion, 8/21/20, at 1-5) (emphasis added). Thereafter, Snyder filed the instant timely Notice of Appeal, followed by a court-ordered Pa.R.A.P. 1925(b) Concise Statement of matters complained of on appeal.

(Tenth Presbyterian Church v. Snyder, 2021 WL 4839339, at *1-2 (Pa. Super. filed October 18, 2021) (unpublished memorandum), *appeal denied*, 2022 WL 1314418 (Pa. 2022)) (brackets and some quotation marks omitted; emphasis in original).²

On appeal, we affirmed the trial court’s order in part, reversed it in part, and remanded for further proceedings. We affirmed the trial court’s determination as to the propriety of

² We note Snyder’s testimony that although he is licensed to carry a firearm, he “never carried a weapon while [he] was protesting” and that his body camera footage supports this. (N.T. Hearing, 1/30/20, at 111).

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the preliminary injunction because “Snyder engaged in aggressive and agitated behavior that frightened and agitated Church members inside and outside of the Property.” (*Id.* at *8). However, we reversed the 5,000-foot distance requirement against Snyder as far exceeding the appropriate scope of relief. We remanded for the trial court “to fashion a limitation that achieves the specific needs of this case, *i.e.*, a distance that is sufficient to protect congregants’ access to the Church and its services, yet continues to uphold Snyder’s constitutional right to convey his dissatisfaction with the Church and its leadership.” (*Id.*).

As to the Church’s initial request for a uniform 1,000-foot prohibition on Snyder’s protests at all of the Properties, we observed: “the Church **broadly** requested a one-thousand-foot prohibition on Snyder’s protests. ***The Complaint***

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couches the requested relief in the broadest terms, but does not afford Snyder his constitutional right to protest the Church and its leadership. Any preliminary injunction must be **narrowly tailored** to address the physical realities of **each Church property**, while balancing Snyder’s federal and state right to free speech.” (*Id.* at * 7 n.3).³

B.

On November 10, 2021, in accordance with this Court’s remand directive, the trial court issued an order vacating the terms of its initial preliminary injunction and granting the Church’s emergency motion for injunctive relief. The trial court decreased the distance requirement against Snyder from 5,000 to 1,000 feet, applicable to all Church-owned Properties and reads in relevant part:

³ The Pennsylvania Supreme Court denied Snyder’s petition for allowance of appeal on May 3, 2022.

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The Defendant Philip Snyder is ENJOINED from:

1. Distributing, picketing, leafleting, harassing, intimidating, placing in fear, threatening or otherwise communicating to Church members within one thousand (1,000) feet of the church located at 1701 Delancey Street, Philadelphia, PA 19103 on Sundays;
2. **Appearing** within one thousand (1,000) feet of all property **owned and/or occupied** by Tenth Presbyterian Church, **including but not necessarily:** 1700 Spruce Street, 1701 Delancey Street, 315 S. 17th Street; 1710 Spruce Street, and 1716 Spruce Street, Philadelphia, PA 19103.

(Order, 11/10/21) (emphases added).

The trial court acknowledged that “the content of Appellant’s speech is protected as his subjective opinion,” and determined that a 1,000-foot distance requirement “is narrowly tailored because Appellant is free to protest and distribute material more than 1000 feet from Appellee’s properties.” (Trial Court Opinion, 4/07/22, at 12-13). The

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court stated that it “couched [the injunction] in the narrowest terms possible because it is a restriction that will accomplish the pin-pointed objective of protecting Appellee’s leadership and congregants while they worship,” and noted the parties’ litigious history and Snyder’s “threat of potentially violent behavior” as reasons for its decision. (*Id.* at 13). Snyder timely appealed and he and the trial court complied with Rule 1925. *See* Pa.R.A.P. 1925.⁴

II.

On appeal, Snyder contends the trial court’s injunction was not narrowly tailored to address the harm

⁴ “Appellate courts review a trial court order granting or denying a preliminary injunction for an abuse of discretion.” *Marcellus Shale Coal. v. Dep’t of Envtl. Prot. of Commonwealth*, 185 A.3d 985, 995 (Pa. 2018) (citation omitted). “Additionally, we do not inquire into the merits of the controversy, but only examine the record to determine if there were any apparently reasonable grounds for the action of the court below.” *Id.* (citation and emphasis omitted). “Only if it is plain that no grounds exist to support the decree or that the rule of law relied upon was palpably erroneous or misapplied will we interfere with the decree.” *Id.* (citation omitted).

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alleged by the Church and that the 1,000-foot distance restriction applicable to all Church owned and/or occupied Properties must be vacated. Snyder maintains that the distance requirement prohibiting him from appearing/protesting within the specified boundary deprives him of his right to engage in constitutionally protected expressive conduct without leaving open ample alternative methods of communication.⁵

A.

“The purposes of a preliminary injunction are to preserve the status quo and prevent imminent and irreparable harm which might occur before the merits of the case can be heard and determined.” *Constantakis v. Bryan Advisory Servs., LLC*, 275 A.3d 998, 1017 (Pa. Super. 2022) (citation

⁵ Although Snyder raised multiple issues in his Rule 1925(b) Statement, he pursues only one issue on appeal. (*See* Snyder’s Brief, at 8 n.2).

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omitted). A petitioner seeking a preliminary injunction must establish: “1) that the injunction is necessary to prevent immediate and irreparable harm that cannot be adequately compensated by damages; 2) that greater injury would result from refusing an injunction than from granting it, and concomitantly, that issuance of an injunction will not substantially harm other interested parties in the proceedings; 3) that a preliminary injunction will properly restore the parties to their status as it existed immediately prior to the alleged wrongful conduct; 4) that the activity it seeks to restrain is actionable, that its right to relief is clear, and that the wrong is manifest, or, in other words, must show that it is likely to prevail on the merits; 5) that the injunction it seeks is reasonably suited to abate the offending activity; and 6)

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that a preliminary injunction will not adversely affect the public interest.” *Id.* at 1022 (citation omitted).

Additionally, “a preliminary injunction must be crafted so as to be **no broader than is necessary** for the petitioner’s interim protection.” *Santoro v. Morse*, 781 A.2d 1220, 1230 (Pa. Super. 2001) (citation omitted; emphasis added). The United States Supreme Court has directed that “an order issued in the area of First Amendment rights must be couched in the narrowest terms that will accomplish the **pin-pointed objective** permitted by constitutional mandate and the essential needs of the public order.” *Turner Const. v. Plumbers Local 690*, 130 A.3d 47, 69 (Pa. Super. 2015) (citing *Carroll v. President and Commissioners of Princess Anne*, 393 U.S. 175, 183, (1968)). Therefore, an injunction

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that restrains free speech “must be tailored as precisely as possible to the exact needs of the case.” *Id.*

B.

In this case, as framed by this Court previously, the trial court’s objective was to craft a distance limitation “sufficient to protect congregants’ access to the Church and its services, yet continues to uphold Snyder’s constitutional right to convey his dissatisfaction with the Church and its leadership.” (*Tenth Presbyterian Church, supra* at *8). In other words, the restraint that the trial court placed on Snyder’s freedom of speech was required to be sufficiently lenient to permit him to effectively communicate his views on the Church with the public. We also specifically noted with regard to the Church’s request for a uniform 1,000-foot restriction at all Properties that this limitation is overly broad

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because it “**does not afford Snyder his constitutional right to protest the Church and its leadership.**” (*Id.* at *7 n.3).

We further directed that the trial court take into account the physical attributes of each Church Property in fashioning an appropriately narrowly-tailored distance restriction. (*See id.*).

The trial court, however, has issued an order on remand that does not indicate it weighed the physical characteristics of each Property and tailored the distance requirement accordingly, as it broadly enjoins Snyder from “appearing” within 1,000 feet of any Church “owned and/or occupied” Property. (Order, 11/10/21). Although the order prohibits active picketing only at the primary facility where congregants attend regular services on Sundays, Snyder’s mere presence within 1,000 feet of any Church Property is a violation of the order.

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Additionally, the injunction not only encompasses Property owned by the Church, but also includes any facilities the Church “occupies.” While the order lists the street addresses of five such properties, the restriction is “not necessarily” limited to those specified. (*Id.*) This language is far from precise or narrow in scope, as it potentially captures unidentified locations that Snyder is unaware of.

Furthermore, the injunction disregards our prior finding that the Church’s requested relief of a uniform 1,000-foot distance restriction is not sufficiently narrowly tailored to balance the congregants’ ability to access Church Properties with Snyder’s right to free speech. (*See Tenth Presbyterian Church, supra*, at *7 n.3) (“The Complaint couches the requested relief in the broadest terms, but does

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not afford Snyder his constitutional right to protest the Church and its leadership.”).

Because the trial court’s solution is not the narrowest means possible to achieve its goal, we are constrained to remand. We emphasize the court’s obligation to craft an injunction using the “narrowest terms that will accomplish the pin-pointed objective” as framed by this Court and to tailor relief “as precisely as possible to the exact needs” of this case in a manner that imposes the least restraint on Snyder’s free speech, taking into consideration the physical realities of each Church Property. *See Turner Const., supra* at 69.

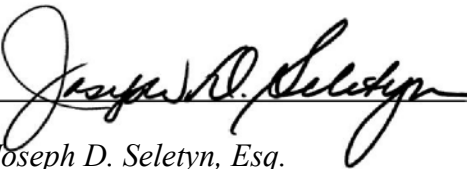
On remand, as well as considering its finding that Snyder engaged in aggressive and agitated behavior that frightened and agitated Church members inside and outside

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of the Property, the trial court should, in setting the distance requirement set forth expressly why the particular distance restriction is the least necessary to protect Church property, permit the congregants' and Church employees access to the Church and to hold services without distraction, with the least possible impingement on Snyder's constitutional right to convey his dissatisfaction with the Church and its leadership on public streets and sidewalks.

Order vacated in part with respect to the 1,000-foot distance restriction only. Order affirmed in all other respects. Case remanded for further proceedings consistent with this Memorandum. Jurisdiction relinquished.

Judgment Entered.

A handwritten signature in black ink, reading "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.

Prothonotary

Date: 9/8/2022

SUPPLEMENTAL APPENDIX “B”

First Judicial District of Pennsylvania

190703016

Tenth Presbyterian Church Vs. Snyder

*Motion Volume 1
January 30, 2020*



*First Judicial District of Pennsylvania
100 South Broad Street, Second Floor
Philadelphia, PA 19110
(215) 683-8000 FAX:(215) 683-8005*

190703016
Tenth Presbyterian Church Vs. Snyder

Motion Volume 1
January 30, 2020

Page 1

[1] IN THE COURT OF COMMON PLEAS
 [2] FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
 [3] CIVIL TRIAL DIVISION

[4] TENTH PRESBYTERIAN :
 CHURCH :NO. 190703016

[5] vs. :
 :

[6] PHILIP SNYDER :

[7] ROOM 426, CITY HALL

[8] PHILADELPHIA, PENNSYLVANIA

[9] THURSDAY, JANUARY 30, 2020
 [10] -----

[11] **BEFORE:** JUDGE PAULA PATRICK
 [12] -----

[13] MOTION
 [14] VOLUME I
 [15] -----

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[1] **THE COURT CRIER:** No. 2, Tenth

[2] Presbyterian Church vs. Snyder.

[3] **MR. SAMMS:** Good morning, Your

[4] Honor. Gary Samms on behalf of Tenth

[5] Presbyterian Church.

[6] **MS. COHEN:** Faye Riva Cohen on

[7] behalf of my own law office and Brian

[8] Doyle, our attorney, and our client,

[9] Philip Snyder.

[10] **THE COURT:** Okay.

[11] **MR. SAMmS:** Your Honor, this is

[12] matter where there are some witnesses and

[13] we have some documents.

[14] With the Court's permission, may I

[15] remove the top so I can work on the desk?

[16] **THE COURT:** Sure.

[17] **MR. SAMmS:** Thank you.

[18] May it please the Court, these

[19] parties have a long tortured history,

[20] unfortunately, between them. The Tenth

[21] Presbyterian has brought an injunction

[22] request against Mr. Snyder to ask him to

[23] cease and desist and stay 1,000 feet from

[24] any and all properties owned by the

[25] church. Currently, there is an order that

[1] is in place and has been in place for six
[2] months, so there have been no incidents
[3] since this summer, Your Honor; however,
[4] the fear of the injunction not being made
[5] permanent is concerning, as we believe
[6] there is the health of our congregants
[7] that is at issue.

[8] Just to give the Court a brief
[9] background, if I may, Mr. Snyder, not
[10] knowing anybody at the Tenth Presbyterian
[11] Church moved here from California to join
[12] the Tenth Presbyterian Church. As a
[13] congregant, he became involved in some
[14] activities, teaching Sunday school and the
[15] music program. He ended up later having
[16] disagreements with the church leaders,
[17] and, because of his conduct, had to be
[18] excommunicated from the church.

[19] After he was excommunicated --

[20] **THE COURT:** Let me just say this,
[21] since you brought up the church program.
[22] I disclosed in the beginning that my son,
[23] who is now 12, used to go to the music
[24] program there, and, so I said that before,
[25] and your client had no objections. I

[1] mean, so, just so you know, I didn't
[2] know -- I never really knew anybody
[3] personally there, except for he went to
[4] the program. I think it was two years,
[5] where he played the violin.

[6] **MS. COHEN:** Your Honor, we don't
[7] have an objection; in fact, Mr. Snyder
[8] moved here because of the music program.

[9] **THE COURT:** Okay. All right.
[10] Go ahead.

[11] **MR. SAMMS:** Thank you, Your Honor.

[12] And, so, Your Honor,
[13] unfortunately, there became a falling out
[14] between the parties. Mr. Snyder ended up
[15] being excommunicated from the church, and,
[16] then, went on a campaign of sending
[17] letters and communicating with people in
[18] an attempt to disparage some of the folks
[19] at the church, and, as a consequence, the
[20] church sent out communications saying, No,
[21] here's the situation, with their view of
[22] the story.

[23] What happened then was Mr. Snyder
[24] brought a defamation claim against the
[25] senior pastor and one of the other folks

[1] involved in the leadership, of
[2] Mr. McFarland. That trial was held in
[3] March, Your Honor, and, at that point in
[4] time, we received a defense verdict.
[5] So, Your Honor, after the trial in
[6] March, unfortunately, there was an
[7] escalation in the behavior. It no longer
[8] became a situation where he was expressing
[9] a viewpoint. It became actionable in his
[10] conduct. There is a background where
[11] there was another prior hearing, and Judge
[12] Fletman wrote an opinion indicating that
[13] Mr. Snyder admitted on the stand,
[14] spreading false information about Liam
[15] Goligher, so the people would think less
[16] of him, so much so, that he actually
[17] appealed that decision, and Judge Fletman
[18] wrote a second opinion saying, No, the
[19] record supports that he admits it on the
[20] stand, he said he lied. With that
[21] background, Your Honor, we get to the
[22] conduct that brings us here. I don't want
[23] to drag up everything from before,
[24] obviously, but just to put it in context
[25] for the Court. This summer, after the

[1] verdict and after he lost, plaintiff,
[2] unfortunately, exhibited some sour grapes,
[3] unfortunately, or some unfinished business
[4] and created a 12-foot sign that said words
[5] **such as:** Naked beatings, lying, rape.
[6] Things that had all been litigated that he
[7] claimed occurred where he lost when he had
[8] his chance to litigate that issue, and, as
[9] a consequence, we didn't say anything when
[10] he came every Sunday after the trial, but
[11] there came a point where he started to
[12] interact with the neighbors and contact
[13] them, when he was menacing and physically
[14] threatening to the people that were
[15] attending the church. It has caused
[16] people not to come to the church.
[17] He brandished a weapon, Your
[18] Honor. He does have a license to carry,
[19] but there is certainly no need for anybody
[20] to have a weapon there when they're
[21] protesting a church, especially in light
[22] of -- I have all the statistics with me
[23] that we may address later, Your Honor,
[24] but, obviously, there have been a number
[25] of the church shootings recently and in

[1] the past, and it is a serious, serious
[2] issue that we want to prevent.

[3] You're going to hear from three
[4] witnesses today, Your Honor, with the
[5] Court's permission: Dr. Liam Goligher,
[6] who is the senior minister. He's going to
[7] testify about what he has observed and
[8] what he has learned and the general
[9] situation regarding the fearfulness.

[10] You're going to hear from Doug Baker, Your
[11] Honor, who was the former, I guess, CEO
[12] for lack of a better word, of the church,
[13] who had interacted with the police, who
[14] went to a safe shooter training and is
[15] aware of the conduct, and observed the
[16] conduct, as well. We're hear Susan Elzey,
[17] one of the congregants, Your Honor. I
[18] didn't want to bring in 50 congregants. I
[19] thought the Court might appreciate that,
[20] but I did want to bring in at least one
[21] congregant to talk about how the actions
[22] are affecting people.

[23] Now, specifically, I'll talk
[24] mostly about this in my closing, but, Your
[25] Honor, obviously free speech is allowed,

[1] but this has gone past that, and as long
[2] as we are asking for a limited, neutral
[3] order, we can get an injunction for the
[4] type of behavior he has done, and that's
[5] all in my brief, so I won't repeat it.
[6] Only to say, Your Honor, it is not our
[7] intent to seek anything other than to keep
[8] him away from the church with this sign,
[9] and stop menacing people coming in and out
[10] and intimidating them.

[11] He has a website, Your Honor,
[12] where he posts all of his information, his
[13] beliefs, and his theories. He has sent
[14] information to other blogs regarding his
[15] information, his thoughts, and he has sent
[16] letters, thousands of letters, he
[17] testified in the last trial, to
[18] congregants about what his beliefs are and
[19] what he thinks should be happening. So
[20] there are ways that he is expressing these
[21] beliefs that he's still able to do it if
[22] the order we seek is granted, Your Honor,
[23] which is to limit him from being on the
[24] church premises or 1,000 feet away. So
[25] that's what we intend to show today, Your

[1] Honor.

[2] Thank you.

[3] **THE COURT:** Okay. Thank you.

[4] Do you have an opening statement
[5] you want to give?

[6] **MS. COHEN:** Thank you, Your Honor.

[7] So, Your Honor, this is the second
[8] time that the Tenth Presbyterian Church
[9] has sought an injunction to prohibit Phil
[10] Snyder from protesting in front of church
[11] property. As before, we respectfully
[12] request that the Court deny that the
[13] church's motion for preliminary injunction
[14] be granted. We additionally request that
[15] the Court award Mr. Snyder attorneys fees
[16] and costs.

[17] According to the church,
[18] Mr. Snyder has been standing in front of a
[19] public sidewalk in front of the church on
[20] Sundays holding a sign that has words.
[21] The words are not strung together. The
[22] words don't say Tenth Presbyterian Church
[23] does this. We deny that Mr. Snyder's
[24] conduct is defamatory, per se or criminal.
[25] Mr. Snyder is being asked to never

[1] appear in front of the church, or, at
[2] least, within 1,000 feet of the church's
[3] property. This is an extraordinary
[4] remedy, and we feel that the petitioner
[5] cannot meet its burden.

[6] We will demonstrate today that
[7] Mr. Snyder's behavior, even if it is
[8] annoying or vexatious to the church's
[9] parishioners -- these things with the
[10] Internet, all of us have been victims of
[11] conduct that may be considered vexatious
[12] or annoying, but we feel that
[13] Mr. Snyder's ability to carry a sign is
[14] clearly protected, both by the First
[15] Amendment to the United States
[16] Constitution and by Article 7 of the
[17] Pennsylvania State Constitution; moreover,
[18] evidence will show that there are
[19] additional reasons why this Court should
[20] deny the church's request for preliminary
[21] injunction that prevent Mr. Snyder from
[22] engaging in conduct which is expressive of
[23] his opinions and beliefs.

[24] Not only does the church have an
[25] adequate remedy in law; if they feel

[1] Mr. Snyder's conduct is defamatory, they
[2] can pursue that action against him, but
[3] the relief sought by the church is not
[4] narrowly tailored to address the harm
[5] alleged.

[6] Judge Fletman did not believe
[7] there were grounds for an injunction the
[8] first time this matter appeared in court.
[9] Mr. Snyder does have a license to carry
[10] weapons. That license is guaranteed by
[11] the Constitution Of The United States.

[12] In order to avoid any problems, he
[13] voluntarily turned those weapons over to
[14] the state troopers, and we have a receipt
[15] to indicate that, but he has brought
[16] today, as a character witness, Judge
[17] Nichols, who served on the Delaware County
[18] Court, to attest to his character, and we
[19] feel there's not sufficient grounds to
[20] grant the extraordinary relief requested
[21] by the church.

[22] Thank you.

[23] **MR. SAMmS:** Your Honor, before I
[24] begin, may I just address the issue with a
[25] character witness in a civil matter?

[1] I don't believe it is appropriate,
[2] and I think Rule 404 specifically
[3] addresses this, Your Honor. You do not
[4] have reputational testimony or character
[5] testimony in a civil matter. That is
[6] reserved for a criminal case. The one
[7] exception is if it is civil assault and
[8] battery case. With all due respect to the
[9] Judge, I don't believe he's appropriate,
[10] and I would ask that there be no character
[11] testimony in a preliminary injunction
[12] hearing.

[13] **THE COURT:** Okay.

[14] Your response?

[15] **MS. COHEN:** Your Honor, Mr. Snyder
[16] is being accused of potential criminal
[17] conduct, and, so, we feel there are
[18] criminal implications.

[19] **THE COURT:** I don't think he's
[20] being accused of any potential criminal
[21] conduct. That wasn't alleged by counsel.

[22] **MS. COHEN:** Well, yes, because
[23] they are going to allege and they have
[24] alleged in their pleadings that he's a
[25] threat to individuals and may shoot

[1] individuals, so we do feel that allegation
[2] is here.

[3] We don't have any other witnesses
[4] today. I believe petitioner has three or
[5] four. I think it's fair and within the
[6] Judge's discretion to permit Judge
[7] Nichols, who made the trip from Delaware
[8] County to come here today.

[9] Paragraph 44 of the complaint
[10] alleges that defendants expressive conduct
[11] is criminal, defamatory, and directly
[12] interferes with the church and its members
[13] constitutional right of freedom of
[14] religion.

[15] **MR. SAMmS:** Your Honor, with
[16] respect to that, quite frankly, it has no
[17] matter what I or Tenth Presbyterian
[18] alleges. This is not a criminal case.
[19] There is no rule or case that counsel
[20] cited that allows reputational testimony
[21] in a civil matter, and I ask the Judge be
[22] precluded.

[23] I'm sorry for any inconvenience to
[24] the Judge, but, just because we have three
[25] factual witnesses to testify does not mean

[1] we should violate the rules and allow
[2] somebody to come in where the rules
[3] prohibit it.

[4] **THE COURT:** Moreover, our Supreme
[5] Court is clear, as it relates to Judges, a
[6] Judge is not permitted to give any
[7] character or reputation without the
[8] expressed approval by our Supreme Court.

[9] I don't know if the Judge is
[10] currently sitting or a senior or anything.

[11] **MS. COHEN:** The Judge retired. He
[12] served on the --

[13] **THE COURT:** I'm familiar with the
[14] Judge. I just didn't know if he had
[15] retired or was senior.

[16] **MS. COHEN:** He's no longer a
[17] sitting Judge in any capacity that I'm
[18] aware of.

[19] **THE COURT:** Okay. All right.
[20] Well, I would hold it under
[21] advisement.

[22] Call your first witness.

[23] **MR. SAMmS:** With the Court's
[24] permission, I would like to call Doug
[25] Baker to the stand, please.

[1] - - -

[2] DOUGLAS BAKER, having been duly
[3] sworn, was examined and testified as

[4] **follows:**

[5] **THE COURT CRIER:** State your full
[6] name for the record.

[7] **THE WITNESS:** Douglas Baker.

[8] - - -

[9] PETITIONER'S EVIDENCE

[10] - - -

[11] DIRECT EXAMINATION

[12] - - -

[13] **BY MR. SAMmS:**

[14] **Q.** Good morning, Mr. Baker.

[15] **A.** Good morning.

[16] **Q.** Mr. Baker, would you be kind enough to
[17] tell the Court what your position with the
[18] church was?

[19] **A.** The summer when this took place, I was
[20] the administrator at Tenth Presbyterian
[21] Church.

[22] **Q.** As administrator, what were your roles
[23] and duties, generally speaking.

[24] **A.** Day-to-day operations, strategic
[25] planning, working with any issues that may

[1] arise with legal counsel.

[2] **Q.** And in that role or in your attendance at
[3] church, did you become familiar with
[4] Mr. Snyder?

[5] **A.** I did.

[6] **Q.** All right.

[7] Now, you are no longer at the Tenth; is
[8] that correct?

[9] **A.** I am not.

[10] **Q.** Where are you employed currently?

[11] **A.** I have two positions. I'm the senior
[12] fellow for educational policy at the U.S.
[13] leadership Foundation in Washington D.C., and
[14] a professor of politics at Cairn University.

[15] **Q.** Now, in this case, did you prepare an
[16] affidavit at our request?

[17] **A.** I did.

[18] **Q.** Okay.

[19] And that has already been provided to the
[20] Judge, by way of the pleadings, so we may
[21] speak, specifically, about that in a bit, but
[22] was everything in your affidavit true and
[23] correct to the best of your knowledge, sir?

[24] **A.** Yes.

[25] **Q.** All right. Let me ask you some other

[1] general questions, then, if I may, at this
[2] point in time.

[3] Are you familiar with the history in this
[4] matter?

[5] **A.** I am.

[6] **Q.** Did you, in fact, attend the trial that
[7] occurred in March of last year?

[8] **A.** Yes.

[9] **Q.** Okay.

[10] This injunction focuses on the conduct of
[11] Mr. Snyder after that?

[12] **A.** Correct.

[13] **Q.** Okay. So let's just talk about that.

[14] Now, you heard counsel reference an
[15] earlier injunction before Judge Fletman.

[16] Are you aware the issues we're here for
[17] are totally separate and apart and the
[18] behavior is distinctly different than what we
[19] were here for last time?

[20] **A.** Yes.

[21] **Q.** Now, at some point in time, tell us how
[22] you first came to witness Mr. Snyder outside
[23] after the trial?

[24] **A.** Approximately two weeks after the trial
[25] had concluded with the verdict being certified

[1] with the Court, it was brought to my attention
[2] on a Sunday morning -- I was not out front,
[3] but a member came to my office, alerted me to
[4] that fact, and I came out front to observe
[5] him, yet again after the trial, with a sign on
[6] the sidewalk.

[7] **Q.** And did he continue to come for every
[8] Sunday following that?

[9] **A.** Yes. Every consecutive Sunday he was
[10] there.

[11] **Q.** He was there every Sunday until such time
[12] as the Court entered an injunction?

[13] **A.** To my recollection, yes. There may have
[14] been one once or twice he was not there, but
[15] the majority of the time, yes, consecutive
[16] Sundays after the trial.

[17] **Q.** And did there become a time when, due to
[18] the concerns that you and the congregants or
[19] the church had about his conduct, that you
[20] actually filed a police report?

[21] **A.** Yes, I did.

[22] **Q.** And why did you file the police report on
[23] the church's behalf?

[24] **A.** We had received emails in our office as
[25] well as reports from our members that there

[1] were direct threats against our senior
[2] minister, taking him out, things of this
[3] nature. I became so concerned for the senior
[4] minister's welfare that I felt it incumbent
[5] upon my office, with his permission, to file a
[6] police report, at least, notating what was
[7] going on, with the Philadelphia Police
[8] Department.

[9] **Q.** Okay.

[10] Let's talk about what you brought to
[11] their attention real quick.

[12] **MR. SAMMS:** One for the Judge and
[13] one for the witness.

[14] Thank you.

[15] Your Honor, you have Exhibit D-1,
[16] the complaint or incident report that was
[17] filed for the Court's records of July
[18] 17th, 2019. I ask the Court to take
[19] judicial notice of this complaint being
[20] officially filed.

[21] **THE COURT:** Okay.

[22] - - -

[23] (Complaint marked Exhibit P-1 for
[24] identification.)

[25] - - -

[1] **BY MR. SAMMS:**

[2] **Q.** Do you have a copy of the report in front
[3] of you?

[4] **A.** I do.

[5] **Q.** All right.

[6] Is this your writing, or is this the
[7] officer's writing?

[8] **A.** This is the officer's writing.

[9] **Q.** Are these the complaints -- these
[10] consistent with the complaints that you made
[11] to him that day?

[12] **A.** Yes, they are.

[13] **Q.** All right.

[14] So would you please read to us, under
[15] where it says harassment, slowly, if you can,
[16] for the court reporter, what you reported to
[17] the officer on that day?

[18] **A.** "Tenth Presbyterian Church states
[19] offender started on Easter Sunday, and every
[20] Sunday since offender has appeared on church
[21] property with a large 8-foot sign with the
[22] words, rape, naked beatings, on it. He is
[23] licensed to carry and wears he has gun in a
[24] holster for people to see. He wears a body
[25] camera. He stands outside, so when members

[1] and guests enter sanctuary, he hands out
[2] literature and states the church lies."
[3] **MS. COHEN:** Your Honor, objection.

[4] I'm sorry I didn't raise it
[5] earlier. I feel this document is a form
[6] of hearsay. We don't have Mr. Frambry
[7] here, who may or may not be the officer,
[8] and to have Mr. Baker just sit and read
[9] what Officer Frambry wrote, I feel is a
[10] violation of the rules of evidence.

[11] If Mr. Baker wants to testify as
[12] to what he told the officer, I don't have
[13] a problem with that.

[14] **MR. SAMmS:** Your Honor, that's
[15] what he's doing. We laid the appropriate
[16] foundation. It is a hearsay document in
[17] its purest form, but these are his
[18] complaints that he made. He read it. He
[19] said these were his complaints, so I'm
[20] just asking him to put his complaints in
[21] the record, and we're not with a jury. I
[22] think Your Honor can separate the wheat
[23] from the chaff, so to speak.

[24] **MS. COHEN:** This is not an
[25] official document. I don't know if it's

[1] part of another document. There may be
[2] more pages. There is no type of seal or
[3] record indicating that's official, and I
[4] continue to raise my objection that it
[5] shouldn't be acceptable and accepted for
[6] the legality of what it states.

[7] **THE COURT:** Okay. It's sustained.

[8] He can testify as to, of course,
[9] what he told the officer, because his
[10] testimony was that he called the police
[11] and he had given the report.

[12] **MR. SAMmS:** Thank you.

[13] **BY MR. SAMmS:**

[14] **Q.** Did you actually go to the police
[15] department?

[16] **A.** Yes, I did.

[17] **Q.** On the 17th, did you tell the police that
[18] he wore a gun while he was out in front of the
[19] church?

[20] **A.** Yes. It was my understanding, knowing
[21] his background --

[22] **MS. COHEN:** Objection, Your Honor.

[23] He's leading the witness. I don't
[24] see that information in the report. It
[25] says he's licensed to carry a gun and

[1] wears a gun.

[2] **THE COURT:** That's what it says,
[3] but you don't want him reading it?

[4] **MS. COHEN:** No.

[5] If Mr. Baker said he wears a gun,
[6] that's fine, but Mr. Samms was leading
[7] Mr. Baker as to what to say. I don't have
[8] a problem with Mr. Baker testifying what
[9] he saw Mr. Snyder do.

[10] **THE COURT:** Okay.
[11] Sustained as to leading.

[12] **MR. SAMmS:** Sure.

[13] **BY MR. SAMmS:**

[14] **Q.** Will you tell me if it is your
[15] understanding or you had observed him wearing
[16] anything other than a usual belt around his
[17] waist?

[18] **A.** Yes, it was my understanding that was the
[19] case.

[20] **Q.** What was the case?

[21] **A.** That he was wearing a concealed weapon
[22] near the church.

[23] **Q.** Now, did you in your official capacity
[24] receive information that people were scared,
[25] concerned, or threatened by him?

[1] **A.** Yes. Almost a week did not go by where I
[2] was not either stopped on a Sunday by members
[3] alarmed by his presence or receiving emails in
[4] our office about his presence on or near the
[5] church property.

[6] **Q.** And when you would receive those emails,
[7] was it your understanding that people were
[8] concerned for their safety?

[9] **A.** Yes, to a person.

[10] **Q.** And did you receive complaints of yelling
[11] and observations that he was shaking in a
[12] physically overt manner towards people?

[13] **MS. COHEN:** Objection to the
[14] continued leading of the witness. The
[15] witness can testify.

[16] **THE COURT:** Objection is
[17] sustained.

[18] **BY MR. SAMmS:**

[19] **Q.** What is your understanding as to what his
[20] conduct was on the sidewalk?

[21] **A.** From my own observation and the
[22] recollection of others who spoke to me
[23] directly, post trial and verdict, there was an
[24] increased animation in his behavior. There
[25] were much more actions with verbal intrusions

[1] to members when they would come than it was
[2] before the trial. He would definitely speak
[3] to members as they were entering the church
[4] with more literature and the body camera,
[5] which he was wearing, and these videos would
[6] be posted on a social media site following his
[7] encounter with Tenth members and guests.

[8] **Q.** Would you -- did you notice him being
[9] physically aggressive?

[10] **A.** Yes. He would step forward over the
[11] line, which he was legally bound not to cross,
[12] and speak with people, other members. I have
[13] witnessed that myself as well as others in the
[14] membership, as well.

[15] **Q.** Now, in your capacity as an official of
[16] the church, did your duties include security?

[17] **A.** Yes, they did.

[18] **Q.** And would you tell us, in the summer or
[19] the summer of 2019, did you attend any
[20] training as part of your development of a
[21] complete security plan?

[22] **A.** Yes. The senior minister had given me a
[23] directive along with the Session to upgrade
[24] the security committee, strengthen its
[25] capacity for our church.

[1] **Q.** And was Mr. Snyder one of the reasons
[2] they wanted to upgrade the security?

[3] **A.** He was the sole reason. That was
[4] definitely the driver behind the driver behind
[5] the direction.

[6] Tenth is on old building. We need a
[7] security update anyway. I was charged to
[8] develop a comprehensive security plan for the
[9] church and congregation, which we did. A part
[10] of that, which resulted in my attendance at an
[11] active shooter training by ALICE. It's a
[12] company that specializes in security training
[13] for churches and for nonprofits, school and
[14] other areas like that, and I attended that
[15] training on behalf of the church.

[16] **Q.** And this ALICE, do you know what that
[17] acronym stands for?

[18] **A.** I don't recall it all. Basically, it's
[19] an active shooter situation, showing how to
[20] prevent an active shooter. Any ways you can
[21] prevent violence or tragedy in the church.

[22] **Q.** Does it refresh your recollection to here
[23] alert, lockdown --

[24] **A.** Yes. Captain Roane said that.

[25] **Q.** Would you explain to the Court who

[1] Captain Brandon Roane was?

[2] **A.** A Philadelphia polic captain that I met
[3] at the training that day. He led the entire
[4] four seminars I attended. I had time with him
[5] after the seminars and developed a
[6] relationship with him, asking for his counsel
[7] with the situation with Mr. Snyder.

[8] **Q.** All right.

[9] Now, briefly, tell us how long this
[10] training seminar was?

[11] **A.** Five hours.

[12] **Q.** And where was it held?

[13] **A.** It was held on the campus of Eastern
[14] University, in their auditorium.

[15] **Q.** Were there handouts affiliated with this
[16] literature, graphs and things of that nature?

[17] **A.** There were, which I brought back to the
[18] senior minister's office and the Session of
[19] the church, as well.

[20] **Q.** Just so the record is clear, was the
[21] purpose of the training to prepare churches
[22] and other institutions on how to best avoid
[23] active shooter situation, and, unfortunately,
[24] if it occurred, to deal with it?

[25] **MS. COHEN:** Objection to ongoing

[1] leading questions.

[2] **THE COURT:** Sustained.

[3] **MR. SAMmS:** It's just general

[4] background, Your Honor, as to the purpose.

[5] **BY MR. SAMmS:**

[6] **Q.** Tell us the purpose of the training?

[7] **A.** Yes. I was part of the consortium here
[8] for the City of Philadelphia, because there
[9] had been so many church shootings across the
[10] nation, that number of us who were charged
[11] with the safety of the building and the
[12] membership our churches together. I joined a
[13] Jewish synagogue, Catholic church, the
[14] Mormons. We were part of a consortium
[15] together, dedicated to the sole purpose of
[16] strengthening and hardening the buildings for
[17] our security purpose. That training was part
[18] of that. It was given to us also as a part --
[19] our insurance company provided it to us in
[20] hopes that we would be able to harden the
[21] building, train leaders, and strengthen our
[22] policies to prevent any type of violent
[23] tragedy from occurring.

[24] **Q.** Now, as part of your training, was there
[25] something known as the four quadrants?

[1] **A.** There was.

[2] **Q.** Would you explain to the Court what the
[3] four with quadrants are and why they are
[4] relevant?

[5] **A.** One of the things that Captain Roane told
[6] us --

[7] **MS. COHEN:** Objection, Your Honor.

[8] I feel this whole line of
[9] questioning is irrelevant. We are not
[10] interested, shouldn't be interested, don't
[11] care what kind of security training
[12] Mr. Baker had.

[13] **MR. SAMmS:** It's is not security
[14] training regarding him that is
[15] interesting, Your Honor. He's telling us
[16] about his understanding as a church
[17] official as to what causes a potential
[18] danger, and that is why we are here today,
[19] because of the potential danger posed by.

[20] **THE COURT:** That's what he said,
[21] initially. That's what he testified to.

[22] The objection is sustained.

[23] You can move on.

[24] **BY MR. SAMmS:**

[25] **Q.** So tell us, did you apply the four

[1] quadrants to the behavior of Mr. Snyder?

[2] **A.** Yes. Part of the instruction to us that
[3] day was a preventative measure, for us to
[4] understand certain red flags that were present
[5] with people and to take action prior to a
[6] tragedy. They basically presented four
[7] quadrants of research --

[8] **THE COURT:** Let me just say that I
[9] sustained the objection. We don't need
[10] this testimony. I'm clear on why he did
[11] what he did.

[12] All right?

[13] **BY MR. SAMmS:**

[14] **Q.** As a result of your training, was the
[15] church concerned about -- and the behavior
[16] that Mr. Snyder had exhibited -- were you
[17] concerned about the safety of congregants?

[18] **A.** Yes. Based upon the profile and what we
[19] learned that day, he met every aspect of a
[20] profile of a person that could easily bring
[21] violence to a church congregation.

[22] **Q.** And was the escalation of his behavior
[23] one of the specific reasons for concern?

[24] **MS. COHEN:** Objection.

[25] There are no grounds to indicate

[1] that walking around with a sign is an
[2] escalation of any behavior. We don't know
[3] what the behavior was before. We've only
[4] heard that there was a trial.

[5] **MR. SAMmS:** Your Honor, that's
[6] cross-examination. He can testify that he
[7] observed a difference in the behavior, and
[8] then she can cross-examine him if she
[9] likes.

[10] **THE COURT:** Overruled.

[11] Go ahead.

[12] **BY MR. SAMmS:**

[13] **Q.** Mr. Baker, you were telling us about the
[14] escalation in conduct.

[15] How was the conduct an escalation?

[16] **A.** Well, we noticed him there immediately
[17] after trial with a sign. More interaction
[18] with members as they came into the
[19] congregation to worship. More body-cam video.
[20] More social media presence, which was a real
[21] red flag for us that something could easily
[22] happen there, and there was increased
[23] agitation in his behavior as he stood outside
[24] the congregation's facility.

[25] **Q.** After the trial was lost, was there a

[1] change in Mr. Snyder's action, from what you
[2] could tell?

[3] **A.** Yes.

[4] **Q.** Explain that, please?

[5] **A.** Well, as we observed him outside, there
[6] seemed to be much more of a disgruntled
[7] nature, knowing that the messaging that he was
[8] trying to purport to the church and its guests
[9] membership was not true. I think with that
[10] loss, there was obviously, from what he could
[11] observe in his behavior, in his writings, in
[12] his social media presence, what he would give
[13] out videos and all that, there was a lot of
[14] anger as a result of the verdict.

[15] **Q.** And was this manifested by his physical
[16] actions towards people?

[17] **A.** Yes. It's obvious that we were able to
[18] see, you know, red-faced, engaging with
[19] people, talking to them, things of that
[20] nature, it was escalating, and it was a
[21] dramatic change from what we had observed
[22] before the trial.

[23] **Q.** What you would say, in common parlance,
[24] getting in someone's face?

[25] **A.** Well, it was definitely that. Others can

[1] testify directly to that. He never got in my
[2] face, but I ha firsthand statements from
[3] church members, and I observed from a distance
[4] interaction or what he would do with church
[5] members when they were walking to worship.

[6] **Q.** Were they part of your administrative
[7] responsibilities for the church to take these
[8] complaints and handle them for the church?

[9] **A.** Absolutely, yes.

[10] **Q.** Was these complaints rare or unique?

[11] **A.** It was a steady stream. As I said
[12] previously, a week didn't go by when I was not
[13] confronted with an email, or heard something
[14] from a member, or someone who had an
[15] interaction with Mr. Snyder.

[16] **Q.** Did you see evidence of the Mr. Snyder or
[17] evidence of his conduct that concerned you
[18] about his mental status?

[19] **A.** Yes.

[20] **MS. COHEN:** Objection.

[21] There's no background that
[22] Mr. Baker is a psychologist, psychiatrist
[23] or can determine someone's mental status.

[24] **THE COURT:** Rephrase the question.

[25] **BY MR. SAMmS:**

[1] **Q.** Tell us what you observed that -- were
[2] you concerned about change in his thinking
[3] process?

[4] **A.** Yes, I was.

[5] **Q.** Would you explain to the Court what you
[6] saw that gave you cause for concern and what
[7] you were concerned for?

[8] **A.** In the immediate aftermath of the trial
[9] and his presence, again, yet, at the church,
[10] was noticeably different as he stood outside.
[11] It wasn't just the sign. It was the way that
[12] he interacted with members, the way that he
[13] posted videos, the way that we kept
[14] pamphleteering, as it were, the congregation
[15] after the verdict was given. They seemed to
[16] escalate after that, and, also, a new social
[17] media presence that we had not seen before.
[18] All of these, in any objective way that I
[19] could determine, you know -- I had to give a
[20] report to Session and the senior ministry --
[21] as I looked at those types of red flags, they
[22] were all increasing, so it became a situation
[23] with me where I felt we need to take action,
[24] do something about this. There was definitely
[25] a change.

[1] **Q.** And did you become aware as to whether he
[2] had voiced these concerns elsewhere?

[3] I think you said social media.

[4] **A.** Yes. There was a new website fostered
[5] together by him using our name in that domain
[6] name with all the information, the court
[7] documents, was a new sort of action for him.

[8] **Q.** What was the name of the website that
[9] commandeered?

[10] **A.** The URL was Tenthpresbyterianchurch.com.

[11] **Q.** Is that an authorized website for Tenth
[12] Presbyterian?

[13] **A.** It is not.

[14] **Q.** Do you know who the owner of that domain
[15] is?

[16] **A.** Mr. Snyder.

[17] **Q.** And were you also aware or did you ever
[18] become aware that he was sending information
[19] to certain blogs about Tenth Presbyterian?

[20] **A.** Yes, I was.

[21] **Q.** So based on your understanding and
[22] knowledge, was he communicating or expressing
[23] his beliefs or opinions elsewhere other than
[24] on the street?

[25] **A.** In at least four to five different

[1] places, by my count, yes.

[2] **MR. SAMmS:** The Court's
[3] indulgence.

[4] - - -

[5] (Pause.)

[6] - - -

[7] **MR. SAMmS:** Your Honor, that's all
[8] I have for this witness at this time. I
[9] would like to reserve and ask the witness
[10] to stay after cross, just to deal with
[11] rebuttal issues that I believe may arise.

[12] **THE COURT:** Okay.

[13] Cross-examine.

[14] **MS. COHEN:** Your Honor, I did not
[15] ask that the witnesses be sequestered,
[16] because I'm not sure who is in the room.

[17] Can we have any witnesses
[18] sequestered at this point?

[19] **THE COURT:** All parties
[20] testifying, step outside, please.

[21] **MR. SAMmS:** Well, Your Honor, if I
[22] may?

[23] Dr. Goligher is the representative
[24] of the church throughout the proceedings.
[25] Ms. Elzey is the next witness. I would be

[1] happy to send her out.

[2] Ms. Elzey, would you please step
[3] outside, and Dr. Goligher can stay.

[4] **MS. COHEN:** And would you like
[5] Judge Nichols to leave?

[6] **MR. SAMmS:** I'm not requesting the
[7] Judge step out. He's not testifying about
[8] anything factual. I have no objection to
[9] him staying.

[10] **THE COURT:** Okay.

[11] - - -

[12] CROSS-EXAMINATION

[13] - - -

[14] **BY MS. COHEN:**

[15] **Q.** Mr. Baker, when did you join Tenth
[16] Presbyterian Church?

[17] **A.** I came on staff May of 2018.

[18] **Q.** And at that point in time, had Mr. Snyder
[19] already been excommunicated from the church?

[20] **A.** Yes.

[21] **Q.** And, at that time, during the course of
[22] your stay at the church, was there a
[23] defamation action that the church filed -- I'm
[24] sorry. Was there an injunctive relief action
[25] that the church filed against Mr. Snyder?

[1] **MR. SAMmS:** Objection, Your Honor.
[2] Relevance.

[3] We've indicated that we're only
[4] seeking to enjoin the behavior after the
[5] trial to now, and so it has no relevance
[6] other than if there was testimony during
[7] that, that can be used to impeach, but the
[8] incidents at that time, other than
[9] providing historical background to show
[10] escalation, is not relevant to this
[11] proceeding.

[12] **MS. COHEN:** I'm only raising it
[13] for chronology, so we get an idea where
[14] Mr. Baker was, if he worked for the church
[15] during the time when certain incidents
[16] occurred and when the didn't. I'm not
[17] referring to --

[18] **THE COURT:** It's overruled.
[19] Go ahead.

[20] **BY MS. COHEN:**

[21] **Q.** So, Mr. Baker, during the time you were
[22] with the church, was there some court action
[23] that the church was involved in regarding
[24] Mr. Snyder?

[25] **A.** Yes. There was a trial, and, then, after

[1] the trial, there was a filing with us on the
[2] injunction for protective order, yes.

[3] **Q.** And when you refer to the trial, you
[4] refer to a defamation action?

[5] Who initiated that action?

[6] **A.** Mr. Snyder.

[7] **Q.** Okay.

[8] And that was around January 2017?

[9] **A.** No. The trial was, to my recollection,
[10] March of 2019.

[11] **Q.** I'm sorry. When a matter actually is
[12] brought and goes to trial is a different
[13] story.

[14] Let's talk about the injunction, where
[15] Judge Fletman issued an opinion.

[16] Were you at the church at that point in
[17] time?

[18] **A.** No.

[19] **Q.** Were you at the church at the point that
[20] the defamation trial ended?

[21] **A.** Yes.

[22] **Q.** And did you testify at that trial?

[23] **A.** I did not.

[24] **Q.** Are you still at the church?

[25] **A.** I am not.

- [1] **Q.** When did you leave the church?
- [2] **A.** December 30th, 2019.
- [3] **Q.** Where are you currently working?
- [4] **A.** Senior fellow at U.S. Leadership
- [5] Foundation in Washington DC.
- [6] **Q.** Okay.
- [7] Did you leave the church because of
- [8] anything Mr. Snyder did to you personally?
- [9] **A.** No.
- [10] **Q.** You testified when we were talking about
- [11] Exhibit P-1, that it was your understanding
- [12] that Mr. Snyder was wearing a concealed
- [13] weapon, at some point, when he stood in front
- [14] of the church with the sign.
- [15] Did you ever see him with a concealed
- [16] weapon?
- [17] **A.** No, ma'am. It was concealed.
- [18] **Q.** Did you ever see him with any weapon?
- [19] **A.** No.
- [20] **Q.** How did you learn that he was wearing a
- [21] concealed weapon?
- [22] **A.** It came to my attention that he was
- [23] licensed to carry a firearm and that he often
- [24] carried it at the church.
- [25] **Q.** And how did anyone know he carried it, if

[1] it was concealed?

[2] **A.** He often --

[3] **MR. SAMmS:** Objection.

[4] She's asking him to speculate as

[5] to the state of mind of other people.

[6] **THE COURT:** That's correct.

[7] It's sustained.

[8] **BY MS. COHEN:**

[9] **Q.** Now, you testified that people, during
[10] your tenure at the church, stopped you to
[11] complain; is that correct?

[12] **A.** Correct.

[13] **Q.** And those people were at church service
[14] when they stopped you to complain?

[15] **A.** Yes.

[16] **Q.** But those people did attend the church
[17] services, despite Mr. Snyder's activities?

[18] **A.** Some did; others did not.

[19] **Q.** All right.

[20] And did you ever receive anything in
[21] writing saying, We are withdrawing from this
[22] church because Mr. Snyder is walking around
[23] with a sign?

[24] **A.** I did not receive a stated withdrawal. I
[25] did receive emails stating they were not

[1] attending.

[2] **Q.** And did they say why they were not
[3] attending?

[4] **A.** Yes. They were fearful for their safety
[5] with Phil Snyder out in front, yes.

[6] **Q.** And the church is in Philadelphia,
[7] correct, in the urban area, Center City?

[8] **MR. SAMmS:** Objection, Your Honor,
[9] to the term "in the urban area."

[10] **THE COURT:** Objection sustained.

[11] **BY MS. COHEN:**

[12] **Q.** Is the church located in Center City
[13] Philadelphia?

[14] **A.** It is.

[15] **Q.** And Center City Philadelphia and
[16] Philadelphia in general has certain crimes
[17] that are reported every night; is that
[18] correct?

[19] **MR. SAMmS:** Objection, Your Honor.
[20] Relevance as to --

[21] **THE COURT:** Objection is
[22] sustained.

[23] **BY MS. COHEN:**

[24] **Q.** Now, you testified that Mr. Snyder was
[25] across some type of a line, and that he was

[1] legally bound not to cross a line.

[2] Was there any kind of order in effect

[3] that said he couldn't cross a line?

[4] **A.** It was my understanding there was, yes.

[5] **Q.** Okay.

[6] And could you show me that order?

[7] **A.** Well, I don't have it with me, but I'm

[8] sure we can produce it. It should be a part

[9] of the court.

[10] **Q.** And do you know how many feet away

[11] Mr. Snyder was supposed to remain from the

[12] church?

[13] **A.** I know that he could not cross the

[14] sidewalk line onto the church property there.

[15] I would assume that would probably be 20 feet.

[16] **Q.** Did you ever see him cross the line

[17] personally?

[18] **A.** Yes.

[19] **Q.** Did your call the police and report him?

[20] **A.** Yes.

[21] **Q.** Did the police arrest him?

[22] **A.** No.

[23] **Q.** Do you know if the police ever arrested

[24] Mr. Snyder for anything?

[25] **A.** I do not know, no.

[1] **Q.** Did the police ever tell you why they
[2] weren't going to arrest Mr. Snyder for
[3] crossing the line?

[4] **MR. SAMmS:** Objection.

[5] **THE COURT:** Objection is
[6] sustained.

[7] **THE WITNESS:** No.

[8] **THE COURT:** You don't have to
[9] answer. It's sustained.
[10] Go ahead.

[11] **BY MS. COHEN:**

[12] **Q.** You stated that you went to a five-hour
[13] seminar at Eastern University; is that
[14] correct?

[15] **A.** It is.

[16] **Q.** And when did you attend that seminar?

[17] **A.** Late July or early August -- I can't
[18] remember exactly -- of 2019.

[19] **Q.** Okay.

[20] And would you agree that there has been
[21] escalation of violence against religious
[22] institutions for a number of years?

[23] **MR. SAMmS:** Objection to the
[24] extent of his knowledge as an expert, but
[25] I don't object to him answering the

[1] question as to his state of mind and why
[2] they were concerned.

[3] **THE COURT:** Okay. That's not her
[4] question.

[5] **THE WITNESS:** Yes.

[6] **BY MS. COHEN:**

[7] **Q.** Would you agree that the reason that you
[8] attended this seminar was not entirely based
[9] on what Mr. Snyder was doing with the sign?

[10] **A.** No.

[11] **Q.** Would you agree that is the only reason
[12] that you attended that seminar?

[13] **A.** No.

[14] **Q.** So you said no to both questions.

[15] My first question was, did you attend the
[16] seminar for other reasons besides Mr. Snyder
[17] carrying the sign?

[18] **A.** Yes.

[19] **Q.** What were those other reasons?

[20] **A.** I wanted to gain better expertise and the
[21] best research available to us to be able to
[22] structure a comprehensive security plan for
[23] the church. Part of that security plan
[24] included research and work towards aspects of
[25] prevention of active shooters.

[1] **Q.** And in that security plan, did they talk
[2] about constitutional rights of free speech?

[3] **A.** Well, the plan had not been written at
[4] that point, and --

[5] **Q.** I'm going to alter that question.

[6] In your training, were you trained about
[7] constitutional aspects of free speech?

[8] **A.** Absolutely, yes.

[9] **Q.** And what did you learn in that training
[10] about an individual's right to free speech in
[11] this country?

[12] **MR. SAMmS:** Objection, Your Honor.

[13] It calls for a legal opinion.

[14] **MS. COHEN:** Your Honor, he said he
[15] learned something during his course, so
[16] I'm asking what he learned.

[17] **MR. SAMmS:** I learned about taxes,
[18] Your Honor, but I should not --

[19] **THE COURT:** You can't ask him any
[20] questions that would require a legal
[21] opinion, because he can't testify as to
[22] that. You can rephrase the question or
[23] ask him something different.

[24] **MS. COHEN:** Sure.

[25] **BY MS. COHEN:**

[1] **Q.** Now, are you licensed to carry a weapon?

[2] **A.** No.

[3] **Q.** Do you have any security training from a
[4] police force or military?

[5] **A.** Yes.

[6] **Q.** What type of training do you have?

[7] **A.** I was trained by the Louisiana State
[8] Police when I was on the governor's staff of
[9] my home state.

[10] **Q.** And you were not in the police, but you
[11] were trained by the police?

[12] **A.** Yes. The Louisiana State Police took all
[13] executive staff for extensive training for
[14] prevention of violence.

[15] **Q.** Are you licensed to carry a weapon in any
[16] state?

[17] **A.** No.

[18] **Q.** Were you ever licensed?

[19] **A.** No.

[20] **Q.** Okay.

[21] Do you know if any other individuals in
[22] your congregation are licensed to carry a
[23] weapon?

[24] **MR. SAMmS:** Objection, Your Honor.

[25] **THE COURT:** It's sustained.

[1] **BY MS. COHEN:**

[2] **Q.** Would you agree that in the last few
[3] years, there have been active shooters who
[4] have engaged in shooting individuals in a
[5] church setting or a synagogue setting or a
[6] mosque setting?

[7] **A.** Yes.

[8] **Q.** All right.

[9] And are you personally familiar whether
[10] any of those individuals ever marched outside
[11] on a sidewalk?

[12] **A.** No.

[13] **Q.** In your opinion, is it possible for
[14] someone to be an active shooter who had not
[15] been involved in any congregation in which
[16] they attacked later on?

[17] **THE COURT:** Okay. He can't give
[18] that testimony, ma'am. He's not an expert
[19] in that area.

[20] **MS. COHEN:** I asked him his
[21] opinion, if it's possible.

[22] **THE COURT:** Anything is possible.

[23] **MS. COHEN:** Well --

[24] **THE COURT:** He can't answer that
[25] question. Come on.

[1] What's next?

[2] **BY MS. COHEN:**

[3] **Q.** Now, does the church have an active
[4] security force?

[5] **A.** Yes.

[6] **Q.** And how many people are on that force?

[7] **A.** Seven.

[8] **Q.** And are they normally just there for
[9] weekend services, or during the week, also?

[10] **MR. SAMmS:** Objection, Your Honor,
[11] again, to relevance.

[12] **MS. COHEN:** Your Honor, I would
[13] like to be able to present my case.

[14] **THE COURT:** We have one court
[15] reporter taking everybody down.

[16] He has an objection on the floor.

[17] I have to listen, then I will let you
[18] respond.

[19] **MR. SAMmS:** My objection, Your
[20] Honor, is it's irrelevant as to what the
[21] security is. It's plaintiff's conduct
[22] that is at issue in the case.

[23] **MS. COHEN:** I don't feel it's
[24] irrelevant at all.

[25] If they have security in place and

[1] there are people there that can protect
[2] the congregation, what does one man
[3] standing outside walking around with a
[4] sign -- they are not unprotected.

[5] **THE COURT:** Listen, counsel,
[6] that's argument. That's what that is.
[7] That's argument, so his objection is
[8] sustained.

[9] **BY MS. COHEN:**

[10] **Q.** Now, are you a social media expert,
[11] Mr. Baker?

[12] **MR. SAMmS:** Your Honor, he's been
[13] offered as an expert in nothing,
[14] essentially.

[15] No offense to the witness.

[16] **MS. COHEN:** Your Honor, he
[17] testified about the increase in social
[18] media presence, and the fact that made the
[19] congregation --

[20] **THE COURT:** No. His testimony was
[21] what he observed as a result of whatever
[22] happened in court, and he was testifying
[23] as to what happened, an escalation, and he
[24] talked about some of the things that he
[25] perceived to be an escalation. He talked

[1] about the social media site and him
[2] posting videos because of the body camera
[3] he was wearing. He did not testify as an
[4] expert on social media.

[5] **MS. COHEN:** All right.

[6] **BY MS. COHEN:**

[7] **Q.** You stated that you felt that because
[8] Mr. Snyder engaged in more active social media
[9] after the defamation trial, that you felt it
[10] was a result of him being angry because of the
[11] verdict in the trial; is that correct?

[12] **A.** I did.

[13] **Q.** Now, you also stated that Mr. Snyder
[14] never got in your face, personally?

[15] **A.** Correct.

[16] **Q.** Did you learn from anyone at the church
[17] that Mr. Snyder began engaging in activities
[18] regarding the church after he was
[19] excommunicated?

[20] **A.** Would you repeat the question, please?

[21] **Q.** Did you learn that Mr. Snyder began
[22] engaging in activities, expressing his
[23] opinions of the church, prior to getting
[24] there?

[25] Did you learn that from anyone?

[1] **A.** Yes.

[2] **Q.** All right.

[3] So would you agree that Mr. Snyder has
[4] engaged in those activities since, at least --
[5] when did you state you arrived?

[6] **MR. SAMMS:** Your Honor, if I may
[7] object?

[8] I'm not clear as to what
[9] activities she's talking about. We're
[10] alleging new and different activities, so
[11] if we could have clarification, please.

[12] **THE COURT:** Okay.

[13] **BY MS. COHEN:**

[14] **Q.** When you arrived in 2018, correct, what
[15] was your understanding of the activities
[16] Mr. Snyder was engaging in that disturbed
[17] other people at the church?

[18] **A.** In the original brief to me about
[19] Mr. Snyder's past with the church and in my
[20] reading of the emails and all the other
[21] information that was ancillary to that, I read
[22] first hand, some of the information that he
[23] himself wrote to the congregants of the
[24] church. So I read, approximately -- I'm
[25] sorry -- I don't remember exactly -- about six

[1] or seven pieces of correspondence, each of
[2] them totaled, probably, about four to five
[3] pages, as I recall, and they were sent with
[4] great frequency to members of the
[5] congregation.

[6] **Q.** So would you agree that Mr. Snyder has
[7] been engaging in writing activities for, at
[8] least, three years?

[9] **A.** I assumed so. I don't have an exact --

[10] **THE COURT:** So you can't testify
[11] to an assumption.

[12] **THE WITNESS:** I'm sorry, Your
[13] Honor. Please forgive me.

[14] **THE COURT:** You either know or you
[15] don't know.

[16] **THE WITNESS:** I don't know.

[17] **BY MS. COHEN:**

[18] **Q.** Would you agree, since you've been at the
[19] church to the current date, Mr. Snyder has not
[20] attacked anyone?

[21] **MR. SAMMS:** Objection.

[22] Can we have clarification as to
[23] what is meant by "attacked"?

[24] Physically, verbally,
[25] psychologically?

[1] **THE COURT:** Objection sustained.

[2] **BY MS. COHEN:**

[3] **Q.** Would you agree, Mr. Snyder has not shot
[4] anyone since you've been at the church?

[5] **A.** To the best of my knowledge, no.

[6] **Q.** And I had asked you, I believe, if you
[7] were aware whether Mr. Snyder was ever
[8] arrested for either carrying a concealed
[9] weapon or for writing to the church?

[10] **MR. SAMmS:** Objection.

[11] No relevance, Your Honor, as to
[12] prior arrests.

[13] **MS. COHEN:** I think he already
[14] answered that.

[15] **MR. SAMmS:** That's fine, Your
[16] Honor. We'll just move on.

[17] **THE COURT:** Okay.

[18] You can answer.

[19] **BY MS. COHEN:**

[20] **Q.** From the time you were at the church to
[21] the current date, did you ever hear that
[22] Mr. Snyder was arrested for any activities
[23] that he was engaging in involving the church?

[24] **A.** Not to my knowledge, no.

[25] **Q.** And you stated you spoke with an officer

[1] Brandon Roane; is that correct?

[2] **A.** Captain Brandon Roane, correct.

[3] **Q.** When did you speak with him?

[4] **A.** During the training, August of 2019.

[5] **Q.** And this was the training at Eastern
[6] University?

[7] **A.** Correct.

[8] **Q.** And was Officer Roane a member of the
[9] church, at that time?

[10] **A.** No.

[11] **Q.** Has he ever been a member of the church,
[12] as far as you know?

[13] **A.** No.

[14] **Q.** Okay.

[15] So he was -- what was his position at the
[16] training?

[17] **A.** Senior consultant and strategic advisor
[18] to the ALICE corporation. He was also a
[19] 25-year veteran of PPD.

[20] **Q.** Do you know if he was a member of the
[21] Philadelphia Police force?

[22] **A.** Yes, he was.

[23] **Q.** Was he still a member when you met him at
[24] Eastern?

[25] **A.** No, he was not.

[1] **Q.** Was he retired?

[2] Do you know?

[3] **A.** To the best of my knowledge, yes.

[4] **Q.** Approximately, how old was he, if you
[5] know?

[6] **A.** I don't know for certain.

[7] If I may make a guess?

[8] **MR. SAMmS:** Your Honor we'll
[9] stipulate he was a 25-year veteran of the
[10] Philadelphia Police Force before retiring.

[11] **BY MS. COHEN:**

[12] **Q.** Did the church ever engage Officer Roane
[13] as a security consultant?

[14] **MR. SAMmS:** Objection, Your Honor.
[15] That would be privileged, anyway.

[16] **THE COURT:** Objection is
[17] sustained.

[18] **BY MS. COHEN:**

[19] **Q.** Going back to the security force in place
[20] at the church, you stated there were how many
[21] individuals?

[22] I think, seven; is that right?

[23] **A.** Correct.

[24] **Q.** Okay.

[25] And how often are they at the church?

[1] **A.** Every Sunday.

[2] **Q.** And are they licensed officers?

[3] **A.** No.

[4] **Q.** Are they private security force?

[5] **A.** No.

[6] **Q.** Who are these individuals?

[7] **A.** These are faithful members of Tenth

[8] Presbyterian Church who want to serve the

[9] congregation in ways that protect from

[10] intruders or any problem that may arise during

[11] our services.

[12] **Q.** And are these people who volunteered for

[13] that duty?

[14] **A.** Yes.

[15] **Q.** Do you know if any of them carry a gun

[16] while they are at the church?

[17] **A.** I have no idea, ma'am.

[18] **Q.** Is this a requirement of being on the

[19] security squad?

[20] **A.** Not at all, no.

[21] **Q.** So, Officer Roane, did you ask him,

[22] specifically, about Mr. Snyder?

[23] **A.** I did.

[24] **Q.** Do you know if he ever met Mr. Snyder?

[25] **A.** No.

[1] **Q.** Did he ever -- do you know if Mr. Snyder
[2] was ever asked to meet with Mr. Roane to
[3] evaluate him?

[4] **A.** I did not use Mr. Snyder's name overtly
[5] and disclose Mr. Snyder's name to Captain
[6] Roane.

[7] **Q.** Okay.

[8] So what did you learn from Officer Roane
[9] that might have alerted you to something being
[10] possibly problematic with Mr. Snyder's
[11] behavior?

[12] **A.** Officer Roane told me that there were key
[13] lead indicators that could spell disaster for
[14] a congregation if not noticed and heeded, and
[15] that was -- and he asked what were some of the
[16] behaviors that were going on, and I told him
[17] that there was an extreme loss, you know. He
[18] had lost the trial. There was an increased
[19] presence on social media after the trial.
[20] There was presence of a firearm, and there was
[21] new behavior that had not been seen prior to
[22] the trial. That was what I disclosed to the
[23] officer, and he said this was a profiling
[24] situation that was a potential problem for the
[25] congregation.

[1] **Q.** Did you ask Officer Roane about the
[2] characteristics of any other church members,
[3] to see if they were potential problems?

[4] **A.** No.

[5] **Q.** So as far as you're concerned,
[6] Mr. Snyder, who was no longer a member of the
[7] church, was the only problematic person you
[8] asked Officer Roane about?

[9] **A.** Yes.

[10] **Q.** Do you know if Officer Roane ever
[11] examined any psychological records regarding
[12] Mr. Snyder?

[13] **A.** I have no idea.

[14] **Q.** Do you know if he ever reviewed any other
[15] records regarding Mr. Snyder?

[16] **A.** Ma'am, as I said earlier, Captain Roane
[17] did not know Mr. Snyder's name, because I did
[18] not reveal it. I just used a person. I did
[19] not reveal Mr. Snyder's name to Captain Roane.

[20] **Q.** And did you provide Captain Roane with
[21] any opinion of the first injunctive-type case,
[22] injunction case, or the transcript of the
[23] defamation trial?

[24] **A.** No.

[25] **Q.** Is there anything on Mr. Snyder's sign

[1] that he carries in front of the church that
[2] states Tenth Presbyterian Church is doing
[3] these types of things?

[4] Is that on his sign?

[5] **A.** Not to my remembrance, no.

[6] **Q.** Do you know if Mr. Snyder has ever barred
[7] anyone from entering the church?

[8] **A.** Not to my understanding or recollection,
[9] no.

[10] **Q.** Has the church hired any private security
[11] force or anyone who worked for the
[12] Philadelphia Police Department to stand at or
[13] near Mr. Snyder when he's carrying his sign on
[14] Sundays?

[15] **A.** We have on occasion, yes.

[16] **Q.** All right.

[17] And about how many times have you done
[18] that?

[19] **A.** To my recollection, last year, four.

[20] **Q.** And during those four times, did anyone
[21] arrest Mr. Snyder?

[22] **A.** No.

[23] **Q.** Do you know if the police were asked to
[24] arrest Mr. Snyder during those four times?

[25] **MR. SAMmS:** Objection.

[1] It calls for speculation.

[2] **THE COURT:** Yeah, it does, and he
[3] says he doesn't know.

[4] **BY MS. COHEN:**

[5] **Q.** Other than on Sundays, does Mr. Snyder
[6] Carry a sign?

[7] **MR. SAMmS:** Objection.

[8] **THE COURT:** Objection sustained.

[9] **BY MS. COHEN:**

[10] **Q.** When you have received complaints from
[11] congregants about Mr. Snyder's activities,
[12] have they mainly related to the Sunday
[13] services?

[14] **A.** No.

[15] **Q.** Do you know if anyone indicated that
[16] Mr. Snyder Had bothered them during the week,
[17] other than a Sunday?

[18] **A.** Oh, yes.

[19] **Q.** Okay.

[20] Were you aware, Mr. Baker, that
[21] Mr. Snyder had permits to carry one or more
[22] concealed weapons?

[23] **MR. SAMmS:** Objection, Your Honor.

[24] His knowledge about whether he's
[25] allowed has no bearing on plaintiff's

[1] behavior.

[2] **THE COURT:** It has been asked and
[3] answered. We're going to move on, okay?

[4] **MS. COHEN:** Okay.

[5] I don't have any further
[6] questions.

[7] - - -

[8] REDIRECT EXAMINATION

[9] - - -

[10] **BY MR. SAMmS:**

[11] **Q.** Counsel asked you, Mr. Baker, about your
[12] conversations with Captain Roane.

[13] Did Captain Roane tell you that this was
[14] a red flag, the situation you were describing?

[15] **A.** Absolutely.

[16] **Q.** What did you understand the term "red
[17] flag" to mean?

[18] **A.** Well, Captain Roane began explaining to
[19] me there some states we were putting in
[20] legislation for red flag laws because of the
[21] rise in escalation of violence in churches,
[22] particularly, and he warned me that these
[23] actions met the profile perfectly, and we
[24] should take action as soon as possible.

[25] **Q.** When you had a conversation and you gave

[1] information, did you specifically give
[2] information on the person you were talking
[3] about, as to a lost that they suffered, an
[4] increased social media response, that a weapon
[5] was involved and accessible, and that the
[6] person seemed agitated?

[7] **A.** Yes. These are the four quadrants of
[8] discovery and understanding we were presented
[9] in training to look out for with people, and I
[10] communicated to Captain Roane that this person
[11] met every one of those as I described to him,
[12] the actions of Mr. Snyder, but not using his
[13] name.

[14] **Q.** And, in addition, had you been made aware
[15] of an increase in physical and threatened
[16] violence from Mr. Snyder?

[17] **A.** Yes.

[18] **MR. SAMmS:** That's all I have for
[19] this witness.

[20] Thank you, Your Honor.

[21] **THE COURT:** Any recross?

[22] - - -

[23] **RECROSS-EXAMINATION**

[24] - - -

[25] **BY MS. COHEN:**

[1] **Q.** Mr. Baker, those four attributes , would
[2] you agree that there might be other people,
[3] even within your congregation or on the
[4] streets of Philadelphia, that might meet those
[5] four attributes --

[6] **MR. SAMmS:** Objection, Your Honor.

[7] **THE COURT:** Sustained.

[8] **BY MS. COHEN:**

[9] **Q.** Mr. Baker, did you ask Officer Roane
[10] about any other individuals, other than
[11] Mr. Snyder -- and I understand you didn't use
[12] his name -- who you thought might have meet
[13] the quadrant characteristics?

[14] **MR. SAMmS:** Objection.

[15] Asked and answered.

[16] **THE COURT:** Overruled.

[17] You can answer.

[18] **THE WITNESS:** Yes, I did.

[19] **BY MS. COHEN:**

[20] **Q.** Okay.

[21] And who were those individuals, without
[22] giving their names?

[23] **A.** Well, I used other aspects of our
[24] congregational life, because I had a limited
[25] amount of time with this consultant, so I did

[1] not know if I would ever see him again. I not
[2] only spoke to him about Mr. Snyder's
[3] situation, which was the most prominent in our
[4] minds, but I also spoke with him about other
[5] situations we were encountering and asked his
[6] counsel.

[7] **Q.** And did you take action as a result of
[8] the other situation that you describe --

[9] **MR. SAMMIS:** Objection, Your Honor.
[10] Relevance.

[11] **THE COURT:** Overruled, if you
[12] know.

[13] **THE WITNESS:** Yes, I did.

[14] **BY MS. COHEN:**

[15] **Q.** What type of action did you take?

[16] **A.** I structured a security plan to make sure
[17] there was a new detail with offering receipts.
[18] I strengthened our capacity for social media
[19] and online capacity for things like that so
[20] they could not be corrupted or hacked. Those
[21] were the two I remember off hand. I'm sure
[22] there were more. I would have to look at my
[23] notes.

[24] **Q.** Does the church have an official website?

[25] **A.** It does.

[1] **Q.** Is it your understanding that the church
[2] can write what they want on their website?

[3] **MR. SAMmS:** Objection.

[4] **THE COURT:** What is your
[5] objection?

[6] **MS. COHEN:** It's beyond redirect.

[7] **THE COURT:** I'll let him answer.

[8] **THE WITNESS:** Yes. We have
[9] property rights and content rights over
[10] that website, correct.

[11] **BY MS. COHEN:**

[12] **Q.** And do you know if you, when you were at
[13] the church, ever wrote anything on the
[14] church's website about Mr. Snyder?

[15] **A.** No.

[16] **MS. COHEN:** I have no further
[17] questions.

[18] Thank you.

[19] **THE COURT:** Anything else?

[20] **MR. SAMmS:** Nothing based upon
[21] that, Your Honor.

[22] Thank you.

[23] **THE COURT:** Your next witness?

[24] - - -

[25] SUSAN ELZEY, having been duly

[1] sworn, was examined and testified as

[2] **follows:**

[3] **THE COURT CRIER:** state your full

[4] name for the record Susan E-L-Z-E-Y.

[5] - - -

[6] DIRECT EXAMINATION

[7] - - -

[8] **BY MR. SAMmS:**

[9] **Q.** Good morning, ma'am.

[10] **A.** Good morning.

[11] **Q.** Ma'am, would you please advise the Court

[12] how long you've been a member of Tenth

[13] Presbyterian?

[14] **A.** I've been a member for 28 years.

[15] **Q.** Okay.

[16] And other than being a church goer. What

[17] is your professional background?

[18] **A.** I am a professional critical care nurse.

[19] Actually, I retired a year ago, but my career

[20] was as a nurse at Childrens Hospital of

[21] Philadelphia.

[22] **Q.** Now, in this matter, have you had an

[23] opportunity to observe Mr. Snyder outside of

[24] the church?

[25] **A.** I have.

[1] **Q.** Okay.

[2] And, then, basically have you observed
[3] him being red-faced, shaking violently, and
[4] physically aggressive?

[5] **MS. COHEN:** Objection.

[6] Leading.

[7] **THE COURT:** Sustained.

[8] **BY MR. SAMMS:**

[9] **Q.** Let's go, specifically, to June 16th of
[10] 2019, okay?

[11] Do you have a recollection of that
[12] Sunday?

[13] **A.** I do.

[14] **Q.** And that Sunday, did you attend services?

[15] **A.** Yes, I did.

[16] **Q.** Who did you attend service with that day?

[17] **A.** I was accompanied by my daughter and a
[18] guest of ours.

[19] **Q.** Okay.

[20] And, at that point in time, did
[21] Mr. Snyder accost you verbally?

[22] **A.** Yes, he did.

[23] **MS. COHEN:** Objection to

[24] characterizing their interaction as being

[25] accosted.

[1] **THE COURT:** Sustained.

[2] You have to rephrase.

[3] **BY MR. SAMmS:**

[4] **Q.** Did Mr. Snyder speak to you, and, if he
[5] did, would you describe how he spoke to you?

[6] **A.** He did. As I was approaching the church
[7] with my daughter and our guest, I was leading
[8] them towards the front entrance of the church,
[9] as is he turned the corner to approach that
[10] entrance, I was aware of Mr. Snyder's
[11] presence, although I did not in any way engage
[12] with him, but as I continued towards the door,
[13] I heard him call out to me by name, very
[14] loudly. He proceeded to accuse me of being a
[15] liar, telling me very loudly that I should be
[16] ashamed of myself for lying. As he did so, in
[17] an effort to deescalate his behavior, I
[18] purposely did not make eye contact with him,
[19] and I proceeded into the church, but as I
[20] continued all the way up the stairs into the
[21] church, he continued to verbally harass me
[22] very loudly.

[23] **Q.** These comments, calling you names or
[24] accusing you of things, were they said loud
[25] enough for other congregants on the sidewalk

[1] and entering the church to hear?

[2] **MS. COHEN:** Objection.

[3] She wouldn't have any way of
[4] knowing.

[5] **MR. SAMmS:** Your Honor, she would
[6] if she's 15 feet away from him, and he's
[7] yelling, and there are ten people in
[8] between them, and she hears it.

[9] **THE COURT:** Sustained. Sustained.
[10] That's argument.

[11] **BY MR. SAMmS:**

[12] **Q.** How far away from Mr. Snyder were you at
[13] the furthest point when he was yelling?

[14] **A.** I would guesstimate at least 20 feet, if
[15] not more. I could continue to hear his voice
[16] as I entered the building. It was very loud.

[17] **Q.** What do you mean when you say "loud"?
[18] Can you give us some kind of example as
[19] to how loud it was?

[20] **A.** Here are two doorways you have to pass
[21] through to get into the building. I continued
[22] to hear him as I entered through both
[23] doorways. It was loud enough that several
[24] people that were already inside the building
[25] commented to me they had also heard him

[1] verbally harass me with a very aggressive,
[2] very sneering tone.

[3] **Q.** Now, do you have an understanding as to
[4] how he appeared, physically, that day?

[5] **A.** As I said, I purposely, you know, again,
[6] in an effort to deescalate him, did not engage
[7] with him. My daughter, who was with me
[8] described his demeanor as very angry.

[9] **MS. COHEN:** Objection.

[10] She can't testify as to what her
[11] daughter felt.

[12] **BY MR. SAMMS:**

[13] **Q.** Do you have an understanding as to how he
[14] was perceived by others that day?

[15] **A.** Our guest was concerned for my safety and
[16] stated so directly to me.

[17] **Q.** Was he described as menacing?

[18] **A.** Yes.

[19] **Q.** And did you report this incident to the
[20] church leadership after the services?

[21] **A.** I did. I made a report with our deacons.

[22] **Q.** Now, that wasn't the only incident that
[23] you had with him during the summer, correct?

[24] **MS. COHEN:** Objection to the
[25] leading nature of the question.

[1] **THE COURT:** It is leading.

[2] **MR. SAMmS:** And I'll rephrase it,

[3] Your Honor.

[4] **BY MR. SAMmS:**

[5] **Q.** With respect to Mr. Snyder, did you have
[6] any other interactions that summer?

[7] **A.** Yes.

[8] **Q.** But before we talk about that, you said
[9] he called you a liar and some other things.

[10] Did you testify in the trial in March?

[11] **A.** I did.

[12] **Q.** Okay.

[13] And did you testify for Dr. Goligher and
[14] Mr. McFarland, or did you testify for
[15] Mr. Snyder?

[16] **A.** Goligher and McFarland.

[17] **Q.** And are you aware as to what the outcome
[18] of the trial was?

[19] **MS. COHEN:** Objection as to
[20] relevancy.

[21] **THE COURT:** Objection is
[22] sustained.

[23] **MR. SAMmS:** That's fine, Your
[24] Honor.

[25] **BY MR. SAMmS:**

[1] **Q.** Did you have an understanding as to why
[2] he was calling you these names?

[3] **A.** No.

[4] **Q.** Okay.

[5] Later that month, did you have a
[6] disturbing interaction with Mr. Snyder in
[7] front of the church?

[8] **A.** I did. I had observed that he was in a
[9] conversation with a close friend of mine. I
[10] decided that I would join that conversation.
[11] I felt safe to do so, because there were other
[12] people near by who were clearly observing and
[13] ready to intervene if necessary. I directly
[14] wanted to know why Mr. Snyder had considered
[15] me a liar.

[16] **Q.** Did you also ask him to give up his
[17] warfare against the church?

[18] **MS. COHEN:** Objection.

[19] He's testifying for the witness.

[20] **MR. SAMMS:** I'm asking if she said
[21] something.

[22] **THE COURT:** But you can't
[23] characterize it as that, so you're
[24] objection is sustained.

[25] You have to rephrase the question.

[1] **BY MR. SAMmS:**

[2] **Q.** Did you have a discussion with him about
[3] the actions that he was conducting about the
[4] church?

[5] **A.** I did. I commented to him that he should
[6] trust God to be judge and to administer
[7] justice.

[8] His reply to me it was that God uses
[9] human instruments, such as the prophets, and
[10] he saw himself to be God's instrument of
[11] justice, in that he claimed that nobody knew
[12] except for him and God who Liam Goligher
[13] really is. That was the son of Satan, and
[14] that any congregants who supports Dr. Goligher
[15] is doing Satan's work.

[16] **Q.** Only he and God know?

[17] **A.** Only he and God know.

[18] He also stated to me that he had made an
[19] oath to God that he would never, ever cease
[20] his pursuit to see Dr. Goligher gone, and, at
[21] that same time, we discussed that we were
[22] concerned for his family.

[23] He stated that he was very unhappy with
[24] his wife. He referred to her as Job's wife,
[25] because she did not support him.

[1] **MS. COHEN:** Objection as to the
[2] relevancy of conversations outside of the
[3] church issues.

[4] **MR. SAMmS:** Putting in context the
[5] issues they had.

[6] **THE COURT:** Go ahead.
[7] Overruled.

[8] **THE WITNESS:** And that this oath
[9] that he had taken to remove Dr. Goligher
[10] was more important to him than his family.

[11] **BY MR. SAMmS:**

[12] **Q.** How were these statements made?
[13] Were they quiet and subdued?
[14] Can you describe them in your own words?

[15] **A.** There were points in the conversation
[16] where he was calm. There were other points
[17] where he was very agitated. His hands were
[18] shaking. He was gesticulating a lot, and,
[19] again, as I said, with an aggressive tone. At
[20] some points his demeanor would alternate
[21] between that and very agitated.

[22] **Q.** Now, despite the fact that I think his
[23] counsel said he hasn't shot anybody yet, did
[24] you have a concern for your --

[25] **MS. COHEN:** Objection.

[1] **THE COURT:** Objection is

[2] Sustained.

[3] **BY MS. COHEN:**

[4] **Q.** Did you have a fear or are you aware of
[5] others that had a mental and physical fear of
[6] Mr. Snyder?

[7] **A.** Absolutely.

[8] **Q.** Would you explain that to the Court and
[9] why?

[10] **A.** Particularly, because of the incident I
[11] already described, where it was completely
[12] unprovoked. I was not in any way endangered
[13] with him. He took it upon himself to
[14] aggressively and menacingly direct comments
[15] towards me that were, you know -- I was just
[16] minding my own business. He has increased in
[17] his sort of demeanor of aggression. His tone
[18] has become more menacing. That coupled with,
[19] you know, his former behavior and, also, his
[20] ideology.

[21] **Q.** Do you know whether he was licensed to
[22] carry a gun or does carry a gun?

[23] **A.** I am very well aware of that, yes.

[24] **Q.** And how are you aware of that?

[25] **A.** That is common knowledge among our

[1] congregants.

[2] **Q.** And, so, when you say "common knowledge
[3] among the congregants," how was it made clear
[4] to the congregants, and how long ago, that he
[5] had a gun and wore it to church?

[6] **Ms. COHEN:** Objection as to the --

[7] **MR. SAMmS:** I'll rephrase, Your
[8] Honor.

[9] **THE COURT:** Okay.

[10] **BY MR. SAMmS:**

[11] **Q.** When did you first learn or how long have
[12] you had knowledge that he carried a gun?

[13] **A.** Several years, I would say, at least five
[14] years, I've known that.

[15] **Q.** And you made a reference that it was the
[16] common knowledge among to congregation.

[17] How did you come to that knowledge?

[18] **A.** It's obvious that he's worn his gun to
[19] church before, that it's visible. It has been
[20] visible. That he has made that clear to
[21] people, sort of the acting like he was sort of
[22] some kind of a security agent at the church.

[23] **Q.** And you were kind enough to share with
[24] the Court that you have a member of Tenth for
[25] a long time?

[1] **A.** Yes.

[2] **Q.** Have you noticed an escalation, or how
[3] has his behavior changed since before the
[4] trial and after the trial?

[5] **A.** It has changed in that it's just, as I
[6] said, a much more aggressive, much more sort
[7] of a malicious sort of demeanor, especially
[8] when he's interacting with congregants.
[9] Particularly, in my conversation with him, at
[10] points, and just a real -- making it very
[11] clear that there is no amount of testimony or
[12] evidence that will disabuse him of his false
[13] narrative concerning these events that he
[14] claims took place. That is very concerning to
[15] me and very frightening to me, that he has
[16] erected this narrative, where he sees himself
[17] as a hero whose mission it is to deliver our
[18] church from satanic leadership. That he sees
[19] himself personally responsible to do so.

[20] **MS. COHEN:** Objection.

[21] There has not been any foundation
[22] that Mr. Snyder said any of these things,
[23] and she's been -- I think, it's just being
[24] repeated to negatively influence the
[25] proceeding.

[1] **MR. SAMmS:** That's argument, Your Page 81

[2] Honor, and cross-examination fodder if she
[3] so chooses. The witness is explaining
[4] what she observed.

[5] **THE COURT:** Yes, she is.

[6] Go ahead.

[7] **BY MS. COHEN:**

[8] **Q.** Is there anything else you would like to
[9] add to that, ma'am?

[10] **A.** Just as a healthcare worker, as a
[11] healthcare professional I am trained to
[12] recognize --

[13] **MS. COHEN:** Objection.

[14] A nurse is not a professional
[15] medical expert, unless there's been
[16] some --

[17] **THE COURT:** Objection is
[18] sustained.

[19] **BY MR. SAMmS:**

[20] **Q.** Did you see a change in his behavior that
[21] you specifically noticed?

[22] **A.** Absolutely.

[23] **Q.** And could you describe that?

[24] **A.** For the many years that I've observed
[25] Phil, he's always exhibited a hyper-vigilance

[1] that was very off-putting to people, but, in
[2] his original behavior outside of the church,
[3] it was more, he would stand quietly, but that
[4] has changed. He is much more sort of overt in
[5] his -- you really pick up a sense of anger in
[6] him, a sense of frustration, agitation that
[7] has been increased.

[8] **Q.** You advised us in one of your responses
[9] that he would not stop until his mission was
[10] complete?

[11] **A.** He reiterated that to me several times.

[12] **Q.** Do you doubt that, that is in fact what
[13] his intentions are, to finish the job?

[14] **MS. COHEN:** Objection she's being
[15] asked to testify as to the state of mind
[16] of Mr. Snyder.

[17] **MR. SAMmS:** I asked what she
[18] thought. I didn't ask what he thought.
[19] Based on what he said, did you have an
[20] impression as to his intentions.

[21] **THE COURT:** That wasn't your
[22] question.

[23] You can rephrase it, and you can
[24] ask her that question.

[25] **BY MR. SAMmS:**

[1] **Q.** Let me ask it this way, if I can.

[2] Do you have an impression as to whether
[3] or not he would follow through on that
[4] statement?

[5] **A.** I do.

[6] **Q.** Are you, in fact, afraid of Mr. Snyder?

[7] **A.** I am afraid of his behavior, yes, and his
[8] potential behavior, absolutely.

[9] **Q.** Do you have a fear of physical harm to
[10] you or to others in the congregation,
[11] including Senior Minister Goligher?

[12] **A.** Absolutely.

[13] **Q.** And, just briefly, tell the Court why,
[14] in addition to everything you've already said?

[15] **A.** Because he has behaved in a way that is
[16] threatening. He has been threatening in his
[17] demeanor and in the content of his letters, in
[18] his affect, and his increasing tone in his
[19] conversations, particularly, this last
[20] conversation I had with him, especially, with,
[21] you know, an apparent dissociation with
[22] reality and the facts as they really are and
[23] how he sees himself, playing a role of
[24] instrument of justice, that is very
[25] frightening to me, and that is escalating.

[1] **Q.** Can you describe his thinking, in your
[2] mind, or how does it impress you, if you had
[3] to characterize it?

[4] **MS. COHEN:** Objection.

[5] **THE COURT:** Objection is
[6] sustained. That's sustained.

[7] **BY MR. SAMmS:**

[8] **Q.** Was his thinking or thought process that
[9] you observed in your mind normal or
[10] fantastical?

[11] **MS. COHEN:** Objection.

[12] Again, she's not an expert.

[13] **THE COURT:** It's sustained.

[14] **BY MR. SAMmS:**

[15] **Q.** What was your impression of his thought
[16] process that you had the opportunity to
[17] observe?

[18] **A.** That he has an unhealthy and unrealistic
[19] hero complex, where he's erected a villain, so
[20] he can be a hero. It is really out of touch
[21] with reality. In his mind, he's bent on a
[22] mission, claiming he's taken an oath before
[23] God to see it through, and that he will
[24] persist until he considers himself successful
[25] at removing Dr. Goligher.

[1] **Q.** Are you aware of others that are fearful
[2] for his actions and fearful about entering the
[3] church when he is there?

[4] **A.** Yes.

[5] **Q.** And are there just an isolated one or
[6] two, or is it, in fact, more?

[7] **MS. COHEN:** Objection.

[8] **THE COURT:** Sustained.

[9] **BY MR. SAMmS:**

[10] **Q.** Could you quantify the number of people
[11] that you believe are fearful of him?

[12] **A.** It's a common sentiment. I would say a
[13] majority.

[14] **MS. COHEN:** Objection as to
[15] characterization, without --

[16] **THE COURT:** Overruled.

[17] She's already answered.

[18] Go ahead.

[19] **MS. COHEN:** Your Honor, that's all

[20] I have for this witness.

[21] - - -

[22] CROSS-EXAMINATION

[23] - - -

[24] **BY MS. COHEN:**

[25] **Q.** So Ms. Elzey, how long have you known

[1] Mr. Snyder?

[2] **A.** I can't be exact, but I have been a
[3] member for longer than Phil has, so, at least,
[4] as long as he has been a member , I've been
[5] acquainted with him.

[6] **Q.** I think you said something about nine
[7] years.

[8] Does that sound right?

[9] **A.** It sounds about right.

[10] **Q.** And during those nine years, has he ever
[11] physically threatened you?

[12] **A.** I have felt threatened by his demeanor
[13] and his affect.

[14] **Q.** Has he ever threatened you with a weapon?

[15] **A.** I believe affect and demeanor can be a
[16] form of threat.

[17] **Q.** No. I think it's fairly clear --

[18] **MR. SAMmS:** Objection.

[19] **THE COURT:** Wait for the witness to
[20] finish, and then you can follow up or
[21] object.

[22] Go ahead, ma'am.

[23] **THE WITNESS:** If you're asking if
[24] he's ever pointed a gun at me, he has not,
[25] but I consider his actions threatening.

[1] **BY MS. COHEN:**

[2] **Q.** All right.

[3] Have you ever called the police and asked
[4] that he be arrested, Because you felt that his
[5] actions were threatening towards you?

[6] **A.** No. I reported it to our church
[7] leadership.

[8] **Q.** Do you know if they ever asked the police
[9] to arrest him?

[10] **A.** I'm unaware. I can't answer that
[11] question.

[12] **Q.** Now, you stated that, at some point,
[13] Mr. Snyder started calling you a liar.

[14] Was that something that happened during,
[15] on, or before a Sunday service?

[16] **A.** It was as I was walking towards the
[17] church and entering the church to worship,
[18] yes.

[19] **Q.** On a Sunday?

[20] **A.** On a Sunday morning, yes.

[21] **Q.** And, then, you stated you, at some point,
[22] went and asked Mr. Snyder why he called you a
[23] liar; is that correct?

[24] **A.** I did.

[25] **Q.** So didn't you feel threatened, because

[1] you went back and asked him another time as to
[2] why he called you a liar?

[3] **A.** As I explained, I made the decision to do
[4] that because there were several people very
[5] clogs by, closely observing and ready to
[6] intervene. This is why I felt that I could
[7] take that opportunity.

[8] **Q.** Were those people part of a security
[9] force maintained by the church?

[10] **A.** Yes. We do have deacons who are
[11] designated as security people for particular
[12] services.

[13] **Q.** So how soon after Mr. Snyder called you a
[14] liar, allegedly, did you confront him about
[15] his comment?

[16] Was it the same day?

[17] Another day?

[18] **A.** No. This was probably about two or three
[19] weeks later.

[20] **Q.** During those two or three weeks, did you
[21] did you attempt to reach Mr. Snyder and ask
[22] him about why he called you a liar?

[23] **A.** No. I would not seek him out.

[24] **Q.** Are you still a member of the church?

[25] **A.** Yes.

[1] **Q.** Have Mr. Snyder's actions caused you to
[2] leave the church?

[3] **MR. SAMmS:** Objection.

[4] She has testified she's still a
[5] member.

[6] **Q.** You're still a member, despite
[7] Mr. Snyder's actions; is that correct?

[8] **A.** I am.

[9] **Q.** The day Mr. Snyder allegedly called you a
[10] liar, I believe you said you thought he used a
[11] threatening tone; is that correct?

[12] **A.** That is correct.

[13] **Q.** Did you call the police that day and
[14] report Mr. Snyder?

[15] **MR. SAMmS:** Objection.

[16] Asked and answered.

[17] **THE COURT:** Overruled.

[18] You can answer.

[19] **THE WITNESS:** As I said before, I
[20] went directly to our church leadership and
[21] reported it to them.

[22] **BY MS. COHEN:**

[23] **Q.** Do you know if they called the police
[24] that day, because he called you a liar?

[25] **MR. SAMmS:** Objection.

[1] Asked and answered.

[2] **THE COURT:** It's sustained.

[3] **BY MS. COHEN:**

[4] **Q.** Did you eventually learn why Mr. Snyder
[5] had called you a liar?

[6] **A.** He explained to me that, you know, he did
[7] not agree with what I testified in court. I
[8] testified accurately. He did not see it that
[9] way, in his opinion.

[10] **Q.** Before your testimony in court, had
[11] Mr. Snyder ever called you a liar?

[12] **A.** No.

[13] **Q.** So do you feel -- I think you testified
[14] that after the trial, Mr. Snyder's actions
[15] became a little different than they were
[16] before; is that correct?

[17] **A.** Yes.

[18] **Q.** Have you ever been involved in a lawsuit?

[19] **MR. SAMMS:** Objection.

[20] **THE COURT:** Objection is
[21] sustained.

[22] **MR. SAMMS:** We'll stipulate for
[23] the record, Your Honor, just to save time
[24] and put everything in context, she
[25] testified as a witness in the trial. She

[1] was not a party.

[2] **THE COURT:** I understand.

[3] **MS. COHEN:** Okay.

[4] **BY MS. COHEN:**

[5] **Q.** And if this had happened to you, where

[6] you lost a trial, do you think your demeanor

[7] might have changed against any witnesses?

[8] **MR. SAMmS:** Objection.

[9] Speculation, Your Honor.

[10] **THE COURT:** Objection is

[11] sustained.

[12] **BY MS. COHEN:**

[13] **Q.** In your conversation with Mr. Snyder,

[14] when you approached him about calling you a

[15] liar or any other conversation, did Mr. Snyder

[16] ever personally threaten you with violence?

[17] **A.** I believe that his affect and his

[18] demeanor were threatening to me, and the

[19] aggressive tone, and in his body language.

[20] **Q.** And what date was that, the last

[21] interaction you had with Mr. Snyder?

[22] **A.** I can't be exact, but it was on a Sunday,

[23] late June.

[24] **Q.** Of what year?

[25] **A.** Of 2019.

[1] **Q.** And has Mr. Snyder threatened you since Page 92
[2] that date?

[3] **MR. SAMmS:** Objection.

[4] He's been forbidden from being at
[5] the church for six months.

[6] **MS. COHEN:** That doesn't matter.

[7] **THE COURT:** Okay. I will overrule
[8] the objection.

[9] You can answer, ma'am.

[10] **THE WITNESS:** I have not
[11] encountered Mr. Snyder in any way since
[12] that last interaction.

[13] **BY MS. COHEN:**

[14] **Q.** Do you know if Mr. Snyder works for a
[15] living?

[16] **A.** I do not know the answer to that.

[17] **Q.** You had testified earlier about what you
[18] felt was Mr. Snyder's state of mind, and the
[19] interactions you had with him.

[20] Have you ever had any mental health
[21] training as a psychologist or psychiatrist?

[22] **A.** As a healthcare worker, I am trained to
[23] recognize behavior changes in patients and in
[24] people.

[25] **Q.** And when you worked at Childrens

[1] Hospital, were your patients generally
[2] children?

[3] **A.** We do take patients over the age of 18,
[4] as well, on some occasions.

[5] **Q.** Have you, as part of your job duties,
[6] ever given a written mental health evaluation
[7] to any patient?

[8] **A.** I am allowed to document my impressions
[9] in that capacity, you could say, yes.

[10] **Q.** So that was your impression?

[11] **A.** Yes.

[12] **Q.** And is it your understanding that in
[13] America, people are allowed to voice their
[14] impressions?

[15] **MR. SAMmS:** Objection.

[16] Again, it's asking for a legal
[17] conclusion, Your Honor, as to what is
[18] allowed in America, and it's not relevant,
[19] quite frankly.

[20] **THE COURT:** Sustained.

[21] **BY MS. COHEN:**

[22] **Q.** Now, you stated that it's common
[23] knowledge that Mr. Snyder's is licensed to
[24] carry a gun, correct?

[25] **A.** Yes.

[1] **Q.** And is it illegal to carry a gun in the
[2] State Of --

[3] **THE COURT:** Listen. Listen. She
[4] can't answer legal question. Come on now.

[5] **MS. COHEN:** Okay.

[6] **BY MS. COHEN:**

[7] **Q.** Are you aware whether any other
[8] congregants of your church are licensed to
[9] carry guns?

[10] **A.** I'm not aware, with the exception of one
[11] gentleman, who is a corrections officer.

[12] **Q.** Okay.

[13] Would you agree that Mr. Snyder's anger
[14] seemed to be directed against Mr. Goligher?

[15] I'm not sure if I'm pronouncing his name
[16] correctly.

[17] **MR. SAMmS:** Just a correction, for
[18] the record. It's Dr. Goligher.

[19] **THE WITNESS:** Repeat, please.

[20] **BY MS. COHEN:**

[21] **Q.** Would you agree Mr. Snyder's anger, in
[22] the conversation you had with Mr. Snyder, were
[23] directed against Dr. Goligher?

[24] **A.** No, I would not agree with that. He
[25] specifically said any congregant who would

[1] support Dr. Goligher would also be doing
[2] Satan's work, and he also directed anger
[3] towards me.

[4] **Q.** You're a college graduate, correct?

[5] **A.** Yes.

[6] **Q.** And in the course of your studies, did
[7] you ever hear about other religious leaders
[8] voicing their thoughts about God and Satan?

[9] Did you ever learn about that?

[10] **MR. SAMmS:** Objection, Your Honor.

[11] **THE COURT:** What is the relevancy
[12] of it?

[13] **MS. COHEN:** The relevancy is my
[14] client is talking about things that he
[15] believes in, in a religious nature, and
[16] there have been other people through the
[17] course of world, like Jesus and Mohammed,
[18] who have voiced their religious opinions,
[19] who people have felt were peculiar
[20] oddballs.

[21] **THE COURT:** That wasn't the
[22] question you asked.

[23] **MS. COHEN:** I'll withdraw that
[24] question.

[25] **BY MS. COHEN:**

[1] **Q.** My question is, in your college studies
[2] or high school studies, did you ever learn
[3] about any individual who had strong religious
[4] beliefs who were not popular in the general
[5] culture of the time?

[6] **MR. SAMmS:** Objection, Your Honor.
[7] This isn't a popularity issue.

[8] **THE COURT:** It's sustained.

[9] **BY MS. COHEN:**

[10] **Q.** Now, were you aware that Mr. Snyder wears
[11] a body camera when he carries his sign in
[12] front of the church?

[13] **A.** I was made aware of that, at some point.
[14] That has not been something I was aware of the
[15] entire time.

[16] **Q.** And are you aware Mr. Snyder taped the
[17] encounter between you and him, where he
[18] allegedly called you a liar?

[19] **A.** I'm not aware. If he did, he did so
[20] without my permission.

[21] **Q.** And do you know whether he required your
[22] permission under the laws of Pennsylvania?

[23] **MR. SAMmS:** Objection, Your Honor.

[24] First of all, she can't make the
[25] legal conclusions. Secondly, if there is

[1] such a video, we would love to see that,
[2] instead of hearing what might be on it.

[3] **MS. COHEN:** Your Honor, I would
[4] like to produce the video. We just
[5] learned last night that Ms. Elzey was
[6] going to be a witness, and we have the
[7] video with us.

[8] **THE COURT:** What is the purpose of
[9] it?

[10] Sustained.

[11] What's the purpose of the video,
[12] if you're asking her questions about it?

[13] **MS. COHEN:** We believe the video
[14] does not indicate what Ms. Elzey testified
[15] to occurred.

[16] **THE COURT:** So it's for
[17] impeachment, you want to show the video?

[18] **MS. COHEN:** Yes.

[19] **THE COURT:** Okay. All right.

[20] **MR. SAMmS:** Your Honor, before we
[21] play it, with all due respect, I would
[22] respectfully ask for a foundation of it,
[23] as well, as to date and time.

[24] **THE COURT:** Yes.

[25] **MS. COHEN:** How do you want to

[1] handle that?

[2] **THE COURT:** I'll give you a few
[3] minutes to talk to counsel about it.

[4] We'll take a recess for about ten minutes.

[5] **THE COURT CRIER:** Ma'am, you can
[6] step down. Do not discuss your testimony
[7] with anyone.

[8] - - -

[9] (There was a break in the
[10] proceedings from 12:05 p.m. until
[11] 12:15 p.m.)

[12] - - -

[13] **THE COURT:** Did you all have time
[14] to look at the video?

[15] **MR. SAMmS:** I informed counsel
[16] that I have no objection to her playing
[17] it, and, if she doesn't, I will.

[18] **THE COURT CRIER:** State your full
[19] name for the record.

[20] **THE WITNESS:** Susan Elzey.

[21] **THE COURT:** You want to let the
[22] witness take a look at the video?

[23] **MR. SAMmS:** May I approach?

[24] **THE COURT:** Sure.

[25] **MS. COHEN:** Can I have Mr. Doyle?

[1] **THE COURT:** Yes.

[2] **MR. SAMmS:** Judge, for the record,
[3] this is the video date-stamped at the
[4] bottom of June 16th, 2019, Your Honor, and
[5] counsel has it set for the 6 minute and 17
[6] second mark of a ten-minute video.

[7] **THE COURT:** Okay. Go ahead.

[8] - - -

[9] (Video played.)

[10] - - -

[11] **MS. COHEN:** Can we show Your
[12] Honor?

[13] - - -

[14] (Video played.)

[15] - - -

[16] **MR. SAMmS:** Your Honor, we'll
[17] stipulate the woman approaching with the
[18] short blond hair is Ms. Elzey.

[19] - - -

[20] (Video played.)

[21] - - -

[22] **BY MS. COHEN:**

[23] **Q.** Ms. Elzey, you've looked at the video
[24] that was taken by Mr. Snyder in June, 2019.

[25] Would you agree that you were the one who

[1] initiated the discussion?

[2] **A.** I would not agree.

[3] **Q.** Can I show you the video again?

[4] **THE COURT:** No. We're not going

[5] to show it again.

[6] **BY MS. COHEN:**

[7] **Q.** What was the first thing that Mr. Snyder
[8] said to you?

[9] **A.** He says something to me, but I was not
[10] talking with him, so if he makes a comment on
[11] something, I'm conversing with someone else.
[12] I was not directing any comment to him.

[13] **Q.** All right.

[14] You testified that you felt his behavior
[15] that day -- well, I don't want to put words in
[16] your mouth.

[17] You testified earlier that there was
[18] something about that interaction between you
[19] and Mr. Snyder that you found disturbing?

[20] **A.** Yes.

[21] **Q.** And did you find that interaction to be
[22] threatening to you?

[23] **A.** I found it -- yes, because he was
[24] directing comments at me, calling me a liar,
[25] when I was not in conversation with him. I

[1] was on my way into church with my daughter and
[2] our guest.

[3] **Q.** So the words we heard at the beginning of
[4] the video were not addressed by you to
[5] Mr. Snyder?

[6] That's your testimony?

[7] **A.** That is my testimony.

[8] **Q.** And did Mr. Snyder follow you into church
[9] that day?

[10] **A.** No, he did not.

[11] **Q.** And other than the remark about being a
[12] liar, did Mr. Snyder make any other comments
[13] to you?

[14] **A.** As I continued into the building, I did
[15] not pay him any attention. I just proceeded
[16] on my way. If he made other comments after,
[17] at the end of that video, I'm not aware.

[18] **Q.** All right.

[19] And you testified that you felt that you
[20] were verbally harassed that day by Mr. Snyder;
[21] is that correct?

[22] **A.** I did.

[23] **Q.** And the video you saw, would you agree
[24] that was the extent of your interaction with
[25] Mr. Snyder that day?

[1] **A.** That day, yes.

[2] **Q.** Okay.

[3] And you stated that Mr. Snyder was
[4] yelling when he called you a liar. Would you
[5] characterize his voice as yelling, in your
[6] opinion?

[7] **A.** I would characterize it as very loud,
[8] yes.

[9] **Q.** Okay.

[10] Did you see any other congregants in the
[11] vicinity when you and Mr. Snyder had your
[12] conversation?

[13] **A.** Yes, we have a door --

[14] **MR. SAMmS:** Objection to the
[15] characterization as a conversation.

[16] **THE COURT:** Objection is
[17] sustained.

[18] **MR. SAMmS:** I would be happy with
[19] interaction.

[20] **BY MS. COHEN:**

[21] **Q.** And you testified that -- okay. I'm not
[22] sure what the answer was, but, there in the
[23] video, you, and, I think it was your daughter
[24] and someone else?

[25] **A.** And a guest.

[1] **Q.** And we heard Mr. Snyder, correct?

[2] Were there any other witnesses around at
[3] that time that overheard your interaction with
[4] Mr. Snyder?

[5] **A.** Yes. As I stated before, as I entered
[6] the building, people commented to me about it.

[7] **Q.** And you stated that, that interaction
[8] made you concerned for your safety that day?

[9] **A.** Yes.

[10] **Q.** Because he called you a liar?

[11] **A.** Yes. That is not my only history with
[12] Mr. Snyder, as well. That was in the context
[13] of all of my history with Mr. Snyder.

[14] **Q.** Okay.

[15] But not that day?

[16] **A.** Not that day.

[17] **Q.** Okay.

[18] And you also stated that he used an
[19] aggressive and sneering tone that day?

[20] **A.** Yes.

[21] **Q.** Okay.

[22] And listening to the video, would you
[23] still characterize his statements as being an
[24] aggressive and sneering tone?

[25] **A.** Yes, and I believe characterizing someone

[1] as a liar is an aggressive thing to do.

[2] **MS. COHEN:** I don't have any

[3] further questions.

[4] - - -

[5] REDIRECT EXAMINATION

[6] - - -

[7] **BY MR. SAMmS:**

[8] **Q.** With respect to the tape, did you hear

[9] him say, Yes, you are, to you on the tape?

[10] **A.** I heard that, yes.

[11] **Q.** Does that indicate that there was

[12] something said that was not recorded on the

[13] tape, when he says, Yes, you are?

[14] There had to be something he's referring

[15] to?

[16] **MS. COHEN:** Objection.

[17] **THE COURT:** Objection is

[18] sustained.

[19] **BY MR. SAMmS:**

[20] **Q.** Did you hear him -- was there any audible

[21] noise, other than you saying good morning to

[22] somebody on the tape, before he says, Yes, you

[23] are?

[24] **A.** I don't know why. I mean, I'm not sure

[25] what he's --

[1] **MS. COHEN:** Objection.

[2] The tape speaks for itself, and it
[3] was accepted by both parties.

[4] **MR. SAMmS:** I'm sorry?

[5] **MR. SAMmS:** The tape was agreed to
[6] be shown by both parties. A date was
[7] accepted. There was no authentication
[8] objection.

[9] **THE COURT:** That wasn't his
[10] question.

[11] **THE WITNESS:** Can you repeat the
[12] question, please?

[13] **BY MS. COHEN:**

[14] **Q.** Were the first words you heard on the
[15] tape him saying from the clip you were showed,
[16] Yes, you are?

[17] Were those the first words he spoke?

[18] **A.** From the video, yes. As I was walking
[19] by, I didn't perceive him saying that, because
[20] I wasn't in conversation with him.

[21] **Q.** Does that indicate to you that something
[22] was said earlier that he was referring to?

[23] **A.** It does.

[24] **Q.** Okay.

[25] Now, we also heard him yell, Lied in

[1] court or lying in court, something to that
[2] effect?

[3] Did you hear that?

[4] **A.** Yes.

[5] **Q.** Was that louder than the first comment he
[6] made to you?

[7] **A.** Yes.

[8] **Q.** And when you said good morning on the
[9] tape, were you talking to Mr. Snyder or
[10] somebody else?

[11] **A.** I was not referring to Mr. Snyder.

[12] **Q.** And did you consider good morning to be
[13] fighting words?

[14] **A.** No.

[15] **Q.** Now, that was -- did you happen to see in
[16] the corner when I read into the record, it was
[17] at 6:36 or 6:17 of a ten-minute video clip?

[18] **A.** Yes.

[19] **Q.** Have you seen the rest of the clip, or
[20] are you aware if there is anymore than the ten
[21] minutes?

[22] **A.** I'm not aware.

[23] **Q.** That were identified?

[24] And you said something about -- in
[25] response to counsel's question -- that these

[1] actions by counsel in coordination with the
[2] other things that had happened in the context
[3] of your relationship of previous actions,
[4] could you explain what you meant by that, why
[5] these words would be offensive to you or put
[6] you in fear at that time?

[7] **MS. COHEN:** Objection.

[8] We're broadening the scope of the
[9] cross.

[10] **THE COURT:** Overruled.

[11] You can answer.

[12] **THE WITNESS:** Okay. Yeah. Prior
[13] to this, as we already have stated, I
[14] was -- my testimony was key in the
[15] lawsuit, and I believe that Mr. Snyder was
[16] very angry about the outcome of that
[17] lawsuit, so, in my thinking, he may hold
[18] me responsible for his -- the fact that he
[19] was unsuccessful in that pursuit.

[20] **BY MR. SAMmS:**

[21] **Q.** And in the clip that was just shown to
[22] yourself and the Court, is it fair to say you
[23] can't see Mr. Snyder's face or hands as to
[24] what his expression was or to whether he was
[25] gesticulating?

[1] **A.** That was not visible.

[2] **Q.** For instance, on that date, did you know
[3] he had a camera?

[4] **A.** I was aware, I think, that he
[5] occasionally may have a body cam. I'm not
[6] exactly sure.

[7] **Q.** He didn't have a video camera that he was
[8] holding in his hand?

[9] **A.** Oh, absolutely not, no.

[10] **MR. SAMmS:** Your Honor, that's all
[11] I have for this witness.

[12] Thank you very much.

[13] - - -

[14] RECROSS-EXAMINATION

[15] - - -

[16] **BY MS. COHEN:**

[17] **Q.** Is this correct, that the video we saw
[18] and the testimony prior to this time, where
[19] Mr. Snyder said liar to you, is this correct
[20] that this is the incident you later then went
[21] and engaged Mr. Snyder in some conversation to
[22] discuss?

[23] That's a convoluted way of saying it, but
[24] do you understand what I'm asking?

[25] Is this the incident that you later

[1] approached Mr. Snyder about?

[2] **A.** Yeah. Generally, I wanted to understand
[3] what he had claimed that I -- how he claimed I
[4] was untruthful.

[5] **Q.** Okay.

[6] **MR. SAMmS:** I don't have any
[7] further questions.

[8] **THE COURT:** Okay. You can step
[9] down, ma'am. You're excused.

[10] - - -

[11] (Witness excused.)

[12] - - -

[13] **THE COURT:** Do you have any other
[14] witnesses?

[15] **MR. SAMmS:** At this point in time,
[16] I would like to call Phil Snyder, as of on
[17] cross-examination.

[18] Your Honor, what I propose is to
[19] do a limited examination, at this point,
[20] without waiving my right to cross on areas
[21] covered on direct examination.

[22] - - -

[23] PHILIP SNYDER, having been duly
[24] sworn, was examined and testified as
[25] **follows:**

[1] **THE COURT CRIER:** State your full
[2] name for the record.

[3] **THE WITNESS:** Phil Snyder,
[4] S-N-Y-D-E-R.

[5] - - -

[6] DIRECT EXAMINATION AS OF
[7] CROSS-EXAMINATION

[8] - - -

[9] **BY MR. SAMmS:**

[10] **Q.** Good afternoon, Mr. Snyder.

[11] **A.** Good afternoon, Mr. Samms.

[12] **Q.** I just have a few questions for you, at
[13] this point in time.

[14] Can we agree that after the trial, you

[15] then began showing up at the Tenth

[16] Presbyterian with a sign with the words:

[17] Naked beatings, lying, and rape on it?

[18] **A.** That's correct. It was -- the sign was 3

[19] feet by 5 feet, the standard sign size of,

[20] like, a flag, and it was on a long stick,

[21] which you have indicated was 12 feet high, so,

[22] you know, as far as this.

[23] **Q.** You did not carry that sign at any time

[24] before the trial and protest, correct?

[25] **A.** That's not correct. I did on the 11/25

[1] of 18, and that was when you sent -- Liam
[2] Goligher took a picture of me, and you sent a
[3] her to my lawyer threatening me with a lawsuit
[4] and an injunction, etcetera.

[5] **Q.** With respect to this issue, do you have a
[6] license to carry, , sir?

[7] **A.** I do have a license to carry, but I never
[8] carried around --

[9] **MR. SAMmS:** Objection, Your Honor.
[10] Nonresponsive.

[11] **THE COURT:** Overruled.

[12] You can finish, sir.

[13] **THE WITNESS:** I never carried a
[14] weapon while I was protesting. The body
[15] camera proves I could not possibly have
[16] been armed, except for one time in 2019,
[17] because I was not wearing a jacket. When
[18] I turned in my weapons, the State Police
[19] indicated they were . 38s, large
[20] conceal-to-carry a weapon, that I could
[21] not have possibly been carrying, except
[22] for the one time I was wearing jacket.

[23] **THE COURT:** Okay. Thank you.

[24] Go ahead.

[25] **BY MR. SAMmS:**

- [1] **Q.** The body camera that you wear, do I
[2] understand that is something that attaches to
[3] your chest?
[4] **A.** That is not correct.
[5] **Q.** Where do you wear the body camera?
[6] **A.** In my pocket.
[7] **Q.** In your pocket?
[8] What pocket?
[9] **A.** The pocket of my shirt.
[10] **Q.** On your chest?
[11] **A.** Yes.
[12] **Q.** Okay.
[13] And on your chest, if it is here and
[14] facing forward, it is not a camera with a view
[15] down at your waist, correct?
[16] **A.** No, but it has a picture of my sleeves.
[17] It shows that I'm not wearing a jacket.
[18] **Q.** Sir, does the camera show whether or not
[19] you are wearing a gun or not at your waist?
[20] **A.** It does not show a picture of my waist,
[21] but it indicates that I'm not wearing that
[22] jacket, so it would not have been possible for
[23] me to have been armed.
[24] **Q.** It would not have been possible?
[25] You can't wear a gun when you don't have

[1] a jacket on?

[2] **A.** Not .38 revolvers.

[3] **Q.** Why not?

[4] Is there something magnificent about a

[5] .38 revolver that, somehow you're not allowed?

[6] **A.** A .38 revolver is considered a large

[7] conceal-to-carry weapon. I could not have

[8] possibly concealed the weapon without wearing

[9] a jacket.

[10] **Q.** You said you have worn a jacket to church

[11] before, though, correct?

[12] **A.** In 2019, when I was protesting, I only

[13] wore a jacket one time, and that was on Easter

[14] Sunday, so the rest of the time, a reasonable

[15] person would not have thought I was carrying.

[16] **MR. SAMmS:** Objection as to what

[17] he believed.

[18] **THE COURT:** Objection sustained,

[19] and it's stricken.

[20] **BY MR. SAMmS:**

[21] **Q.** In fact, you don't know what people that

[22] observed you thought you were doing with a

[23] weapon or not with a weapon, correct?

[24] **A.** I can't read people's minds.

[25] **Q.** Now, it is your stated mission to get

[1] Senior Minister Goligher out of the Tenth

[2] Presbyterian Church, right?

[3] **A.** I want him to resign. I think he should

[4] resign because --

[5] **MR. SAMmS:** Objection, Your Honor.

[6] **THE COURT:** Okay.

[7] **BY MR. SAMmS:**

[8] **Q.** With respect to that, you have written

[9] letters to the congregants, correct?

[10] **A.** Yes.

[11] **Q.** And you've done that on numerous

[12] occasions, correct?

[13] **A.** Yes.

[14] **Q.** And I got a chance to examine you at the

[15] time of the trial, and I think you testified,

[16] at that time, that it was hundreds of letters

[17] that you had sent; is that fair to say?

[18] **MS. COHEN:** Objection.

[19] The trial had a transport. If

[20] he's going to refer to the past trial, I

[21] would like to see the transcript. I don't

[22] think it's relevant, anyway.

[23] **MR. SAMmS:** Your Honor, we didn't

[24] order a transcript, and he said yes.

[25] **THE COURT:** Well, if he remembers.

[1] **THE WITNESS:** I did not mail
[2] hundreds of letters. I believe what he's
[3] referring to is I may have -- there might
[4] have been hundreds of pages of material,
[5] so, like, I might have mailed one letter
[6] with four pages in it. I was sending
[7] articles that I had written, so on and so
[8] forth, so, yeah, there was quite a volume
[9] of material. I wouldn't say it was
[10] hundreds of letters. It was numerous
[11] letters with multiple pages of material in
[12] them, usually because stamps are
[13] expensive, and I wanted to get the most
[14] bang for my buck.

[15] **BY MR. SAMmS:**

[16] **Q.** So you wanted to send as much as you
[17] could at one time, correct?

[18] And you sent out letters about six times,
[19] correct?

[20] **A.** More.

[21] **Q.** More?

[22] **A.** Yes.

[23] **Q.** And in that, in those letters, you
[24] referred to Senior Minister Goligher by
[25] various numbers of derogatory references and

[1] names, correct?

[2] **MS. COHEN:** Objection as to
[3] characterization of the word "derogatory."

[4] **MR. SAMmS:** It's cross-
[5] examination, Your Honor.

[6] **THE COURT:** Overruled.
[7] Sir, you can answer.

[8] **THE WITNESS:** I refer to
[9] Mr. Goligher by --

[10] **BY MS. COHEN:**

[11] **Q.** Excuse me. That's Dr. Goligher.

[12] **A.** Dr. Goligher always in a truthful manner.

[13] **Q.** Sir --

[14] **THE COURT:** So what were some of
[15] the terms you used for Dr. Goligher?

[16] That you used?

[17] **THE WITNESS:** Well, I think I
[18] would say he was a liar. Like, I have a
[19] whole file on that. I can prove that.
[20] I've documented his many lies, including
[21] he has lied in this Court to Judge
[22] Fletman. I can prove that.

[23] For example, he has confessed on
[24] two occasions to lying to the
[25] congregation. Once he emailed the

[1] congregation on 2/14/15. He admitted that
[2] he and elders lied to the congregation in
[3] this courtroom. At the first injunction
[4] hearing, he admitted that he and all the
[5] elders lied to the congregation regarding
[6] the departure of the music minister. They
[7] said he left to pursue new opportunities.

[8] **MS. COHEN:** Objection, Your Honor.

[9] **THE COURT:** So, really, you said
[10] that he was a liar.

[11] What else did you say about him?

[12] What were the other terms you used
[13] in these letters?

[14] **THE WITNESS:** I also said he was a
[15] criminal.

[16] **THE COURT:** You said he's a liar.
[17] You said he's a criminal.

[18] What else did you say in these
[19] letters about him?

[20] **THE WITNESS:** An abuser. I
[21] believe he's been abusive towards me.
[22] Spiritually abusive is the term we would
[23] use -- well, this injunction, for example,
[24] is a perfect example of being spiritually
[25] abusive towards someone, because none of

[1] the accusations -- all of the accusations
[2] in this injunction are false. My body
[3] camera proves that every accusation the
[4] made in the injunction and every
[5] accusation made by the witnesses, Susan
[6] Elzey and Douglas Baker, are false. My
[7] body camera proves it. That is no doubt.

[8] **THE COURT:** Thank you.

[9] Go ahead.

[10] **BY MR. SAMmS:**

[11] **Q.** Sir, you made a statement a minute ago
[12] that I just want to follow up on.

[13] **THE COURT:** You need to mark it.
[14] What is it?

[15] **MR. SAMmS:** This is Exhibit P-2,
[16] an opinion written by Judge Abbe Fletman.
[17] My purpose is to impeach this witness with
[18] a statement he just made.

[19] **THE COURT:** Okay.

[20] **MS. COHEN:** Your Honor, to my
[21] understanding, we were talking about what
[22] happened on the sidewalk that day, and
[23] this is a limited examination. Now, we're
[24] going into previous trials. I mean, that
[25] could come out in the course of a regular

[1] examination.

[2] **MR. SAMmS:** Your Honor, this is
[3] part of the regular examination. I'm
[4] dealing with an impeachment issue. He
[5] said he has testified, always honestly,
[6] about Liam Goligher a minute ago, so I
[7] would like to impeach him on that
[8] statement.

[9] **THE COURT:** Is there an agreement,
[10] pursuant to the Judge's opinion?

[11] Can we stipulate to the Judge's
[12] opinion as to --

[13] What is the section?

[14] **MR. SAMmS:** Your Honor, if you
[15] would look at the first page of the
[16] opinion.

[17] **THE COURT:** What does it say?
[18] Put it on the record.

[19] **MR. SAMmS:** Your Honor, on the
[20] first page of the opinion, dated January
[21] 10th, 2018, on the fifth line down, Judge
[22] **Fletman writes:** "Mr. Snyder's appeal
[23] concerns only the Court's finding that,
[24] quote, he knowingly circulated letters to
[25] congregants with the intent to leave a

[1] false and negative impression that
[2] Reverend Goligher and Mr. McFarland were
[3] involved in alleged wrongdoing."

[4] On the second page, the discussion
[5] continues in the first full paragraph, the
[6] fifth line down --

[7] **MS. COHEN:** Objection.

[8] He's trying to use testimony in a
[9] previous treatment that was then repeated
[10] in some format by the Judge. We don't
[11] know if that testimony was accurate,
[12] whether there was cross-examination.

[13] **THE COURT:** If the Judge put it in
[14] the order, it's accurate. The Judge makes
[15] findings, so, clearly, that was one of the
[16] Judge's findings.

[17] **MS. COHEN:** But, Your Honor --

[18] **THE COURT:** Listen, don't
[19] interrupt me. You're not listening.
[20] That's annoying me. Listen.

[21] **MS. COHEN:** Okay.

[22] **THE COURT:** This is an order from
[23] the Court, okay. Anytime anybody
[24] testifies in court and there is a record
[25] or the Judge makes findings, that is

[1] admissible, okay. He's simply he's trying
[2] to impeach him on what he said by citing
[3] what the Judge had written in an order.
[4] That is appropriate, and that's proper.
[5] So you can't say that's not admissible.
[6] It certainly is.

[7] **MS. COHEN:** I don't see that as
[8] being part of the Judge's thinking
[9] process. An order --

[10] **THE COURT:** Whatever the Judge
[11] thought, the Judge issued an opinion.

[12] **MS. COHEN:** Judge --

[13] **THE COURT:** Listen, so you're
[14] clear on what she was thinking. That's
[15] why there's an opinion here. He's only
[16] referencing with the opinion was, and the
[17] Judge has an opinion based upon the
[18] hearing. the journal made findings of
[19] fact and conclusions of law and she had
[20] written them down in an opinion.

[21] **MS. COHEN:** Okay. Thank you.

[22] **THE COURT:** So whether you agree
[23] with them or not is irrelevant. It's the
[24] Judge's opinion. The Judge made her own
[25] findings that she didn't feel he was

[1] credible. That's what he's pointing out.

[2] Thank you.

[3] **MS. COHEN:** Fine.

[4] **MR. SAMMS:** Your Honor, on Page 2

[5] of the opinion, first full paragraph , the

[6] fifth line down, near the end of that

[7] **line, it says:** "Mr. Snyder's testimony

[8] led the Court to find that he

[9] intentionally wrote to church congregants

[10] to mislead them into believing the members

[11] of the church's current leadership were

[12] involved in wrongdoing. When asked,

[13] quote, you intentionally tried to write

[14] the statement, so that people would think

[15] ill of the current pastors and the current

[16] leadership, correct," was the question.

[17] **Mr. Snyder replied:** "Okay. I

[18] have to say yes."

[19] And the Court cites Page 77, Lines

[20] 7 through 10 and 16 of the order. And,

[21] then, lastly, on the last page, Your

[22] Honor, to impeach his representation, he's

[23] always testified honestly, the Court's

[24] finding that Mr. Snyder wrote his letters

[25] to the congregants to mislead them into

[1] thinking that the current church
[2] leadership, including Drs. Goligher and
[3] McFarland were involved in alleged
[4] wrongdoing, is proper, as it is based on
[5] competent evidence.

[6] Mr. Snyder himself admitted that
[7] this was his intention while testifying
[8] before the Court under oath.

[9] **THE COURT:** Okay.

[10] **MR. SAMmS:** And then it says:
[11] "His own admission of his actions and
[12] intent is more than sufficient to support
[13] the Court's findings."

[14] **THE COURT:** Okay.

[15] **MR. SAMmS:** So, with that, Your
[16] Honor, I don't need to examine him on that
[17] issue.

[18] **THE WITNESS:** That's not what I
[19] said. That's not what the transcript
[20] says.

[21] **THE COURT:** Okay.

[22] Sir, that's just the Judge's
[23] opinion. He put in the record the Judge
[24] made certain findings, and that was it.

[25] Go ahead and ask your other

[1] questions.

[2] **MR. SAMmS:** Thank you very much,

[3] Your Honor.

[4] **BY MR. SAMmS:**

[5] **Q.** Now, is it fair to say that after that
[6] trial was over, sir, you did begin doing more
[7] social media about your unhappiness with the
[8] church?

[9] **A.** No, that's not true. I'm not active on
[10] social media. I carry a flip phone. They're
[11] referring to, a blogger wrote an article on
[12] December 31st of 2018.

[13] **Q.** hate to interrupt the witness, but I'm
[14] talking about after the trial, sir, which was
[15] last March.

[16] **A.** For example, you referred to my blog
[17] site, Tenthpresbyterianchurch.com.

[18] **MR. SAMmS:** Your Honor.

[19] **THE COURT:** Sir, I need you to
[20] answer the question he asked. Listen to
[21] the question, and answer the question he
[22] asked, okay. Your lawyer will ask you
[23] other questions, but answer the question
[24] he's asking.

[25] Ask the question again.

[1] **BY MR. SAMmS:**

[2] **Q.** Specifically, to the time period after
[3] the trial, haven't you taken steps to make
[4] sure things are listed on social media
[5] regarding your opinions of the Tenth
[6] Presbyterian Church and Minister Goligher?

[7] **A.** After this injunction was issued, yeah.
[8] After this, action was taken.

[9] **Q.** Mr. Snyder, did you, in fact, contact a
[10] blog, specifically, and give them a report on
[11] the trial, during the trial and afterwards,
[12] about the conclusions?

[13] **A.** I might have spoken individually to
[14] bloggers about the trial, but --

[15] **Q.** And that would be the Wortburg Watch?

[16] **A.** I was in contact with bloggers. I was in
[17] contact with bloggers, individually.

[18] **Q.** And, in fact, the sign we're talking
[19] about, you began showing up every Sunday after
[20] the trial with the sign, correct?

[21] **A.** Correct. That's the only difference of
[22] before and after.

[23] **Q.** And just as we saw on the video, you did
[24] physically, verbally, address congregants or
[25] guests as they were walking into the church,

[1] correct?

[2] **A.** I addressed Ms. Elzey after she spoke to
[3] me first.

[4] **Q.** Sir --

[5] **A.** That's my normal mode of operation. I do
[6] not initiate communication with congregants.
[7] I normally wait for people to approach me or
[8] to speak to me first. As we saw on the video,
[9] she said how disappointing, in reference to
[10] me. That's what I was responding to. She
[11] spoke to me first; otherwise, I wouldn't have
[12] said anything to her first.

[13] **Q.** That's your position, that she said how
[14] disappointing?

[15] **A.** That's what is on the video.

[16] **Q.** Are you sure it was good morning?

[17] **A.** Yes, she said how disappointing.

[18] **Q.** Did she say Mr. Snyder or Phil?

[19] What was she saying how disappointing to?

[20] **A.** In regards to me standing there with a
[21] sign. She glanced at me and said how
[22] disappointing.

[23] **Q.** And that's why you said yes you are?

[24] **A.** Correct.

[25] **Q.** And that's why you called her a liar?

[1] **A.** I said lying in court. Those were my
[2] words, I believe.

[3] **Q.** That's not the only weekend that you have
[4] spoken to congregants, correct?

[5] **A.** I normally would only speak to them on
[6] Sunday. Anything during the week would have
[7] been -- you're referring to would have been
[8] letters I might have mailed to them. I don't
[9] interact with congregants in the physical sort
[10] of space.

[11] **Q.** I apologize if I misspoke. Let me
[12] rephrase that, okay.

[13] After you were excommunicated and after
[14] the trial, okay, you spoke with other
[15] congregants as they entered the church on
[16] Sundays, after the trial, after March of 2019?

[17] **A.** Yes, after they initiated conversation
[18] with me.

[19] **Q.** And, in fact, on any of these Sundays
[20] after you would approach folks, did you in
[21] fact --

[22] **A.** I didn't approach folks; they approached
[23] me, as I've said before.

[24] **Q.** Fair enough.

[25] Have you ever threatened Liam or any

[1] church member previously, , sir?

[2] **A.** Not in any sort of physical way. I might

[3] have said I was going to file a lawsuit or

[4] Something along -- in a legal manner, like, a

[5] lawsuit or something like that.

[6] **Q.** Have you ever attempted to imply harm or

[7] a threat to Dr. Goligher or any of the other

[8] congregants?

[9] **A.** Not in a physical way?

[10] **Q.** Well, how did you threaten them, if not

[11] in a physical way?

[12] **A.** As I explained, in a legal lawful manner,

[13] such as filing a lawsuit or something like

[14] that, or mailing out letters, or holding up a

[15] sign, exercising my constitutional rights to

[16] free speech, to express my opinions.

[17] **Q.** Did you mean to threaten anybody when you

[18] sent an email on March 4th of 2016?

[19] **MR. SAMmS:** And this would be,

[20] P-3, Your Honor, please?

[21] **MS. COHEN:** I would just like the

[22] email substantiated, that it is his email.

[23] **MR. SAMmS:** I'll do that with the

[24] witness, Your Honor. It's marked for

[25] identification purposes at this time.

[1] **THE WITNESS:** Your Honor, can I Page 129

[2] get my glasses?

[3] **THE COURT:** Sure.

[4] - - -

[5] (Copy of email marked Exhibit P-3

[6] for identification.)

[7] - - -

[8] **THE COURT CRIER:** Exhibit P-3 so
[9] marked and shown to the witness.

[10] **BY MR. SAMMS:**

[11] **Q.** Sir, do you have that email there in
[12] front of you?

[13] **A.** Yes.

[14] **Q.** And I think you recall that I've asked
[15] you about this email before, correct?

[16] **A.** This is my email.

[17] **MS. COHEN:** Your Honor, I'm going
[18] to object to the email. It's dated March
[19] 4th, 2016. There already was -- there
[20] have been two trials; one injunction, and
[21] one on defamation. If it had to be used,
[22] it would be used for that purpose. I
[23] don't know who James Halla is.
[24] Dr. Goligher isn't mentioned in this
[25] email. I don't feel it's relevant.

[1] **MR. SAMmS:** Your Honor, it's for
[2] impeachment purposes. He said he never
[3] threatened anybody, and I'm just showing a
[4] pattern of where that's exactly what he
[5] does, and he's being untruthful now.
[6] That's improper.

[7] **THE COURT:** Overruled.

[8] **THE WITNESS:** I said physical
[9] threats.

[10] **BY MR. SAMmS:**

[11] **Q.** Can you confirm for the Court what's been
[12] marked as P-3 is, in fact, your email?

[13] **A.** That's correct.

[14] **Q.** And you sent that, correct?

[15] **A.** Correct.

[16] **Q.** And the purpose of sending that was to
[17] express your opinion about these folks, and to
[18] let them know that if they did not straighten
[19] up, you were going to take action?

[20] **MS. COHEN:** Objection.

[21] The document speaks for itself.

[22] **MR. SAMmS:** We're allowed to ask
[23] questions about the document.

[24] **MS. COHEN:** I object to Mr. Snyder
[25] characterizing the statements.

[1] **THE COURT:** Overruled.

[2] Go ahead.

[3] **THE WITNESS:** It says, "I am
[4] considering handing out more letters."

[5] **BY MR. SAMmS:**

[6] **Q.** That's part of it.

[7] **THE COURT:** I have it in front of
[8] me, so I see what it says.

[9] **BY MR. SAMmS:**

[10] **Q.** So let's talk about this last paragraph.

[11] First of all, it says: "You hypocritical,
[12] lying, scumbags are make me upset again. Are
[13] you stupid or what."

[14] What's the purpose of you letting them
[15] know you're upset?

[16] **MS. COHEN:** Objection.

[17] I don't know who Mr. Halla is.

[18] **MR. SAMmS:** He confirmed his
[19] email, Your Honor. That's all the
[20] foundation I need.

[21] **BY MR. SAMmS:**

[22] **Q.** Would you please describe to the Court
[23] who Mr. Halla is?

[24] **A.** He was an elder, and, typically, when
[25] they have issues, they have three-man teams,

[1] so he was in charge of the three-man team that
[2] was dealing with me.

[3] **Q.** Just to be clear, I think the
[4] Presbyterian's call it the Session. The
[5] Session appoints a team of three people to
[6] shepherd somebody the church wants to help or
[7] work with?

[8] **A.** Right.

[9] **Q.** So he was part of the team that was sent
[10] by the church to work with you and straighten
[11] things out?

[12] We know that never occurred, but that was
[13] the purpose, as you understood it, right?

[14] **A.** Correct.

[15] **Q.** When you say you don't want to make me
[16] upset, you were, by implication, making a
[17] threat?

[18] **A.** I didn't say that. I didn't say what you
[19] just said.

[20] **Q.** The Court has a copy of the email.

[21] You say, "I forgot to mention in a PS, I
[22] did not take communion because I was concerned
[23] you might try to poison me, which was not too
[24] far off, sense you had a gunman ready to kill
[25] me if I gave him the opportunity."

[1] Who tried to poison you, sir?

[2] **A.** Well, it's a reasonable thought, if
[3] they're putting your life in danger one way,
[4] they might put your life in danger another
[5] way. I have multiple emails that deal with
[6] this issue. It was a response to Liam
[7] Goligher mailing me and saying that they
[8] had --

[9] **MR. SAMmS:** Your Honor, I object.
[10] His counsel can show him whatever she
[11] wants afterwards.

[12] **THE COURT:** Sustained.

[13] **BY MR. SAMmS:**

[14] **Q.** My question is, who was going to poison
[15] you?

[16] **A.** I was referring to the elders.

[17] **Q.** You were referring to the elders of the
[18] church?

[19] **THE COURT:** Let's move on past
[20] this.

[21] **BY MR. SAMmS:**

[22] **Q.** Were you in any way sending an explicit
[23] threat to them with this email, sir?

[24] **A.** I don't see that I'm threatening them.
[25] It was in response to his threatening me,

[1] which, when you tell law enforcement that
[2] someone is mentally ill, delusional, armed and
[3] dangerous and fits the profile of a mass
[4] shooter, you are recklessly endangering them
[5] when you do that. That's what I was referring
[6] to, and that's, for instance, this injunction,
[7] that's what this injunction has also done.
[8] It's recklessly endangering me by going to the
[9] police. Police kill people all the time,
[10] innocent people, and when you give them
[11] information, like, someone is mentally ill,
[12] delusional, armed and dangerous, fits the
[13] profile of a mass shooter, that's recklessly
[14] endangering them.

[15] **THE COURT:** We're not going into
[16] any further emails from 2016. If you have
[17] any other questions, you need to wrap this
[18] up. This is not a trial.

[19] **MR. SAMmS:** Your Honor, these are
[20] for impeachment purposes.

[21] **THE COURT:** He's already been
[22] impeached.

[23] **MR. SAMmS:** I understand the
[24] Court's ruling. I would just, for the
[25] record, if I may, just make a record. I

[1] have four or five emails, Your Honor, that
[2] we would have shown to show that his
[3] previous statements are incorrect and that
[4] he had repeatedly threatened and implied
[5] threats to harm the church and its
[6] congregants.

[7] **THE COURT:** Okay.

[8] **MR. SAMmS:** Thank you.

[9] **MR. SAMmS:** Your Honor, since I've
[10] addressed those two issues, I would
[11] reserve the rest of my examination for
[12] Mr. Snyder until after the direct, with
[13] the Court's permission.

[14] **MS. COHEN:** Can I reserve my cross
[15] until my direct examination?

[16] **THE COURT:** He's here. Just ask
[17] all the questions you're going to ask now.

[18] Do you have any direct examination
[19] you want to take him through now?

[20] **MS. COHEN:** What would you like us
[21] to do?

[22] **THE COURT:** You can come back
[23] tomorrow morning.

[24] **MR. SAMmS:** I'm in Pittsburgh,
[25] Your Honor. I'm fine recessing until next

[1] week, if possible.

[2] **THE COURT:** I'm not on next week.

[3] That's my office week, and I don't

[4] schedule any cases.

[5] **MR. SAMMS:** May I submit,

[6] respectfully, to the Court, I would see no

[7] harm in keeping the status quo for two

[8] weeks, until that time, Your Honor.

[9] **MS. COHEN:** Can we resume after
[10] your afternoon hearing, perhaps?

[11] **THE COURT:** I don't know what time

[12] it's going to get finished. If we get

[13] over in a reasonable amount of time.

[14] **MS. COHEN:** Perhaps Mr. Samms and

[15] I can come up with some alternative dates

[16] and see if it fits into your schedule.

[17] **THE COURT:** It's not going to be

[18] long. I don't hold my cases out long like

[19] that.

[20] **MS. COHEN:** In two weeks.

[21] **THE COURT:** We'll take a recess,

[22] because I know you want to direct him,

[23] anyway, so.

[24] **THE COURT:** You can step down,

[25] sir. So we're just going to get a date.

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(Hearing adjourned.)

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I hereby certify that the

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me on the trial of the above cause, and

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Clarence M. Hook

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Official Court Reporter

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(The foregoing certification of

[20]

this transcript does not apply to any

[21]

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[23]

supervision of the certifying reporter.)

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SUPPLEMENTAL APPENDIX “C”

First Judicial District of Pennsylvania

190703016

Tenth Presbyterian Church Vs. Snyder

*Motion Volume 1
February 10, 2020*



*First Judicial District of Pennsylvania
100 South Broad Street, Second Floor
Philadelphia, PA 19110
(215) 683-8000 FAX:(215) 683-8005*

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Febuary 10, 2020

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[1] IN THE COURT OF COMMON PLEAS
 [2] FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
 [3] CIVIL TRIAL DIVISION

[4] TENTH PRESBYTERIAN :
 CHURCH :NO. 190703016

[5] vs. :

[6] PHILIP SNYDER :

[7] ROOM 426, CITY HALL

[8] PHILADELPHIA, PENNSYLVANIA

[9] MONDAY, FEBRUARY 10, 2020

[11] -----
 [12] **BEFORE:** JUDGE PAULA PATRICK

[13] -----
 [14] MOTION
 [15] VOLUME II

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[1] **THE COURT CRIER:** Your Honor, No.
[2] 1, Tenth Presbyterian Church vs. Snyder,
[3] Docket No. 190703016.

[4] **MR. SAMMS:** Good morning, Your
[5] Honor. Gary Samms on behalf of Tenth
[6] Presbyterian Church and Dr. Liam Goligher
[7] to my left.

[8] I had just finished my initial
[9] cross of Mr. Snyder, when we broke, and
[10] it's on them, and then I'll have one more
[11] witness after that.

[12] **THE COURT:** Okay.

[13] **MR. SAMMS:** Thank you.

[14] **MS. COHEN:** Faye Riva Cohen and
[15] Brian Doyle on behalf of Phil Snyder.

[16] - - -

[17] PHILIP SNYDER, having been duly
[18] sworn, was examined and testified as

[19] **follows:**

[20] **THE WITNESS:** Philip Snyder.

[21] - - -

[22] RESPONDENT'S EVIDENCE

[23] - - -

[24] DIRECT EXAMINATION

[25] - - -

[1] **BY MS. COHEN:**

[2] **Q.** Phil, were you previously involved in a
[3] defamation action against the Tenth
[4] Presbyterian Church?

[5] **A.** Yes, I was.

[6] **Q.** Was there a trial in that action?

[7] **A.** Yes, there was.

[8] **Q.** Who initiated the action?

[9] **A.** I did.

[10] **Q.** And what was the result of the trial?

[11] **A.** I lost.

[12] **Q.** During the defamation action, did the
[13] church attempt to seek an injunction against
[14] you?

[15] **A.** Yes.

[16] **Q.** And are you aware why the church sought
[17] the injunction?

[18] Objection, Your Honor.

[19] We're here about a different set
[20] of behaviors, an escalating set of
[21] behaviors.

[22] **THE COURT:** She's simply asking if
[23] he's aware of that.

[24] **MR. SAMMS:** That's why I didn't
[25] objects earlier about the general

[1] background.

[2] **THE COURT:** Objection overruled.

[3] Go ahead.

[4] **BY MS. COHEN:**

[5] **Q.** Mr. Snyder, I would like you to look at
[6] the order that was entered?

[7] **MR. SAMMS:** Can I have an offer
[8] here, Your Honor, please?

[9] Now we're getting into the details
[10] of it.

[11] **THE COURT:** Just ask him the
[12] question, was he aware of the allegations
[13] against him in reference to this
[14] injunction.

[15] **MR. SAMMS:** Thank you.

[16] **MS. COHEN:** Well, Your Honor, I do
[17] think we have to set a background, because
[18] this is the second injunction attempt by
[19] the church.

[20] **THE COURT:** You can set the
[21] background, but I'm saying, he didn't need
[22] to read any documents. He knows he's been
[23] in court. He can testify as to whichever
[24] injunction you're talking about. State
[25] the time period. Does he know from this

[1] or that time period. What it was for.

[2] That kind of thing.

[3] **BY MS. COHEN:**

[4] **Q.** And to the best of my knowledge, why did
[5] the church seek an injunction?

[6] **THE COURT:** Which one, since it's
[7] more than one?

[8] **MS. COHEN:** The first injunction.

[9] **THE COURT:** And when was that?

[10] **MS. COHEN:** Your Honor, can I ask
[11] that the witnesses be sequestered?

[12] **MR. SAMMS:** Well, Your Honor, at
[13] the last hearing I indicated that Senior
[14] Minister Goligher is a representative of
[15] the church, and you allowed him to say.
[16] The only other witness I'm aware of is His
[17] Honor.

[18] **MS. COHEN:** I don't know who they
[19] are.

[20] **MR. SAMMS:** It's a public setting.
[21] They're here to watch, as far as I know.
[22] My only witness is Dr. Goligher.

[23] **BY MS. COHEN:**

[24] **Q.** Do you recall, in the first injunction
[25] action, why the church sought the injunction?

[1] **A.** I was -- on 10/23/16, I was
[2] excommunicated from the church and Liam
[3] Goligher served me with a no trespassing
[4] notice. Then, following that, I had not been
[5] to the church for nearly a year, because of
[6] his unlawful threat --

[7] **MR. SAMMS:** Objection, Your Honor.

[8] **THE COURT:** Sustained, and it is
[9] stricken.

[10] **THE WITNESS:** So I had not been to
[11] the church for almost a year. The first
[12] time I came back to the church was on
[13] September 10th of 2017, and, after that
[14] one time that I came to the church, to the
[15] front of the church, where I always
[16] appear, and I was handing out letters,
[17] immediately, the church filed a injunction
[18] against me, and there was a hearing on
[19] 10/10/17 regarding that injunction, and
[20] Judge Fletman time ruled in my favor on
[21] that, upholding my right to free speech.

[22] **MR. SAMMS:** Objection to the legal
[23] conclusions. I would just move to strike
[24] legal conclusions.

[25] **THE COURT:** It is stricken.

[1] **MR. SAMMS:** And I would ask this
[2] court to take Judicial notice of these
[3] pleadings in that case. We've heard his
[4] understanding, but, to save us time, I
[5] would submit the conclusion if there is
[6] any issue to them. Thank you.

[7] **BY MS. COHEN:**

[8] **Q.** Okay, Phil, so you can refrain from just
[9] giving legal conclusions.

[10] So just to reiterate, you received a no
[11] trespassing letter; is that correct?

[12] **A.** On 10/23/126.

[13] **Q.** And, then, you voluntarily did not return
[14] to the church in any capacity --

[15] **MR. SAMMS:** Objection, Your Honor.
[16] There was a no trespassing order.

[17] **MS. COHEN:** Your Honor, can I have
[18] a little bit of time to develop my
[19] testimony?

[20] **THE COURT:** Okay, but you can't
[21] ask questions that are objectionable. You
[22] can rephrase your question or ask
[23] something else.

[24] It was sustained.

[25] **BY MS. COHEN:**

[1] **Q.** And when you returned to the church, you
[2] said you were handing out something?

[3] **A.** Letters. Like a one-page. Just a
[4] one-page letter or flyer.

[5] **Q.** And where were you standing when you were
[6] handing out the letter?

[7] **A.** I was standing on the sidewalk at the
[8] front of the church, next to the street, but
[9] not into the street, to give as wide a berth
[10] as possible to everyone.

[11] **Q.** The church has argued that your arguments
[12] of protest have escalated since you lost the
[13] trial.

[14] Do you agree with that?

[15] I'm sorry. Since you lost the defamation
[16] hearing?

[17] **A.** The first time I appeared with my sign --
[18] Objection, Your Honor.

[19] Can we answer yes or no, please?

[20] **THE COURT:** Objection sustained.

[21] It's nonresponsive.

[22] **THE WITNESS:** Could you ask the
[23] question again?

[24] **BY MS. COHEN:**

[25] **Q.** The church has argued that your acts of

[1] protest have escalated since you lost the
[2] defamation trial?

[3] **A.** Correct.

[4] **Q.** And do you agree, first of all, that you
[5] have committed some acts of protest?

[6] **A.** I have stood at the front of the church
[7] with a sign, yes.

[8] **Q.** And standing in front of the church with
[9] a sign --

[10] **MR. SAMMS:** Objection.

[11] **MS. COHEN:** I haven't even asked
[12] the question, Your Honor.

[13] **THE COURT:** I'm listening to the
[14] question, as well.

[15] Go ahead.

[16] **BY MS. COHEN:**

[17] **Q.** Do you feel that carrying a sign is an
[18] escalation of whatever acts of protest you
[19] might have committed previously?

[20] Objection, Your Honor.

[21] His feelings --

[22] **THE COURT:** It's sustained.

[23] **BY MS. COHEN:**

[24] **Q.** So after handing out the letters in front
[25] of the church in 2017; is that correct?

[1] **A.** 9/10/17 was the first time I handed out
[2] the letters. The injunction hearing was held
[3] on 10/10/17.

[4] **Q.** When did you start carrying a sign?

[5] **A.** The first time I came to the church was
[6] on 11/25/18, four months prior to defamation
[7] trial, and Mr. Samms sent a letter to my
[8] lawyer, threatening me with a lawsuit, an
[9] injunction, arrest, criminal charges, civil
[10] charges, and that was on 1/25/18, the first
[11] time I appeared with a sign, four months
[12] before the defamation trial.

[13] **Q.** First of all, your lawyer at that time,
[14] what was your lawyer's name?

[15] **A.** Reginald Allen.

[16] **Q.** And did Mr. Allen give you a copy of the
[17] letter?

[18] **A.** Yes.

[19] **Q.** And was there anything attached to the
[20] letter?

[21] **A.** Yes. There was a picture of me holding a
[22] sign, which was taken by Liam Goligher.

[23] **THE COURT:** I would like to
[24] introduce, as an Exhibit, R-1.

[25] - - -

[1] (Photograph marked Exhibit R-1 for Page 13
[2] identification.)

[3] - - -

[4] **THE COURT CRIER:** Exhibit R-1 so
[5] marked and shown to the witness.

[6] **BY MS. COHEN:**

[7] **Q.** Phil, I've handed you a document marked
[8] R-1.

[9] Have you seen this document before?

[10] **A.** Yes, I have.

[11] **Q.** And the document is two pages, correct?

[12] **A.** Correct.

[13] **Q.** And in what capacity did you see this
[14] document?

[15] **A.** My lawyer emailed it to me.

[16] **Q.** And on the date of this document,
[17] November 25th, 2018, which is signed by
[18] Mr. Samms, were you carrying a sign, at that
[19] point in time, in front of the church?

[20] **A.** On 11/25/18, there's a picture of me
[21] holding the sign, right.

[22] **Q.** And the sign that's referred to, is this
[23] the sign -- has that sign changed at all since
[24] you began carrying it?

[25] **A.** That's the only sign I've used to date.

[1] **Q.** And where you were standing, at that
[2] point in time, carrying a sign, is that where
[3] you generally stand when you carry the sign?

[4] **A.** Yes. Close to the street, but not into
[5] the street. Not in the street, right, to give
[6] as wide a berth as possible to people.

[7] **Q.** And does the sign indicate that the
[8] church is being referred to?

[9] **A.** It doesn't.

[10] **MR. SAMMS:** It speaks for itself,
[11] Your Honor. It's the manner in which it's
[12] displayed that would give it meaning.

[13] **THE COURT:** Well, you can
[14] cross-examine.

[15] Overruled.

[16] Go ahead sir.

[17] **THE WITNESS:** It does not refer to
[18] Tenth Presbyterian Church, specifically.

[19] **BY MS. COHEN:**

[20] **Q.** Approximately, how far away are you
[21] standing from the church entrance?

[22] **A.** The sidewalk is about 20 feet wide, and
[23] I'm about, you know, as far as possible away
[24] from the church property as I can be without
[25] being in the street.

[1] **Q.** And what is the location of where you are
[2] standing?

[3] **A.** That is Spruce Street, near the corner of
[4] 17th and Spruce.

[5] **Q.** The church owns other properties, as far
[6] as you know; is that correct?

[7] **A.** The church owns multiple properties.

[8] **Q.** And do you ever hold this particular sign
[9] anywhere near the other properties that the
[10] church owns?

[11] **A.** This is the spot where I have always
[12] been, since 2017. That's where I've been for
[13] years. So, for instance, not at the back door
[14] of the church.

[15] **Q.** Now, the letter marked R-1, states: "Your
[16] client is not to appear on site again. He
[17] will be arrested if he does this again."

[18] **MR. SAMMS:** Objection.

[19] Relevance, Your Honor, at this
[20] point.

[21] **THE COURT:** Overruled.

[22] **BY MS. COHEN:**

[23] **Q.** Were you ever arrested as a result of
[24] carrying this sign?

[25] **A.** I have never been arrested. I've always

[1] been on the public sidewalk.

[2] **Q.** So your question is --

[3] **MR. SAMMS:** Objection.

[4] I don't think he has a question,

[5] Your Honor.

[6] **THE COURT:** Sustained.

[7] **BY MS. COHEN:**

[8] **Q.** My question is have you ever been
[9] arrested for standing in front of the church?

[10] **A.** I've never been arrested in my life.

[11] **Q.** After you received this letter, did you
[12] continue to carry the signs in front of the
[13] church?

[14] **A.** No. I did not return with the sign until
[15] after the defamation trial, because the
[16] defamation trial was coming up, you know, I
[17] thought I should not carry the sign, resume
[18] carrying the sign until after the trial,
[19] because of the upcoming trial.

[20] **Q.** Exhibit R-1, are the people in the photo
[21] -- do you know whether they are attempting to
[22] exit the church?

[23] **MR. SAMMS:** Objection.

[24] **THE COURT:** Objection is
[25] sustained.

[1] **BY MS. COHEN:**

[2] **Q.** Were you blocking the exit of the church?

[3] Have you ever blocked the exit of the
[4] church when you carry your sign?

[5] **A.** I've never blocked the entrance or the
[6] exit. I've always been standing as you see,
[7] giving as wide a berth as possible, because I
[8] had anticipating they would say I was blocking
[9] the entrance and exits. That's one reason I
[10] never go to the back of the church, because
[11] the sidewalk is not wide enough to give a wide
[12] berth to people.

[13] **Q.** Have you ever attacked anyone outside of
[14] the Tenth Presbyterian Church?

[15] **A.** Absolutely not.

[16] **Q.** Have you ever physically restrained
[17] anyone from entering the Tenth Presbyterian
[18] Church?

[19] **A.** No.

[20] **Q.** Is there more than one entry to the Tenth
[21] Presbyterian Church at that location?

[22] **A.** There are many entrances.

[23] **Q.** And do you personally know that?

[24] **A.** Yes. I was a member of the church for
[25] years.

[1] **Q.** Do you generally stand in front of one
[2] entry, or the other entries, also?

[3] **A.** I'm normally almost exactly where you see
[4] me standing there, with very little variance.
[5] I might move a few feet here or there, for
[6] instance, in the sun is shining in my eyes,
[7] which is, you know, I might move a few feet to
[8] get a little shade or something like that, but
[9] very close to exactly where I'm standing right
[10] there, and always as close to the street as
[11] possible, to give people as wide a birth as
[12] possible.

[13] **Q.** You were in the courtroom when Mr. Baker
[14] testified; is that correct?

[15] **A.** Correct.

[16] **Q.** And did you hear that Mr. Baker stated
[17] that he spoke with a retired police officer
[18] named Brandon Roane about you?

[19] **A.** Yes.

[20] **Q.** And did you hear that he testified that
[21] Brandon Roane said that you fit the profile of
[22] a mass shooter?

[23] **A.** Based on Mr. Baker's description of me,
[24] yes, I think that's what he said.

[25] **Q.** Do you know Brandon Roane?

[1] **A.** No. I've never even spoken to Mr. Baker,
[2] and he's never spoken to me. I don't know
[3] him.

[4] **Q.** I'm asking about Mr. Roane.
[5] Have you ever met Mr. Roane?

[6] **A.** No.

[7] **Q.** Have you ever provided any medical
[8] records to Mr. Roane?

[9] **A.** No.

[10] **Q.** Have you ever provided any medical
[11] records to anyone at the church?

[12] **A.** No.

[13] **MS. COHEN:** I would like to
[14] introduce Exhibit D-2.

[15] **MR. SAMMS:** Your Honor, I'm going
[16] to ask for an offer of proof.

[17] **THE COURT:** Yes.
[18] Offer of proof, counsel?

[19] **MS. COHEN:** This is a letter that
[20] was sent by Mr. Goligher to Mr. Snyder on
[21] October 16th, 2016, stating that he not
[22] enter --

[23] **THE COURT:** What's the purpose of
[24] you putting it in?

[25] You don't have to read it to me.

[1] **MS. COHEN:** Just to see whether
[2] our client has violated the stay-away
[3] order with regard --

[4] **THE COURT:** Listen. He can't come
[5] to legal conclusions. That has to be
[6] determined by the Court.

[7] **MS. COHEN:** So, Paragraph 28 of
[8] the complaint indicates that the church
[9] had a stay-away order, which this is, and
[10] defendant has repeatedly refused to obey
[11] this order --

[12] **THE COURT:** What is your question?

[13] **MS. COHEN:** My question is, has he
[14] refused to obey this protective order.

[15] **THE COURT:** You can ask him that
[16] without giving him any papers. That's not
[17] difficult.

[18] **BY MS. COHEN:**

[19] **Q.** Mr. Snyder, do you recall whether you
[20] ever received a letter dated October 16th,
[21] 2016, demanding that you come --

[22] **THE COURT:** Listen, just ask the
[23] question. Forget the letter, at this
[24] point, and just ask your question.

[25] **BY MS. COHEN:**

[1] **Q.** Have you ever, since you received the
[2] stay-away order dated October 16th, 2016,
[3] knocked, entered or come upon the premises of
[4] the church at 1700 Spruce Street, 1701
[5] Delancey Street, 315 South 17th Street, 1710
[6] Spruce Street, or 715 Spruce Street in
[7] Philadelphia?

[8] **A.** Just to clarify, the date of the letter
[9] is 10/15. That's when they drew it up. I
[10] did not receive the letter until 10/23/16.
[11] Also, just to clarify --

[12] **MR. SAMMS:** Objection.

[13] Nonresponsive, Your Honor.

[14] **THE COURT:** It is sustained.

[15] **THE WITNESS:** Also, just to
[16] clarify, Judge --

[17] **MR. SAMMS:** Objection, Your Honor.

[18] **THE COURT:** Sustained.

[19] **BY MS. COHEN:**

[20] **Q.** Just answer the question as to whether
[21] you came upon the premises after you received
[22] the stay-away order?

[23] **A.** I have not been on the church property
[24] since 10/23/16. It's a no trespassing notice;
[25] not a stay-away order.

[1] **Q.** Thank you.

[2] The church alleges that you are mentally
[3] ill.

[4] Have you ever been diagnosed with a
[5] mental illness?

[6] **A.** No.

[7] **Q.** Have you ever been contacted by a police
[8] officer, alleging that you violated the
[9] trespassing request in October 2016?

[10] **A.** No.

[11] **Q.** Have you ever been contacted by anyone in
[12] the District Attorney's Office since October
[13] 2016, regarding your alleged trespassing on
[14] church property?

[15] **A.** No.

[16] **Q.** The church alleges that you are licensed
[17] to carry a firearm; is that correct?

[18] **A.** I am.

[19] **Q.** And when did you receive that license?

[20] **A.** It was November of 2012, after I got held
[21] up in West Philadelphia.

[22] **Q.** Did you purchase any firearms as a result
[23] of receiving your license?

[24] **A.** No. I was an armored car guard, so I
[25] previously had a .38 revolver from that, and I

[1] also inherited a .38 revolver from my uncle

[2] Darwin.

[3] **Q.** When you applied for your license, what
[4] information were you asked to provide to the
[5] Commonwealth of Pennsylvania?

[6] **A.** A background check is done on anyone --
[7] Objection, Your Honor , unless we
[8] have the application or something to that
[9] effect.

[10] **THE COURT:** Objection is
[11] sustained.

[12] **THE WITNESS:** I do have the permit
[13] with me.

[14] **THE COURT:** Sir, it's sustained.
[15] It's stricken.

[16] You don't respond unless you're
[17] asked a question.

[18] **BY MS. COHEN:**

[19] **Q.** Have you been ever charged with a crime?

[20] **A.** No.

[21] **Q.** Have you ever been convicted of a crime?

[22] **A.** No.

[23] **Q.** Have you ever carried your firearm while
[24] protesting in front of the church?

[25] **A.** No.

[1] **Q.** Do you still have access to your
[2] firearms?

[3] **A.** No, I do not. I surrendered my firearms
[4] to the State Police.

[5] **MS. COHEN:** I would like to have
[6] that marked as Exhibit R-2.

[7] - - -

[8] (Surrender Firearms Release form
[9] marked Exhibit R-2 for identification.)

[10] - - -

[11] **THE COURT CRIER:** Exhibit R-2 so
[12] marked and shown to the witness.

[13] **MR. SAMMS:** No objection.

[14] **BY MS. COHEN:**

[15] **Q.** Mr. Snyder, could you identify this
[16] document for us?

[17] **A.** Yes it's my surrendered firearms release
[18] issued by the Pennsylvania State Police.

[19] **Q.** And does your signature and/or initials
[20] appear on this document?

[21] **A.** Yes, on Pages 2 and 3.

[22] **Q.** And are these the two firearms you were
[23] talking about that were in your possession?

[24] **A.** Yes, the .38 revolvers.

[25] **Q.** Since the date of surrender, have you

[1] purchased any additional firearms?

[2] **A.** I don't have any firearms of any kind.

[3] **Q.** And do these firearms still reside with
[4] the Pennsylvania State Police?

[5] **A.** They were permanently surrendered. I
[6] cannot retrieve them.

[7] **Q.** Is there a reason why they were
[8] surrendered?

[9] **A.** Because of the accusations of Tenth
[10] Presbyterian Church against me, plus I can't
[11] see well enough to shoot anything, anyway.

[12] **Q.** Were these documents surrendered at the
[13] request of the Pennsylvania State Police?

[14] **A.** No. I voluntarily did it.

[15] **Q.** Were they surrendered --

[16] **THE COURT:** He just said he
[17] voluntarily surrendered them, so you don't
[18] have to ask the next question.

[19] **MS. COHEN:** Okay. Thank you.

[20] **MS. COHEN:** I don't have any
[21] additional questions.

[22] - - -

[23] **CROSS-EXAMINATION**

[24] - - -

[25] **BY MR. SAMMS:**

[1] **Q.** Good morning, Mr. Snyder.

[2] There was no restriction placed upon you
[3] from purchasing any new firearms, correct?

[4] **A.** There is not.

[5] **Q.** Did you have a license to carry in
[6] California when you lived there?

[7] **A.** No -- well --

[8] **MS. COHEN:** Objection.

[9] Outside the scope of direct
[10] examination.

[11] **THE COURT:** Overruled.

[12] **THE WITNESS:** Well, I stated I was
[13] an armored car guard. I had an exposed
[14] firearm permit that allowed me to carry
[15] while I was at work, carry an exposed
[16] firearm at work, as an armored car guard.

[17] **BY MR. SAMMS:**

[18] **Q.** And you went to the police academy, I
[19] believe, you testified in other proceedings,
[20] correct?

[21] **A.** Correct.

[22] **Q.** What police Academy did you go to?

[23] **MS. COHEN:** Objection on
[24] relevance.

[25] **MR. SAMMS:** I'm cross-examining,

[1] Your Honor, regarding guns and his use of
[2] them.

[3] **THE COURT:** Overruled.

[4] **THE WITNESS:** It was the Reserve
[5] Police Academy at the Evergreen Valley
[6] College Criminal Justice Training Center.

[7] **BY MR. SAMMS:**

[8] **Q.** Was that a certificate program, or a
[9] two-year degree program?

[10] **A.** It was like a police Academy, but it was
[11] an abridged version of that, but, at the
[12] completion of that, if hired by a police
[13] department, you would be able to function with
[14] full police powers, and the public would not
[15] be able to distinguish you from a regular
[16] police officer.

[17] **Q.** So you've never been hired as a police
[18] officer, despite finishing this course,
[19] correct?

[20] **A.** Correct.

[21] **Q.** Now, do you have Exhibit R-1 in front of
[22] you, still, sir?

[23] **A.** I do now.

[24] **Q.** Let's look at the second page, which is
[25] the picture, if you don't mind?

[1] **A.** Okay.

[2] **Q.** Okay.

[3] **The sign that says:** Naked beatings,
[4] lies, rape, threats, what is that meant to
[5] communicate, sir, and about whom?

[6] **MS. COHEN:** Objection.

[7] He's asking for a state of mind.

[8] **THE COURT:** Objection is

[9] overruled.

[10] He can testify. He wrote it.

[11] Go ahead, sir. Answer the

[12] question.

[13] **THE WITNESS:** I'm exercising my
[14] constitutional right to free speech, in
[15] reaction to the letter, which was mailed
[16] out by you on 11/25/18.

[17] **THE COURT:** Let me just tell you,
[18] that's nonresponsive to the question.

[19] It's not a question of do you have
[20] a constitutional right. He's saying, the
[21] wording, what did you intend the wording
[22] to convey?

[23] What does the wording mean?

[24] **THE WITNESS:** It intends to convey
[25] that I have a right to free speech.

[1] **BY MR. SAMMS:**

[2] **Q.** Sir, if you wanted to express to the
[3] community at large in Philadelphia that you
[4] wanted to convey that everybody should have
[5] free speech, why doesn't the sign say I
[6] support free speech?

[7] That's not the message you were trying to
[8] convey, was it?

[9] **MS. COHEN:** Objection.
[10] Argumentive.

[11] **THE COURT:** Overruled.

[12] **BY MR. SAMMS:**

[13] **Q.** Was it , sir?

[14] **A.** It's the message I'm trying to convey to
[15] the church, based on the threats from your
[16] letter.

[17] **Q.** Sir, let me be specific about this sign
[18] and why you were standing in this specific
[19] location.

[20] You were doing that because you were
[21] trying -- you wanted people to believe this
[22] was happening at the church, correct?

[23] **MS. COHEN:** Objection.

[24] **THE COURT:** Overruled.

[25] Answer the question.

[1] **THE WITNESS:** Not necessarily.

[2] **BY MR. SAMMS:**

[3] **Q.** You just picked this place randomly and
[4] put these five words out there for no purpose
[5] whatsoever?

[6] Is that what you're telling this Court
[7] under oath?

[8] **A.** Well, for example, the naked beatings
[9] occurred at Karen University; however, the
[10] person responsible for those naked beats was
[11] employed for 13 years after that incident, and
[12] then --

[13] **Q.** Sir, are you talking about an alleged
[14] incident in 2001?

[15] Is that what you're telling this Court,
[16] that, that sign refers to an incident before
[17] you were even at the church in 2001?

[18] Yes or no?

[19] **A.** Well, for example --

[20] **Q.** Yes or no, please?

[21] **THE COURT:** Answer the question.

[22] Yes or no?

[23] **THE WITNESS:** The incident
[24] happened in --

[25] **BY MR. SAMMS:**

[1] **Q.** You're being nonresponsive. You can
[2] answer the question directly, yes or no.

[3] **A.** The incident occurred in 2001; however,
[4] the lies occurred in 2014.

[5] **Q.** When did you move to Pennsylvania from
[6] California?

[7] **A.** 2008.

[8] **Q.** So it would be fair tell Judge Patrick
[9] that you have no personal knowledge regarding
[10] any of the alleged events that occurred before
[11] you even got to be a member of the church,
[12] correct?

[13] You have no personal knowledge?

[14] **A.** Liam Goligher testified at the injunction
[15] hearing regarding that.

[16] **THE COURT:** Sir, that's being
[17] nonresponsive. That's stricken.

[18] Answer his question. I don't want
[19] you to say what you want to say. You have
[20] to answer his question.

[21] **THE WITNESS:** I have personal
[22] knowledge. I was a member of the church,
[23] and they held congregational meetings
[24] given by Liam Goligher, in which he
[25] informed the congregation Objection, Your

[1] Honor.

[2] **THE COURT:** You said you have
[3] personal knowledge?

[4] You have personal engine of it?

[5] **THE WITNESS:** I wasn't there in
[6] 2001.

[7] **THE COURT:** Well, that means you
[8] don't have personal knowledge. Someone
[9] must have told you or you found out.

[10] That's not personal knowledge.

[11] Listen to the question. It's
[12] stricken.

[13] What's next?

[14] Go ahead.

[15] **MR. SAMMS:** Thank you, Your Honor.

[16] **BY MR. SAMMS:**

[17] **Q.** So do you have a beef or a problem with
[18] the store catty-corner to where you're
[19] standing.

[20] **A.** No.

[21] **Q.** Did you have a problem with the people in
[22] the picture that are shown on the sidewalk?

[23] **A.** Well, for instance, the gentleman who's
[24] standing there talking to me was a member of
[25] the church, and, so, I thought he should be

[1] informed as to -- he has a right to be
[2] informed about what is going on at the church.

[3] **Q.** Well, I appreciate that, but let's say
[4] this wasn't going on at the church. You're
[5] talking again about an alleged incident in
[6] 2001, correct?

[7] When you say "going on," that's not
[8] accurate, agreed?

[9] **MS. COHEN:** Objection.

[10] **THE COURT:** He can answer that
[11] question.

[12] **THE WITNESS:** The lies were done.

[13] **THE COURT:** Answer the question.

[14] That's not --

[15] **THE WITNESS:** The naked beatings
[16] occurred in 2001, as far as I know.

[17] **BY MR. SAMMS:**

[18] **Q.** And as you said, didn't even occur at the
[19] church, from what you're alleging, correct?

[20] **A.** Correct.

[21] **MR. SAMMS:** With respect to this
[22] picture, may I approach, briefly, Your
[23] Honor?

[24] **THE COURT:** Yes.

[25] **BY MR. SAMMS:**

[1] **Q.** Sir, isn't it true you were there with
[2] this sign so that people going into the church
[3] and around the church would think less of the
[4] church, and it was solely meant to convey
[5] negative impressions about the church and it's
[6] leadership, correct?

[7] **THE COURT:** Yes or no?

[8] **THE WITNESS:** I think it was meant
[9] to convey, for example --

[10] **THE COURT:** It's either yes or no.

[11] **THE WITNESS:** Yes.

[12] **BY MR. SAMMS:**

[13] **Q.** And it was your intent to hurt the church
[14] by carrying this sign, correct?

[15] **A.** It is not my intention to hurt the
[16] church. It is my intention to make the church
[17] a better place.

[18] **Q.** Well, you were no longer a member of the
[19] church, at that time, correct?

[20] **A.** I guess, when you're excommunicated,
[21] you're not a member. I'm not really clear on
[22] ecclesiastical --

[23] **Q.** Let's be clear, sir. I hate to mince
[24] words with you, but do you really think you
[25] were a member of the church, at that time?

[1] You understand that, don't you?

[2] **A.** I suppose I was.

[3] **Q.** You suppose you were?

[4] **A.** I can't make conclusions about law, so
[5] this would be ecclesiastical law. I don't
[6] really know. I suppose that's probably true.

[7] **Q.** Was it your understanding that, at that
[8] point in time, sir, you had been
[9] excommunicated, and, in fact, previously
[10] walked out of the church after your last
[11] service, correct?

[12] Isn't that the whole reason you brought
[13] your defamation --

[14] **THE COURT:** Ask him one question
[15] at a time, and let him answer the first
[16] question you asked.

[17] **BY MR. SAMMS:**

[18] **Q.** Do you remember the first question?

[19] You don't recall it?

[20] **A.** No.

[21] **Q.** Did you not know you were not a member of
[22] the church when you were picketing with this
[23] sign in 2018, just months before the trial on
[24] the defamation, brought as a result of the
[25] excommunication?

[1] **A.** I don't know the answer to that question.

[2] **THE COURT:** You either know or you
[3] don't know.

[4] **THE WITNESS:** I don't know.

[5] **THE COURT:** Okay.

[6] **MR. SAMMS:** Your Honor, again,
[7] I'll submit the paperwork, but I will ask
[8] the Court to take Judicial notice of the
[9] pleadings in this case, where they admit
[10] he was excommunicated on a certain date.

[11] **MS. COHEN:** Your Honor, I've never
[12] seen excommunication documents, so if they
[13] are submitted to the Court, I would like
[14] to see them first.

[15] **MR. SAMMS:** I said the pleadings,
[16] Your Honor.

[17] **THE COURT:** I understand you said
[18] pleadings.

[19] **MS. COHEN:** Pleadings?

[20] **THE COURT:** Okay. The pleadings
[21] are for counsel to read and to review.
[22] You either read the pleadings or you did
[23] not.

[24] **BY MR. SAMMS:**

[25] **Q.** Now, sir, with respect to the few

[1] questions you were asked about escalation of
[2] your behavior, just so I understand it, is
[3] your testimony that you appeared once with
[4] this sign in 2018, and, then, you did not
[5] appear at the church with the sign again until
[6] after you lost your defamation case against
[7] the church?

[8] **A.** Correct.

[9] **Q.** And as opposed to the one time you didn't
[10] in 2019, afterwards, you were there every
[11] Sunday, starting with Easter, correct?

[12] **A.** Every Sunday until the injunction.

[13] **Q.** Okay.

[14] So you were there every Sunday until
[15] after the injunction, and that is an
[16] escalation in the frequency of which you were
[17] doing this; is that correct?

[18] Do you understand that?

[19] **A.** I was more frequent.

[20] **Q.** Is that an escalation in the number of
[21] times you picketed?

[22] **A.** I was more frequent.

[23] **Q.** I'm asking you, to your understanding, is
[24] that an escalation?

[25] **A.** I don't know if I would call it an

[1] escalation.

[2] **Q.** And, in fact, you spoke with the
[3] congregants more often, correct?

[4] **MS. COHEN:** Objection.

[5] It's leading. There are no
[6] grounds to indicate --

[7] **MR. SAMMS:** Your Honor, this is
[8] cross-examination. I can lead all day
[9] long.

[10] **THE COURT:** Overruled.

[11] Answer the question.

[12] **THE WITNESS:** If someone
[13] approached me to talk to me, I would speak
[14] with them. I did not initiate
[15] communication with people unless they
[16] initiated communication with me.

[17] **BY MR. SAMMS:**

[18] **Q.** Well, you wore a body-camera, I think
[19] you've told us, on every Sunday or just
[20] certain Sundays?

[21] **A.** I would never go down to the church
[22] without my body-camera. I needed it to
[23] protect me from the lies that I knew the
[24] church would tell.

[25] **Q.** And despite having all this footage --

[1] how many hour of footage do you have?

[2] **A.** I have around 18 hours.

[3] **Q.** And you've shown this Court, during your
[4] testimony, none of it, correct?

[5] We only saw a bit with Ms. Elzey,
[6] correct?

[7] **A.** I don't think the Court wants to spend 18
[8] hours reviewing all of my body-camera footage.

[9] **Q.** Can we agree you don't have any of that
[10] film with you, correct?

[11] **A.** Yes, I do. I have it all.

[12] **Q.** None of it was offered, correct?

[13] **MR. SAMMS:** I'll withdraw that,
[14] Your Honor. This Court is well aware.

[15] **THE COURT:** Okay.

[16] **BY MR. SAMMS:**

[17] **Q.** You knocked on the neighbor's door during
[18] your recent spate of picketing, correct?

[19] **A.** I did that one time as an experiment, and
[20] I handed out Exhibit R-1 to one person.

[21] **Q.** You knocked on the neighbor's door in an
[22] attempt to harm the church, correct?

[23] **A.** To communicate with the neighbors. I
[24] felt that I had -- I should inform them about
[25] what was going on .

[1] **Q.** And, again, what was going on, we're
[2] talking about an alleged incident in 2001?

[3] There was nothing like that going on at
[4] the church, correct, at the time?

[5] **A.** The lies had been continuous, and
[6] continue to this day.

[7] **Q.** Have you ever seen a court order in this
[8] or any related case, where any court has said
[9] that any representative from the church has
[10] told them is truth?

[11] Have you?

[12] **A.** Could you state the question again?

[13] **Q.** Sure.

[14] You've never seen any court order or any
[15] finding by any Judge that anyone connected or
[16] affiliated with the church ever lied, correct?

[17] **A.** I offered evidence. The Judge --

[18] **THE COURT:** Just answer that
[19] question.

[20] **THE WITNESS:** No.

[21] **BY MR. SAMMS:**

[22] **Q.** You're familiar with Judge Fletman's
[23] opinion, where she indicated you intentionally
[24] misrepresented things?

[25] Did you see is that?

[1] **A.** That's ironic, yes.

[2] **Q.** Ironic?

[3] **A.** Yeah, because Liam lied, and I told the
[4] truth.

[5] **MR. SAMMS:** Objection, Your Honor.

[6] **THE COURT:** Sustained.

[7] **BY MR. SAMMS:**

[8] **Q.** And since the time that you lost the
[9] case, you have reached out to the Wortburg
[10] blog, correct?

[11] **A.** The Wortburg Watch, that was before the
[12] trial, 12/31/18.

[13] **Q.** And you've been able to communicate with
[14] them, correct?

[15] **A.** The article appeared on 12/31/18, prior
[16] to the defamation trial.

[17] **Q.** You also reached out to somebody from A
[18] Cry For Justice, correct?

[19] **A.** Correct.

[20] **Q.** And they refused to print your story,
[21] correct?

[22] **A.** She was not sympathetic.

[23] **Q.** She refused it, finding it not credible,
[24] correct?

[25] **A.** I don't know what she found.

[1] **MS. COHEN:** Objection.

[2] There has been no basis. There
[3] has nothing that has been provided to
[4] indicate what these documents, what these
[5] websites, what these --

[6] **THE COURT:** Listen. He's asking
[7] the questions. He clearly knows what he's
[8] talking about.

[9] **MS. COHEN:** Why does he know what
[10] he's talking about?

[11] Just because --

[12] **THE COURT:** Well, he's answering
[13] the questions.

[14] The objection is overruled.

[15] Sit down.

[16] Go ahead.

[17] I don't mind you objecting when
[18] it's proper, but you have to have a legal
[19] basis for the objection. One of the
[20] problems you're having, counsel, is you're
[21] not listening. He's testifying. He's
[22] testifying the to the questions. He
[23] didn't one time say I don't understand
[24] what you're talking about. What website
[25] are you talking about. I don't know. He

[1] knows exactly what he's talking about, and
[2] that's why he's answering. It's my job to
[3] determine whether his answers are credible
[4] or not.

[5] **MS. COHEN:** Fine, Your Honor.

[6] **BY MR. SAMMS:**

[7] **Q.** And, then, sir, with respect to stepping
[8] up actions after the trial, in addition to
[9] picketing more frequently, in addition to
[10] contacting separate blogs, you also started
[11] publishing your own blog or website; is that
[12] correct?

[13] **A.** That was after the injunction, I believe.
[14] I certainly have that receipt, if my lawyers
[15] don't. It was started after the injunction,
[16] in August of 2019.

[17] **Q.** When was the trial on your defamation
[18] case, sir?

[19] **A.** It was in March of 2019.

[20] **Q.** So can we agree that you did this after
[21] the trial in 2019?

[22] **A.** After the injunction was filed in July of
[23] 2019. I started my blog in August of 2019.

[24] **Q.** So you've been able to attempt to
[25] communicate your thoughts and your feelings on

[1] all of the differences between you and the
[2] church, through social media and other ways,
[3] correct?

[4] **A.** Only my blog. I'm not a social media
[5] guy. I carry a flip phone. Never been on
[6] Twitter. Never communicated with anybody on
[7] Facebook. I'm not a techy kind of guy, so,
[8] the blog, yes. Other than that, I don't know
[9] what you're talking about when you say social
[10] media.

[11] **Q.** Well, let me rephrase that, then. I
[12] don't want to confuse you, if you don't
[13] understand.

[14] With respect to your message about how
[15] you disagree with the church or you want to
[16] illustrate there are problems at the church,
[17] you have been able to do so in other ways,
[18] since you have been prevented from standing in
[19] front of the church on its property, correct?

[20] **A.** I have. Since I have been prevented from
[21] being on the sidewalk, I have started a blog.

[22] **Q.** You have found other ways to communicate
[23] your feelings, correct?

[24] **A.** Yeah.

[25] **MR. SAMMS:** If I may have one

[1] moment, Your Honor. I'm trying to find
[2] extra copies of the exhibit. My
[3] apologies.

[4] Your Honor, can I just verify the
[5] information with counsel?

[6] **THE COURT:** Yes. That's fine.

[7] - - -

[8] (Counsel conferred.)

[9] - - -

[10] **BY MR. SAMMS:**

[11] **Q.** Sir, you started blog or a website
[12] entitled Tenth Presbyterian Church?

[13] **A.** Tenthpresbyterianchurch.com.

[14] **Q.** And on that website, you have an About Me
[15] statement, correct?

[16] **A.** I believe so. I confess that I don't
[17] really read my own blog.

[18] **MR. SAMMS:** Your Honor, may I ask
[19] to show this to the witness so he can
[20] confirm this is his site or his blog?

[21] **THE COURT:** Is that information
[22] accurate, sir?

[23] **THE WITNESS:** This page that I'm
[24] being shown appears to be, yes.

[25] **BY MR. SAMMS:**

[1] **Q.** Would you be kind enough to flip through
[2] the rest of that packet and verify that
[3] information is information you've posted on
[4] that site and with matching links?

[5] **MS. COHEN:** Could I look at it,
[6] Your Honor?

[7] **THE COURT:** Sure.

[8] **THE WITNESS:** It appears to be
[9] accurate.

[10] **MR. SAMMS:** May I now ask the
[11] clerk to copy it?

[12] **THE COURT:** Sure.

[13] **BY MR. SAMMS:**

[14] **Q.** Sir, it is your stated and clear desire
[15] to do whatever you need to do to remove Liam
[16] Goligher as senior minister to the Tenth,
[17] correct?

[18] **A.** By lawful means, such as exercising my
[19] right to free speech.

[20] **Q.** In fact, you have -- so let me see if we
[21] can get a answer and agree on something.

[22] Is it your stated desire and intent to
[23] stop at nothing until Liam Goligher is removed
[24] from the church?

[25] **A.** Elders are held to a very high

[1] standard --

[2] **THE COURT:** I need you answer that
[3] question. You're being nonresponsive.

[4] Answer what he just asked you.

[5] **THE WITNESS:** Yes, I would like
[6] him to resign or be fired.

[7] **THE COURT:** That's not his
[8] question.

[9] Ask him again.

[10] **BY MR. SAMMS:**

[11] **Q.** Sir, is it not your stated desire to
[12] continue these types of actions and protests
[13] and dissemination of articles, until you are
[14] successful in having Liam Goligher removed
[15] from the church?

[16] **A.** Yes.

[17] **Q.** And, in fact, you were kind enough to
[18] share with us the last time we were here, that
[19] you have sent out hundreds --

[20] **A.** I misspoke. I'm sorry. I checked my
[21] records, and that would be a hundred pages,
[22] not hundreds of pages. A hundred pages of
[23] material.

[24] **Q.** But you sent that hundred pages material
[25] to large numbers of people, correct?

[1] **A.** Approximately, 200 people on my list.

[2] **Q.** So 200 each time?

[3] So, in fact, you sent, approximately,

[4] 2,000 pages or more out?

[5] Again, another way to relay information.

[6] You did it by letters, correct?

[7] **A.** Right, which is very expensive, by the
[8] way.

[9] **Q.** Other than the cost of the domain, your
[10] social media account or your blog or website
[11] is not expensive, correct?

[12] **A.** That's correct. Again, I'm kind of slow
[13] with technology, which is why I used letters
[14] for a long time, which was certainly not the
[15] most efficient or cost-effective means of
[16] communication.

[17] **MR. SAMMS:** Your Honor, with the
[18] Court's permission, this will be marked
[19] P-4.

[20] - - -

[21] (Email marked Exhibit P-4 for
[22] identification.)

[23] - - -

[24] **THE COURT CRIER:** Exhibit P-4 so
[25] marked and shown so the witness.

[1] **BY MR. SAMMS:**

[2] **Q.** Sir, do you have a copy of P-4?

[3] **A.** Yes.

[4] **Q.** Can we agree, if you turn to the first
[5] page after the cover page -- and the cover
[6] page is just an email from Mr. Baker sending
[7] this to me, correct?

[8] **A.** I don't have that page. I have -- P-4 is
[9] all I have.

[10] **Q.** And your first page is entitled Tenth
[11] Presbyterian Church?

[12] **A.** Yes.

[13] **Q.** Sundays, August 25th, 2019, correct?

[14] **A.** I believe so.

[15] **Q.** If you don't have a clear copy, I'll be
[16] happy to show you this one. I want to be
[17] certain about this. The dates are important,
[18] sir.

[19] **A.** Well, I can't see the nine, but it would
[20] have to be 2019, so I'm fine with that.

[21] **Q.** All right. Thank you.

[22] Now, this was, again, after the
[23] defamation case you lost, correct?

[24] **A.** Yes. After the injunction.

[25] **Q.** All right.

[1] So in the first paragraph there, okay,
[2] you alert people about this injunction saying
[3] you fit the profile of a mass shooter, but you
[4] also give out a link in that; is that correct?

[5] **MS. COHEN:** Objection.

[6] I think the document speaks for
[7] itself. There's about -- there's a number
[8] of dates on it. I have one page. That's
[9] all I have, and it starts August 25th,
[10] 20 -- I can't even read --

[11] **MR. SAMMS:** Your Honor, I'm merely
[12] asking the witness. My intent is to say
[13] there are seven links, just on this first
[14] page, that they've been able to refer
[15] people to.

[16] **THE COURT:** Just ask him the
[17] question.

[18] **BY MR. SAMMS:**

[19] **Q.** Sir, how many links are on that page that
[20] you have there?

[21] **A.** It appears to be seven.

[22] **Q.** Okay.

[23] And when you created them, what was the
[24] intent of your creating those links?

[25] **A.** To provide evidence for what I was

[1] saying. Not just to say things, but to have
[2] evidence to back it up.

[3] **Q.** Was it to communicate your thoughts to
[4] other people?

[5] Was that the purpose?

[6] Is that a fair way to say it?

[7] **A.** To communicate the facts to people.

[8] **Q.** Your version of the facts, anyway, as you
[9] understood them, correct?

[10] **A.** Yes.

[11] **Q.** You mentioned that you didn't speak to
[12] anybody from the DA's Office?

[13] Did, in fact, DA Tartikoff testify at
[14] your trial on the defamation case on behalf of
[15] the church?

[16] **A.** Yes.

[17] **Q.** Would you agree with me, sir, that there
[18] are more ways to restrain somebody than
[19] physically?

[20] **A.** Well, I suppose so. For example, your
[21] 11/25/18 letter and threats --

[22] **MR. SAMMS:** Objection.

[23] Nonresponsive.

[24] **THE COURT:** Go ahead and say what
[25] you were going to say.

[1] **THE WITNESS:** For example, the
[2] letters he mailed to me on 11/25/18, with
[3] all of his threats against me would be a
[4] way to restrain somebody without a
[5] physical threat.

[6] **BY MR. SAMMS:**

[7] **Q.** Nobody made a threat against you.

[8] **THE COURT:** You don't have to
[9] answer that. The letter speaks for
[10] itself.

[11] **MR. SAMMS:** Thank you, Your Honor.

[12] **BY MR. SAMMS:**

[13] **Q.** For instance, do you know the number of
[14] people that no longer go to the church because
[15] of your actions, sir?

[16] **A.** I do not.

[17] **Q.** Do you know that there were parents who
[18] had children walking by that sign and hearing
[19] your comments?

[20] Were you aware of that?

[21] **A.** Again, I do not initiate communication
[22] with people.

[23] **MR. SAMMS:** Your Honor, I asked if
[24] he was aware.

[25] **THE COURT:** Yes.

[1] **THE WITNESS:** The children's
[2] entrance is at the back of the church.

[3] **THE COURT:** Sir, are you aware or
[4] not?

[5] **THE WITNESS:** There were a few
[6] children walking by.

[7] **THE COURT:** Are you aware?
[8] Answer that question, what he just
[9] asked.

[10] **THE WITNESS:** Yes.

[11] **BY MR. SAMMS:**

[12] **Q.** Is that a yes , sir?

[13] **A.** Yes.

[14] **Q.** You were aware.

[15] So while you're unaware of the specific
[16] number of people, you were aware that there
[17] were people that were offended by your signs,
[18] and either stopped coming or stopped coming to
[19] that entrance, correct?

[20] **A.** I don't know that I know that for sure.

[21] I don't know how I would know that.

[22] **Q.** Well, that was your intent, right, was to
[23] keep people away, as well, until Liam was out,
[24] correct?

[25] **A.** No.

[1] **Q.** I made a note here when you were
[2] testifying earlier, about when you obtained a
[3] license to carry here.

[4] Did you say when you felt threatened, you
[5] got a license to carry in Pennsylvania?

[6] **A.** I am an auto mechanic, and I'm known for
[7] helping people, and what occurred was
[8] somebody's car was having trouble late at
[9] night, and, so I went out to assist, and, in
[10] the process, I got held up at gunpoint, and I
[11] thought, if I'm going to be doing this sort of
[12] thing, I should probably be able to protect
[13] myself.

[14] **Q.** Is it, in fact, true then that when you
[15] felt threatened, you got a license to carry?

[16] **MS. COHEN:** Objection.

[17] He didn't testify to that. He
[18] said he was held up at gun point, so he
[19] decided to protect himself.

[20] **THE COURT:** I heard his testimony.
[21] His question is not inappropriate.

[22] It's overruled.

[23] Answer the question.

[24] **THE WITNESS:** I got a conceal
[25] weapon permit after I was held up at gun

[1] point.

[2] **BY MR. SAMMS:**

[3] **Q.** I understand the temporal timing of it.

[4] My question is, specifically, did you get it

[5] when you felt threatened?

[6] **A.** Right.

[7] **Q.** And have you not stated in emails to

[8] numerous parties that you believe that Liam is

[9] a threat?

[10] **A.** He has recklessly endangered --

[11] **MR. SAMMS:** Objection.

[12] **THE COURT:** Objection sustained.

[13] Answer the question.

[14] **THE WITNESS:** Yes, I have been

[15] threatened by the church and Liam.

[16] **BY MR. SAMMS:**

[17] **Q.** My question was a little different, okay.

[18] You considered him a threat, and you had

[19] told other people you believe him to be a

[20] threat, correct?

[21] **A.** Yes.

[22] **Q.** Okay.

[23] And, in fact, we went through some emails

[24] the first time we were here for another

[25] purpose, where you said you felt they had a

[1] gunman on you, and you didn't take communion

[2] because you felt you would be poisoned,

[3] correct?

[4] **A.** Correct.

[5] **Q.** And there were other similar emails that

[6] you sent stating how you felt, correct?

[7] **A.** I have certainly expressed my feelings

[8] via emails.

[9] **Q.** Now, you just made a statement in

[10] response to my question, and I want to be fair

[11] to say and give you a chance the elaborate.

[12] You said the church has tried to harm you

[13] or has threatened you?

[14] Is that what you said?

[15] **A.** I believe they recklessly endangered me

[16] by telling the police that I am mentally ill,

[17] delusional, armed and dangerous, and fit the

[18] profile of a mass shooter.

[19] **Q.** Is that what they told the police, or is

[20] that just what you believe they told the

[21] police, because, again, you have no firsthand

[22] knowledge, correct?

[23] **A.** Well, I believe that's in this current

[24] injunction.

[25] **Q.** That that's what they told the police, or

[1] that's what their personal opinion is?

[2] **A.** That's what they told the police. It's
[3] in this injunction.

[4] **MR. SAMMS:** Again, the document
[5] speaks for itself, and the Court is
[6] familiar with it.

[7] **BY MR. SAMMS:**

[8] **Q.** Other than you saw this in the pleadings,
[9] do you have any information that the church
[10] has threatened you or attempted to harm you,
[11] physically, in any way?

[12] **A.** Well, again, that email you referred to
[13] was a response from Liam Goligher, emailing me
[14] and telling me that there was a police officer
[15] present at that service who was ready to take
[16] action.

[17] **Q.** He told you there was a police officer
[18] there?

[19] Was that an email, or verbally?

[20] **A.** Email.

[21] **Q.** And he told you that police officer was
[22] there to prevent trouble from happening?

[23] Is that what I just heard you say?

[24] **A.** He said there was a police officer
[25] present who was ready to take action.

[1] **Q.** And you interpreted that as meaning that
[2] they had a gunman pointed at you, correct?

[3] That's what you wrote?

[4] **A.** There was a police officer who followed
[5] me that day and sat near me.

[6] **Q.** And did that give you reason to believe
[7] that others in the church were fearful of your
[8] actions and your potential actions?

[9] You can answer, sir.

[10] **A.** They appear to be afraid of what they
[11] think I might do, not what I've actually done.

[12] **Q.** Did you, in fact, tell folks that you
[13] would not stop until Liam is removed, and all
[14] the elders resign, and that the only way to
[15] prevent that from happening would be a
[16] crucifixion or a burning at the stake of you?

[17] Is that what you said?

[18] **A.** I recall an email. I don't know if it
[19] applied to all of the elders.

[20] **THE COURT:** Was that your
[21] statement, yes or no?

[22] **THE WITNESS:** I don't have the
[23] email in front of me. I don't recall
[24] exactly what it said.

[25] **THE COURT:** So you need the email

[1] to refresh your recollection about what
[2] you actually said?

[3] **THE WITNESS:** I made some
[4] statements.

[5] **THE COURT:** But you don't remember
[6] it?

[7] Do you have the email?

[8] **MR. SAMMS:** Yes.

[9] **THE COURT:** Refresh his
[10] recollection.

[11] He's going to show you the email
[12] to see if you recall properly.

[13] - - -

[14] (Copy of emails marked Exhibit P-5
[15] for identification.)

[16] - - -

[17] (Copy of emails marked Exhibit P-6
[18] for identification.)

[19] - - -

[20] **THE COURT CRIER:** Exhibits P-5 and
[21] P-6 so marked and shown to the witness.

[22] **BY MR. SAMMS:**

[23] **Q.** Sir, take a moment, if you don't mind,
[24] after the clerk hands you those copies, and
[25] let me know when you're done reading them,

[1] please?

[2] **A.** Those appear to be my emails.

[3] **MS. COHEN:** Your Honor, I object
[4] to the first document, which is dated May
[5] 20th, 2015.

[6] **THE COURT:** What is your
[7] objection?

[8] **MS. COHEN:** My objection is that
[9] it's now 2020. I'm not sure what purpose
[10] it serves to introduce that. I don't
[11] think there's a foundation laid for it,
[12] and I think it's irrelevant five years
[13] later.

[14] **THE COURT:** He's been laying the
[15] foundation as to why he asked the
[16] question. He doesn't remember exactly
[17] what he said. He's simply attempting to
[18] show him this email to refresh his
[19] recollection.

[20] **MS. COHEN:** That's true, Your
[21] Honor, but this is from Phil Snyder to
[22] someone named Collin and the subject Vince
[23] Spragan, and none of those people have
[24] been discussed this morning.

[25] **THE COURT:** It doesn't matter if

[1] they've been discussed or not. He's
[2] simply trying to refresh his recollection
[3] about the email, and he said he didn't
[4] remember. He said that he doesn't recall,
[5] specifically, so he's simply showing,
[6] specifically, what the email says, and
[7] he's going to testify.

[8] **MS. COHEN:** Just note my
[9] objection.

[10] **THE COURT:** Objection is
[11] overruled.

[12] **BY MR. SAMMS:**

[13] **Q.** Sir, with respect to P-5 and P-6, do you,
[14] in fact, mention the only way to stop you
[15] would be crucifying or burning you at the
[16] stake?

[17] **MS. COHEN:** Objection.
[18] Where is that?

[19] - - -
[20] (Counsel conferred.)

[21] - - -
[22] **MS. COHEN:** And who are the
[23] gentlemen being referred to?

[24] I don't feel there's enough
[25] foundation. I'm sorry.

[1] **THE COURT:** You can always ask him
[2] questions when he finishes, but his
[3] questions, at this point, are not
[4] inappropriate. When you have an
[5] objection, it must be a legal objection.
[6] It's not.

[7] **BY MR. SAMMS:**

[8] **Q.** Sir, just for the record, you identified
[9] a minute ago for the Court P-5 and P-6, as
[10] emails that you authored, correct?

[11] **A.** Correct.

[12] **Q.** Okay.

[13] So there's no doubt the language on both
[14] of those is yours, correct?

[15] **A.** I believe so.

[16] **Q.** Now, do you recall that you had said that
[17] the only way to stop you would be if there was
[18] a crucifixion or burning at the stake?

[19] **A.** Yes. I was referring to the historical
[20] way that churches have dealt with critics.

[21] **Q.** But that's what you said that the only
[22] way to stop you was, correct?

[23] **A.** Correct.

[24] **Q.** And you made similar statements after the
[25] timing of these emails, as well, correct?

[1] **A.** I don't know that. I'm not sure.

[2] **Q.** But that's what you believe to this day,
[3] correct?

[4] **A.** I don't intend to stop until I have
[5] established my goals.

[6] **Q.** And what is your goal?

[7] **A.** Specifically, that Liam Goligher needs to
[8] resign.

[9] **Q.** Anything else you've said?

[10] And you want all the elders to resign, as
[11] well, correct?

[12] **A.** They lied to the congregation in 2014,
[13] regarding the departure of the music minister,
[14] who was responsible for the naked beatings.
[15] They said he was leaving to pursue new
[16] opportunities, when, in fact, he had been
[17] fired, so, therefore, they're all disqualified
[18] from being elders, based on that.

[19] **Q.** So it is your position, because there was
[20] some document that stated somebody's official
[21] or public relations way, that somebody left
[22] the church in 2001, their actions, that's what
[23] this whole campaign is about, something that
[24] happened before Liam Goligher even got to the
[25] church?

[1] **A.** It's about their actions in 2014, when
[2] they lied to the congregation about what
[3] occurred in 2001.

[4] **Q.** And as a result of that, that's why you
[5] parade in front of the church and that's why
[6] you knock on neighbor's door and that's why
[7] you disseminate information on the Internet,
[8] all in an attempt to bring people down and
[9] have people think negatively of the church and
[10] Dr. Goligher, correct?

[11] **A.** The elders --

[12] **Q.** Correct? Yes or no, please, sir, then
[13] I'm happy to let you explain?

[14] **A.** Yes. The elders are held to a very high
[15] standard. They are to be men above reproach.
[16] In 2014, they lied to the congregation
[17] regarding the person responsible for the naked
[18] beatings. They said he was leaving to pursue
[19] new opportunities, when, in fact, he had been
[20] fired. They are therefore disqualified for
[21] the office of elder.

[22] **THE COURT:** And they're
[23] disqualified based upon what, your
[24] opinion?

[25] **THE WITNESS:** Yes. I'm entitled

[1] my opinion.

[2] **THE COURT:** Right. You're
[3] entitled to your opinion, that's correct.

[4] **THE WITNESS:** When I say they are
[5] to be men above reproach, that is the
[6] standard which is in the bible for elders.

[7] **THE COURT:** So then you take it
[8] upon yourself that you would be the person
[9] to enforce that standard, if you see it's
[10] not being complied with?

[11] **THE WITNESS:** All members swear an
[12] oath --

[13] **THE COURT:** Listen to what I'm
[14] asking you.

[15] If you believe that's what the
[16] scripture says, then you take that to be
[17] your personal obligation, to enforce what
[18] the scripture says, if it's not complied
[19] with in this church?

[20] **THE WITNESS:** It is my Christian
[21] duty to seek the removal --

[22] **THE COURT:** You said your
[23] Christian duty?

[24] So based upon your reading of this
[25] one particular scripture that you read,

[1] that now it becomes your Christian duty or
[2] whatever to now enforce that passage of
[3] scripture against this gentleman in this
[4] church?

[5] Is that what you're telling me?

[6] **THE WITNESS:** Yes.

[7] **THE COURT:** So on what basis do
[8] you have the authority to enforce what you
[9] believe or what you think against this
[10] gentleman, the church, or anyone else?

[11] **THE WITNESS:** They're disqualified
[12] from being elders. They have no authority
[13] or credibility.

[14] **THE COURT:** We're in a court of
[15] law, right?

[16] So in your understanding, you,
[17] then, are operating as the Judge, jury,
[18] and executioner to make that conclusion
[19] and to see that this thing happens; is
[20] that right?

[21] **THE WITNESS:** I have an obligation
[22] to follow my own conscience.

[23] **THE COURT:** And that's your
[24] obligation, according to your
[25] understanding, to enforce this passage of

[1] scripture?

[2] **THE WITNESS:** Yes.

[3] **THE COURT:** Okay.

[4] **BY MR. SAMMS:**

[5] **Q.** I would like to talk briefly about the
[6] background counsel asked you about, to make
[7] sure we put everything in context, sir, if you
[8] done mind.

[9] You lived in California prior to coming
[10] to Pennsylvania, correct?

[11] **A.** Correct.

[12] **Q.** And you knew not one person at the Tenth
[13] Presbyterian Church, correct?

[14] **A.** Correct.

[15] **Q.** But you had a revelation or you were made
[16] aware that you should come to Pennsylvania and
[17] join the Tenth, correct?

[18] **A.** I have a Master's Degree in music. I
[19] went to Loyola Marymount University to study
[20] with Paul (Golamonovich). I went to San Jose
[21] State University to study with Dr. Charlene
[22] (Archevic).

[23] Tenth Presbyterian Church, in 2008. the
[24] music minister and the music at Tenth, as far
[25] as I know, was the best church music in the

[1] world. I have moved many times in pursuit --

[2] I've moved to Los Angeles, to San Jose, to

[3] Philadelphia to pursue my musical interest.

[4] **Q.** So I'm a little confused by the answer.

[5] Did you just say, yes, you moved to Tenth

[6] Presbyterian Church not knowing anybody there?

[7] **A.** I did not know anyone personally,

[8] although I did meet some people. They held a

[9] conference in Berkeley, Philadelphia

[10] Conference On Reformed Theology, in Berkeley,

[11] and, so, I met some people there, and that's

[12] when I first got aquatinted with people, and I

[13] was thrilled to find other people who agreed

[14] with my philosophical theories on church

[15] music.

[16] **Q.** And you have previously testified that

[17] the music program at Tenth Presbyterian Church

[18] was maybe the best in the world, correct?

[19] **A.** Technically speaking, as far as I know,

[20] the music, at that time, was the best, in my

[21] opinion, the best church music in the world.

[22] It was unbelievable. People from Curtis, from

[23] Temple. It was amazing.

[24] **Q.** You're very fortunate.

[25] With respect to that, though, you moved

[1] from California, then, because of that
[2] program, without even having a job here at the
[3] time you decided to move, correct?

[4] **A.** I am an automotive mechanic, so I can
[5] pretty much work in any city of any size in
[6] the country. So my job is very transferable.

[7] **Q.** Understood. It's a lost art. I will
[8] grant you that for sure, but let me repeat my
[9] question.

[10] You moved here without even a job lined
[11] up, correct?

[12] **A.** Actually, I did have a job lined up
[13] before I actually came out here.

[14] **Q.** You moved your whole family from
[15] California for the church, correct?

[16] **A.** Correct. I wanted my children to
[17] experience good music and good church music,
[18] and to be raised in that kind of an
[19] environment.

[20] **Q.** And when the church excommunicated you,
[21] you were hurt, embarrassed, and infuriated,
[22] correct?

[23] **A.** No, it wasn't the excommunication. They
[24] had a right to excommunicate me. They had a
[25] right to serve me with a no trespassing

- [1] notice. I would say that those were expected.
- [2] What I was upset about was the threat to
- [3] arrest me within 1,000 feet of the church,
- [4] and, also, serving me with the excommunication
- [5] and no trespassing notice on a Sunday, against
- [6] the church's own counsel's recommendations,
- [7] and involving my wife and minor children in
- [8] leaving the church in the presence of a police
- [9] officer.
- [10] **Q.** And, in fact, that's what you would claim
- [11] was defamatory, that there was a policeman
- [12] there to escort you out of the church and make
- [13] sure you left peacefully, after you were told
- [14] you were excommunicated, correct?
- [15] **A.** People --
- [16] **Q.** Correct, sir?
- [17] Yes or no, please?
- [18] **A.** Yes. That was defamatory, I believe.
- [19] **Q.** Now, you have also testified in court
- [20] that Dr. Liam Goligher is somewhat of a
- [21] celebrity in the Christian world, correct?
- [22] **A.** Yes, he is.
- [23] **Q.** And you have targeted him, specifically,
- [24] because, if you bring him down, that elevates
- [25] you, in your own eyes, correct?

[1] **A.** I do not suffer from any lack of self
[2] esteem. I don't need to bring anybody down to
[3] make myself feel better. I felt since, as
[4] you've mentioned, he is a celebrity in the
[5] Christian world, people have a right to know
[6] the truth about him, just like they would have
[7] the right to know the truth about a CEO of a
[8] company, because the way the church is run,
[9] it's run like a business.

[10] **Q.** And let me get this right, again, if you
[11] don't mind. Forgive me if I seem dense.
[12] People have a right to know about something
[13] that happened in 2001, years before he got to
[14] the church, correct?

[15] **A.** The people have a right to know that he
[16] has repeatedly lied and threatened me.

[17] **Q.** So let me get this right, sir.

[18] You argued, as an elder or deacon, that
[19] what was going on at the church was wrong.
[20] The church excommunicated you. You then began
[21] a campaign of mailing things to church members
[22] and congregants. You then sued Dr. Liam
[23] Goligher. You lost that suit, and you began
[24] protesting every single Sunday, in an attempt
[25] to affect the view of the church and the

[1] people going into the church, correct?

[2] **A.** Correct.

[3] **Q.** What will you do next?

[4] **MR. SAMMS:** Withdrawn, Your Honor.

[5] That's all I have.

[6] **THE COURT:** I want him to answer

[7] that.

[8] **BY MR. SAMMS:**

[9] **Q.** What will you do next?

[10] If the Court denies our motion for an
[11] injunction, are you going to go back there?

[12] **MS. COHEN:** Your Honor,
[13] argumentative and calls for speculation.

[14] **THE COURT:** I just want him to
[15] answer that question.

[16] What's your next move, in the
[17] event that this ruling goes contrary to
[18] what you believe it should be?

[19] **THE WITNESS:** Well, I would
[20] continue, beyond the thousand foot
[21] barrier.

[22] **THE COURT:** Okay.

[23] **BY MR. SAMMS:**

[24] **Q.** But would you continue to post things on
[25] your blog or on your web page and communicate

[1] that way, as well?

[2] **A.** Yes. I would use all lawful means to
[3] affect my goal.

[4] **Q.** And you are aware that the church seeks
[5] no other remedy, other than to keep you away
[6] from the church with your sign?

[7] You're aware of that, correct, and your
[8] contacting of the people in front of the
[9] church?

[10] Are you aware of that?

[11] **A.** People can use the back door.

[12] **Q.** I'm asking you if you're aware of that,
[13] sir, as to why we're here and what we're
[14] seeking?

[15] **A.** They don't like me exercising my
[16] constitutional right on the sidewalk in front
[17] of the church.

[18] **Q.** Were you aware the only relief the church
[19] is seeking is to keep you from being out in
[20] front of the church on Sundays and
[21] interfering with people, verbally, physically,
[22] and with your sign?

[23] Were you aware of that?

[24] **A.** I do not interfere with people verbally
[25] and physically.

[1] **THE COURT:** He didn't ask whether
[2] you did or not. He simply said, are you
[3] aware of what the church's intent is here
[4] today?

[5] **THE WITNESS:** They're trying to
[6] stop me from coming within 1,000 of the
[7] church, and they're seeking to do that
[8] permanently.

[9] **THE COURT:** And that's your
[10] understanding?

[11] **THE WITNESS:** Yes.

[12] **BY MR. SAMMS:**

[13] **Q.** So you do understand that there's no
[14] effort to stop you from calling people,
[15] telling people what you think, sending these
[16] letters you've sent in the past, publishing
[17] your website and things of that nature?

[18] You'll still be able to have your free
[19] speech, as you call it, in every other avenue?

[20] Were you aware of that?

[21] **A.** The church could not stop me in those
[22] other Avenues.

[23] **THE COURT:** The church wasn't
[24] going to stop you. It would be a court of
[25] law that would, if the court of law

[1] determines that's improper.

[2] Are you stating that if the court
[3] of law does not rule in your favor, that
[4] you are going to willfully violate the
[5] law, if the Court issued that ruling?

[6] **THE WITNESS:** I would not come
[7] within 1,000 feet of the church. That
[8] would be unlawful. I don't do unlawful
[9] things.

[10] **BY MR. SAMMS:**

[11] **Q.** Are you saying you would go 1,002 feet
[12] and hold up the same sign from across the
[13] street from the church?

[14] **A.** Across the street would be too close. I
[15] would have to be out of the thousand-foot
[16] range.

[17] **Q.** But your plan is to still have that sign
[18] and interact with people and attempt to put
[19] the church in a bad light, correct?

[20] You would continue with that action?

[21] **A.** I have a right to exercise my opinion and
[22] right to free speech.

[23] **Q.** I'm asking your intent?

[24] **A.** I intends to continue.

[25] **Q.** No matters what happens here today, you

[1] are going to continue to carry on your mission
[2] to get rid of Dr. Goligher, bring light to all
[3] the congregants, and to spread the word, as
[4] you believe it, is accurate, correct?

[5] **A.** Actually, the church has indicated that
[6] it wants to settle. They wanted to settle
[7] before, and indicated to me --

[8] Objection, Your Honor.

[9] This is not --

[10] **THE COURT:** Sustained. It's
[11] sustained.

[12] **MR. SAMMS:** That's all I have for
[13] this witness.

[14] **THE COURT:** Do you want to ask him
[15] any further questions?

[16] **MS. COHEN:** I have a few.

[17] May I have a five-minute rest
[18] break?

[19] Is that possible?

[20] **THE COURT:** Why?

[21] **MS. COHEN:** Because I need to use
[22] the restroom.

[23] **THE COURT:** You can say a restroom
[24] break. Sure. I'll give you five minutes
[25] to go to the restroom.

[1] - - -

[2] (There was a break in the
[3] proceedings from 12:00 p.m. until
[4] 12:15 p.m.)

[5] - - -

[6] REDIRECT EXAMINATION

[7] - - -

[8] **BY MS. COHEN:**

[9] **Q.** Mr. Snyder, when you joined the church in
[10] 2008, did you participate in any of the church
[11] activities?

[12] **A.** Yes. I was very involved with the church
[13] throughout my tenure there. I sang in the
[14] men's choir, the mixed choir, worked with
[15] children in the nursery, was a Sunday
[16] schoolteacher, worked with the children's
[17] music program, worked with the special needs,
[18] and I became a deacon, and I was very
[19] involved. At times, I would be there for 12
[20] hours at a time, sometimes.

[21] **Q.** And what led to your excommunication from
[22] the church?

[23] Objection, Your Honor.

[24] **THE COURT:** Overruled, if he
[25] knows.

[1] **THE WITNESS:** My criticism of the
[2] leadership.

[3] **BY MS. COHEN:**

[4] **Q.** And, your criticism, when did that begin?

[5] **A.** It was after they lied to the
[6] congregation regarding the departure of the
[7] music minister in 2014, who had perpetrated
[8] the naked beating, and they allowed him to be
[9] in a position of power, authority, and
[10] influence for 13 more years. Then, when he
[11] left, he received a standing ovation,
[12] extravagant music, including the concert
[13] master of the Philadelphia Orchestra, David
[14] Kim. He also had a reception in his honor.

[15] **THE COURT:** Were you there?

[16] **THE WITNESS:** Yes.

[17] **THE COURT:** And you observed all
[18] this?

[19] **THE WITNESS:** Yes. I have
[20] documents on this.

[21] **BY MS. COHEN:**

[22] **Q.** So, approximately, what year, would you
[23] say, that the relations between you and the
[24] church turned sour?

[25] **A.** It was March 16th, 2014, when there was a

[1] congregational meeting, and Liam Goligher
[2] asked if there were any questions or comments,
[3] and I spoke up and forced them to hold another
[4] congregational meeting two weeks later to
[5] inform the congregation that the real reason
[6] the music minister left, as opposed to what
[7] they'd been telling the congregation, that he
[8] was leaving to pursue new opportunities, when,
[9] in reality, it was in relation to these naked
[10] beatings.

[11] **MR. SAMMS:** Objection, Your Honor.

[12] **THE COURT:** Objection is
[13] sustained.

[14] **BY MS. COHEN:**

[15] **Q.** Between 2008 and 2014, when you started
[16] criticizing the church, were you ever accused
[17] by anyone at the church of attempting to harm
[18] them or threaten him?

[19] **MR. SAMMS:** Objection.
[20] Relevance.

[21] **THE COURT:** Overruled.
[22] He can answer.

[23] **THE WITNESS:** No. I was a deacon
[24] up to the time of -- well, yeah. Up to
[25] 2014, I was a deacon. So from 2008 to

[1] 2014, I was a member in good standing.

[2] Obviously, I would have to be, to be a

[3] deacon.

[4] **BY MS. COHEN:**

[5] **Q.** What is your marital status?

[6] **MR. SAMMS:** Objection.

[7] Relevance, and beyond the scope of

[8] cross.

[9] **THE COURT:** That's sustained.

[10] **BY MS. COHEN:**

[11] **Q.** Did your family belong to the church with

[12] you?

[13] **A.** Yes, my family attended, and my wife --

[14] **MR. SAMMS:** Objection.

[15] **THE WITNESS:** -- was a member.

[16] **MR. SAMMS:** It's nonresponsive, at

[17] this point.

[18] **THE COURT:** Sustained.

[19] **BY MS. COHEN:**

[20] **Q.** The question is, was your wife and family

[21] excommunicated when you were?

[22] **A.** No, they were not excommunicated when I

[23] was.

[24] **Q.** And based on your personal knowledge, are

[25] your wife and children still able to attend

[1] the church if they want?

[2] **A.** I believe they would be welcomed there
[3] if they chose to do so; however, they have
[4] indicated no desire to do so.

[5] **Q.** The idea of carrying a sign, how did you
[6] come upon that as a form of protest?

[7] **A.** Well, after mailing out 30 letters and
[8] one hundred pages of material, I believe one
[9] needs to have some variety in the way they
[10] approach matters.

[11] **Q.** The type of issues you raised with the
[12] church in 2014 that led to your
[13] excommunication in 2016, are you still
[14] protesting those same issues today?

[15] **A.** Okay. The issue is the short --

[16] **THE COURT:** Just answer her
[17] question.

[18] **BY THE COURT:**

[19] **Q.** Has the nature of your protest changed
[20] from 2014 to the current date?

[21] **A.** The nature of my protest?

[22] **Q.** Let me withdrew that.

[23] In 2014, the things you were complaining
[24] about with the meetings with the church that
[25] you testified to a few minutes ago, were those

[1] the types of things you're still protesting

[2] about today?

[3] Has that changed?

[4] **A.** The church has not acknowledged the

[5] lie --

[6] **THE COURT:** Yes or no?

[7] Has it changed?

[8] **THE WITNESS:** I'm sorry.

[9] One more time?

[10] **BY MS. COHEN:**

[11] **Q.** So I'm asking about the types of things

[12] that you protested about in 2014, when you

[13] asked the church to have meetings, are those

[14] the types of things that you're still

[15] protesting about today, or has that changed?

[16] **A.** Some yes; some no.

[17] **Q.** Okay.

[18] And when you have been asked not to carry

[19] a sign by the church in the last year or so,

[20] have you done so, or by court order?

[21] Objection, Your Honor.

[22] I'm confused by the question.

[23] **BY MS. COHEN:**

[24] **Q.** So I'm asking when you have been told not

[25] to carry the sign because it was considered a

- [1] form or protest, or any court might have
[2] ordered you not to carry a sign, have you not
[3] carried that sign?
[4] **A.** Scripture tells us that we are to be --
[5] **MR. SAMMS:** Objection, Your Honor.
[6] **BY MS. COHEN:**
[7] **Q.** Just answer the question.
[8] **A.** When the injunction was issued, I stopped
[9] coming to the church.
[10] **THE COURT:** You didn't answer the
[11] question in reference to the sign. That's
[12] what she asked you.
[13] **THE WITNESS:** I'm sorry.
[14] One more time?
[15] **BY MS. COHEN:**
[16] **Q.** I asked you, when you were either
[17] threatened with trespass by the church, or you
[18] were brought before a court in an injunctive
[19] action and you were told not to carry a sign,
[20] have you not carried the sign?
[21] **A.** That's kind of two parts. The church
[22] threatened --
[23] **THE COURT:** Have you or have you
[24] not carried the sign?
[25] Just answer that question. It's

[1] not difficult.

[2] **THE WITNESS:** I have carried the
[3] sign.

[4] **THE COURT:** Okay.

[5] **BY MS. COHEN:**

[6] **Q.** Have you carried the sign after this
[7] injunctive action was initiated?

[8] **A.** No.

[9] **Q.** Why not?

[10] **A.** Well, it would be unlawful to come within
[11] 1,000 feet of the church, so I'm not going to
[12] break the law.

[13] **Q.** In Exhibit P-4, you testified that there
[14] were seven links on that particular page?

[15] **A.** Yes.

[16] **Q.** Okay.

[17] And are those links to articles or
[18] documents you have written?

[19] **A.** No. Well, unless they might not be some
[20] emails, but, most, I believe, they're
[21] documents that I did not write.

[22] **Q.** And who wrote those other documents,
[23] besides you?

[24] **MR. SAMMS:** Objection.

[25] Relevance, Your Honor.

[1] **THE COURT:** Overruled, if he know.

[2] **THE WITNESS:** Okay. If we're
[3] going to do them one at a time --

[4] **THE COURT:** Okay.

[5] Do you know?

[6] You can't read anything and
[7] testify to the Court.

[8] **THE WITNESS:** Well, there are
[9] seven of them. I would have to address
[10] them all separately.

[11] **THE COURT:** Do you know who would
[12] have written those, if you did not,
[13] without reading it to the Court?

[14] **THE WITNESS:** I know the source.

[15] **THE COURT:** Well testify.

[16] **BY MS. COHEN:**

[17] **Q.** Go ahead.

[18] What are the sources?

[19] **THE COURT:** Don't read the
[20] document.

[21] **THE WITNESS:** Emails and court
[22] documents. That's it.

[23] **BY MS. COHEN:**

[24] **Q.** Okay.

[25] Are there other individuals that you know

[1] or organizations that are protesting all or
[2] some of the things you're protesting about
[3] regarding the church?

[4] **MR. SAMMS:** Objection, Your Honor.

[5] **THE COURT:** Sustained.

[6] **BY MS. COHEN:**

[7] **Q.** Do you feel that your blog is sufficient
[8] for you?

[9] If you continued writing your blog, do
[10] you feel that is a sufficient outlet for you
[11] to express your opinions about the church?

[12] **MR. SAMMS:** Objection, Your Honor,
[13] as to how he feels. This is of no
[14] relevance.

[15] **THE COURT:** It really isn't, but I
[16] want to know.

[17] Go ahead. Answer the question.

[18] **THE WITNESS:** No.

[19] **BY MS. COHEN:**

[20] **Q.** Why not?

[21] **A.** Because the issue is -- the primary issue
[22] since 10/23/16, really, has been the sidewalk
[23] in front of the church. That is the issue, my
[24] constitutional right to exercise free speech
[25] versus their attempt to block me from

[1] exercising my constitutional right to free
[2] speech.

[3] **MR. SAMMS:** Objection, Your Honor.

[4] **THE COURT:** Sustained.

[5] **BY MS. COHEN:**

[6] **Q.** Mr. Samms asked you if you were aware of
[7] any members who have left the church because
[8] of you walking on the sidewalk with a sign.

[9] Are you aware of any members who have
[10] done so?

[11] **A.** No one has contacted me. I don't know
[12] that. No one has, like, informed me of that,
[13] and, in general, organized religion in
[14] general --

[15] **MR. SAMMS:** Objection, Your Honor.

[16] **THE COURT:** The objection is
[17] sustained. The last part is stricken.

[18] **BY MS. COHEN:**

[19] **Q.** You were asked before about Judge
[20] Fletman's order.

[21] Did you agree with everything in that
[22] order?

[23] **MR. SAMMS:** Objection, Your Honor.

[24] We dealt with this, I think, at
[25] the first hearing.

[1] **BY MS. COHEN:**

[2] **Q.** Did you appeal that order?

[3] **MR. SAMMS:** Beyond the scope, Your
[4] Honor, of my cross.

[5] **MS. COHEN:** No, it's not beyond.
[6] You certainly asked about it.

[7] **THE COURT:** I don't care whether
[8] he appealed or not. That's not relevant
[9] here. It doesn't matter what he believed
[10] the order said or whether the Judge was
[11] right or wrong. That's his own opinion.

[12] **BY MS. COHEN:**

[13] **Q.** Do you feel that carrying the sign is an
[14] escalation of the issues with the church that
[15] have arisen since 2014?

[16] **MR. SAMMS:** Objection.

[17] **THE COURT:** Sustained.

[18] **MS. COHEN:** I don't have any
[19] further questions.

[20] - - -

[21] RECROSS-EXAMINATION

[22] - - -

[23] **BY MR. SAMMS:**

[24] **Q.** You were asked by counsel about the
[25] adequacy of getting your message across with

[1] just the Internet and those other venues; do

[2] you recall that?

[3] **A.** Yes.

[4] **Q.** You would agree with me that on a general

[5] principle, just generally, the Internet

[6] reaches more people and can be viewed by more

[7] people than someone carrying a sign in front

[8] of a specific building for a two-to-three hour

[9] period, correct?

[10] **A.** The Internet is not very targeted.

[11] **Q.** My question to you, sir, can we agree you

[12] can reach more people through the Internet?

[13] **A.** Yes.

[14] **Q.** And, in fact, you have attempted to reach

[15] more people through the Internet, correct?

[16] **A.** Yes.

[17] **Q.** And, in fact, you can have a target

[18] audience on the website by posting about

[19] certain religious issues, about going to

[20] certain sites and attaching links, kind of

[21] like you tried to do Wortburg Watch, correct?

[22] **A.** I'm not very technically savvy, so --

[23] **Q.** Who set up your website?

[24] **A.** A neighbor assisted me, because I'm

[25] not --

[1] **Q.** And who posted all the content on it?

[2] **A.** I did.

[3] **Q.** And can we agree that the one packet --

[4] Strike that.

[5] **MR. SAMMS:** Your Honor, that's all

[6] I have, at this point.

[7] **THE COURT:** Anything else?

[8] **MS. COHEN:** No further questions.

[9] **THE COURT:** Thank you, sir.

[10] You can step down.

[11] - - -

[12] (Witness excused.)

[13] - - -

[14] **THE COURT:** Who's your next

[15] witness?

[16] **MR. SAMMS:** With the Court's

[17] permission, we would call Dr. Liam

[18] Goligher to the stand.

[19] - - -

[20] WILLIAM GOLIGHER, having been duly

[21] sworn, was examined and testified as

[22] **follows:**

[23] **THE COURT CRIER:** State your full

[24] name for the record.

[25] **THE WITNESS:** William,

[1] G-O-L-I-G-H-E-R.

[2] **MR. SAMMS:** Your Honor, for some
[3] general background, may I have permission
[4] to lead?

[5] **THE COURT:** I mean, it's up to
[6] you. She has a right to object or do
[7] whatever.

[8] - - -

[9] DIRECT EXAMINATION

[10] - - -

[11] **BY MR. SAMMS:**

[12] **Q.** Dr. Goligher, would you please be kind
[13] enough to state your name and occupation for
[14] the Court?

[15] **A.** William Goligher, known as Liam, short
[16] for William. I'm senior minister at Tenth
[17] Presbyterian Church.

[18] **Q.** Would you please advise Judge Patrick
[19] when you came to America to be the pastor at
[20] Tenth?

[21] **A.** In April of 2011.

[22] **Q.** Sir, you heard some reference, just a
[23] minute ago, about some incidents that
[24] allegedly occurred 2001.

[25] Were you involved or did you have any

[1] knowledge of that after you came here?

[2] **A.** I had no knowledge of it until I came.

[3] Three months after I was here, somebody came
[4] from a university where this person worked,
[5] and he raised an issue with me. He didn't
[6] tell me what had gone on, because he didn't
[7] know what had gone on. His understanding was
[8] it was a gagging order, but it was enough for
[9] me to go to the Session and ask that they set
[10] up a committee, and that committee oversee
[11] this man's behavior.

[12] I've been a minister for 47 years now,
[13] and I recognize certain behaviors when I see
[14] them, and I was concerned about this man, but
[15] I had no evidence on him.

[16] **Q.** Let me interrupt you there.

[17] There are certain entanglements we can't
[18] get into at this time, but, suffice it to say
[19] that all of the actions occurred before you
[20] came to the institution.

[21] Now, tell us, where did you come from?

[22] **A.** Scotland, originally.

[23] **Q.** And I understand, congratulations, you
[24] just became a citizen last week?

[25] **A.** Correct.

[1] **Q.** Congratulations.

[2] With respect to your stewardship at the
[3] Tenth, give me a little historical
[4] perspective.

[5] At some point, did it become obvious that
[6] Mr. Snyder and the church had disagreements
[7] about certain things?

[8] Would you take us through a rough
[9] chronology, if you don't mind?

[10] **A.** Some of this, I know in retrospect. I
[11] was aware of Mr. Snyder quite early on. I
[12] disrupted the usual part in the Tenth of not
[13] standing in front of the church and in front
[14] of the pulpit, by going to the door and
[15] shaking hands at the front door. He was
[16] concerned about my security, and he came and
[17] stood beside me. I didn't know who he was, at
[18] that point. He stood beside me at the front
[19] door, and he was obviously looking for people
[20] who might be carrying, and he would, whisper
[21] in my ear that this or that person was
[22] carrying.

[23] **Q.** And, in fact, did you have an
[24] understanding as to whether he was carrying
[25] when he was standing next to you at church?

[1] **A.** Well, I may have assumed it, but had had
[2] no knowledge of it.

[3] **Q.** But he made it a point to stand next to
[4] you and advise you of when he observed and
[5] whether other people were carrying?

[6] **A.** Correct.

[7] **Q.** Did there come a time when Mr. Snyder was
[8] no longer in the good stead of the church and
[9] there had been attempts shepherd him?

[10] Would you explain that to the Court,
[11] please?

[12] **A.** I think the issue came to a head when he
[13] stood up at a church meeting, congregation
[14] meeting and accused one of the ministers, the
[15] executive minister, of neglecting to call the
[16] police. Because ministers are not members of
[17] the church, they're members of the Presbytery,
[18] we sent that up to the next court up.

[19] Sessions local court or the church Presbytery
[20] is the next court up. We sent it along to
[21] them to deal with, because we had no way to
[22] deal with that.

[23] **Q.** At various times, the Presbytery and the
[24] Session, what I will call the Presbyterian
[25] hierarchy, made certain decisions and rulings,

[1] correct?

[2] Did Mr. Snyder accept those and just move
[3] on?

[4] What happened next?

[5] **A.** I'm not clear on the details, but it
[6] became clear that Phil did not accept the
[7] ruling of the Presbytery regarding this other
[8] man, and he would come to me. I'm not sure
[9] now whether this was after the incident that
[10] he has referred to when we lost this other
[11] member staff.

[12] Just for clarification, when we fired
[13] him, we came to an agreement about his
[14] leaving.

[15] **Q.** You can't --

[16]

[17] **MR. SAMMS:** Your Honor, there's --

[18] **THE COURT:** That's fine. You
[19] don't have to get into it.

[20] **MR. SAMMS:** There are legal
[21] constraints, as the Court could imagine.

[22] **THE COURT:** Okay.

[23] **BY MR. SAMMS:**

[24] **Q.** Now, at some point in time, did it get so
[25] severe that Mr. Snyder had to be

[1] excommunicated from the church?

[2] **A.** So he came to me with concerns that he
[3] had about church security, and over a period
[4] of, perhaps, a couple of years, he would come
[5] to me with these concerns. Concerns about
[6] young people who had stolen phones. Concerns
[7] about a deacon who had stolen money. Concerns
[8] about an alien who had been given charity by
[9] the church.

[10] **Q.** When we say "an alien," --

[11] **A.** Not an illegal alien. A guy who had been
[12] working and studying here. His visa had run
[13] out, and he was applying for a new visa, and
[14] we gave him charity.

[15] **Q.** In the long run, he didn't agree with
[16] any of the decisions made by the elders and
[17] the church leaders in any of those situations?

[18] **A.** And then he came to say that there had
[19] been a minister in the church --

[20] **MS. COHEN:** Objection.

[21] I don't think the question was
[22] asked.

[23] **THE WITNESS:** What was the
[24] question?

[25] **BY MR. SAMMS:**

[1] **Q.** And he disagreed with the way all of
[2] these issues were handled by the elders?

[3] **A.** He did.

[4] **Q.** So, at some point in time, the decision
[5] was made to excommunicate him, correct?

[6] **A.** So things began to exponentially -- he
[7] started to give out those letters, listing
[8] these things. Now, over a period of time,
[9] from 2014 to 2016, we set up three separate
[10] Snyder committees, that is committees of
[11] Session that worked with him. I myself --

[12] **Q.** Let me interrupt you, briefly, for Judge
[13] Patrick and some of us who may not be familiar
[14] with the Presbyterian religion, would you
[15] explain what you mean when you say, Session,
[16] Presbytery, etcetera?

[17] **A.** Contrary to what Phil Snyder has said,
[18] there is no CEO of Tenth Presbyterian Church.
[19] There is a committee which heads up the
[20] church, called the Session. It's made up of
[21] the elders duly appointed by the church, and
[22] they subdivide responsibilities to various
[23] committees or commissions, relating to the
[24] trustees for finance issues, more or less. So
[25] issues come on to Session.

- [1] Now, I am not a member of the Session.
- [2] I'm the moderator, so I am not able to vote at
- [3] a Session meeting, but I do have to sign the
- [4] letter of any ruling that Session makes.
- [5] **Q.** And is the Session the religious court
- [6] for the Presbytery?
- [7] **A.** It is. The Session is the local court of
- [8] the church.
- [9] **Q.** So what would be your appellate court,
- [10] then?
- [11] **A.** The Presbytery is above us.
- [12] **Q.** What comprises the Presbytery?
- [13] **A.** It's the regional body that comprises, in
- [14] our case, metro Philadelphia.
- [15] **Q.** So you developed because of the way
- [16] things had been going through separate
- [17] Sessions?
- [18] **A.** Committees. Everything is delegated to a
- [19] committee, because we can't, as a whole body,
- [20] deal with everything that arises, and I
- [21] personally engaged with Mr. Snyder on a lot of
- [22] the issues he had raised; in fact, his telling
- [23] me of it was the first time I'd heard,
- [24] although I did find out, subsequently, that
- [25] some of the information had been in reports

[1] made by the executive minister who is
[2] responsible, really, to handle some of these
[3] issues.

[4] **Q.** Okay.

[5] And these committees, the three Session
[6] committees, they were to address issues, and,
[7] then, they sent formal letters?

[8] What did Session do with respect to him?

[9] **A.** These committees met with Mr. Snyder
[10] many, many hours weekly and over periods of
[11] months, and sought to change the narrative.
[12] He was forming a narrative about what had
[13] happened. On one occasion, I got together all
[14] the people involved in all of the scenarios
[15] that he had raised in one room, and he
[16] listened to what they had to say.

[17] They told him the facts, the backgrounds,
[18] as they knew it, and, at that meeting, he
[19] said, Well there's obviously another side to
[20] it, and he seemed to expect that, and left,
[21] and we thought, well, that's good.

[22] You can talk to any of these people any
[23] time. they're his brothers and sisters in the
[24] church. They weren't hierarchy. All of these
[25] people were volunteers, and, then, he would

[1] frequently get fixated on one of these things,
[2] again, and come back to me, and we would talk
[3] about it and look at it from another
[4] perspective, and I would be able to talk him
[5] down, but these periods increased in number
[6] until he went public with these charges, as if
[7] they were already proved, and, in fact, they
[8] were not proved.

[9] **Q.** And as a result, at some point, you send
[10] letters to the congregation, stating the
[11] church's position and saying he was wrong,
[12] and, at that point, did he sue you,
[13] personally, along with George McFarland?

[14] **A.** George McFarland is a Session prier. He
[15] takes the minutes of the meetings.

[16] **Q.** So you two are the ones that signed the
[17] letters?

[18] **A.** The letters are approved by the Session,
[19] but we sign them, yes.

[20] **Q.** And what happened with that lawsuit?

[21] **A.** That lawsuit was successful, from our
[22] point of view.

[23] **Q.** And after the lawsuit was completed, did
[24] you notice any change in Mr. Snyder's
[25] behavior, even though he had been previously

[1] excommunicated?

[2] **A.** Yes. That's when he began to stand
[3] outside, and, over a period of time, he began
[4] to affect our people.

[5] **Q.** Would you explain would you mean by --

[6] **A.** Well, I would stand t the front door,
[7] and I would have elderly people in tears
[8] saying, What is this man doing. This man
[9] wants to see you go. We don't want you to go.
[10] I had an African American woman that I hadn't
[11] seen for a while, I spoke to her last night at
[12] church, and she was in tears, and she said she
[13] had come on Easter Sunday when he was out
[14] there, and he had spoken to her --

[15] **MS. COHEN:** Objection to hearsay.

[16] **THE COURT:** Objection sustained.

[17] **MR. SAMMS:** It's not for the truth
[18] of the matter of what she said.

[19] **THE COURT:** It's sustained. So
[20] that means you can't answer. It's
[21] sustained.

[22] **BY MR. SAMMS:**

[23] **Q.** So do you have, often, interactions with
[24] your congregants?

[25] **A.** I stand at the front door, and I shake

[1] their hands every Sunday, and they will pause
[2] and talk to me, they will tell me things and
[3] ask me questions.

[4] **Q.** My question is slightly different.

[5] Because of your dealings with it and
[6] because of your opportunity to observe the
[7] mood at church and what was going on, do you
[8] generally have an understanding for big issues
[9] that exist in the congregation, just through
[10] your regular role and duties?

[11] **A.** Yes.

[12] **Q.** And in those regular roles and duties,
[13] did you learn there was a concern about
[14] Mr. Snyder's actions, and, in fact, people
[15] were fearful?

[16] **A.** People were expressing fear about what he
[17] might do.

[18] **Q.** Okay.

[19] We heard Mr. Baker say -- was it well
[20] known in the community that he did carry a gun
[21] or had a license to carry?

[22] **A.** Well, if Mr. Snyder was not telling
[23] people he had a gun and he was licensed to
[24] carry, that's how we knew. None of us knew
[25] any other way than he told us.

[1] **Q.** And with respect to Mr. Baker was the
[2] executive director, what was his official
[3] title?

[4] **A.** He was a church administrator, yeah.

[5] **Q.** And he testified the other day that he
[6] went to a class concerning active shooters.

[7] Would you tell us why he was sent to that
[8] class?

[9] **A.** I didn't know he was at that class. He
[10] had gone there. I think he'd discussed with
[11] our trustees, I assume, that he had gone to
[12] that class, and he specifically had taken that
[13] class because of a concern that he saw coming
[14] out of all directions within our church
[15] community.

[16] **Q.** Was it later the topic of discussion
[17] during conferences what he had learned and the
[18] applicability to Mr. Snyder's actions?

[19] **A.** That was relayed to us subsequently to
[20] that.

[21] **Q.** And is it at that time that the church
[22] came to me, in part, to seek this injunction,
[23] because now things had changed?

[24] **A.** Yes.

[25] **Q.** And before the trial was lost, was he out

[1] there every Sunday interacting with people and
[2] carrying this big sign?

[3] **A.** So as he said, he had stopped when the
[4] injunction was raised, and he really started
[5] again in earnest after the trial was lost.

[6] **Q.** Did the interactions or his physical
[7] interactions and verbal interactions with
[8] members of the church affect the members?

[9] **A.** Yes. People would say that he was
[10] intimidating. He is a tall man. He has an
[11] intimidating manner. I am just reporting what
[12] people are saying. His affect seemed to be
[13] intimidating.

[14] **Q.** In fact, did you observe or did it become
[15] known to you that he in fact had violently
[16] shaken at times while he was protesting, and
[17] yelled?

[18] **A.** There was one incident that I was a party
[19] to, at least, observing, I was an observer,
[20] and that was the interaction between Ms. Elzey
[21] and Ms. Bennett. That was reported when
[22] Ms. Elzey gave her evidence.

[23] **Q.** Tell the Court what you observed about
[24] that incident, please?

[25] **A.** He became very, very agitated. He became

[1] very agitated in speaking about his wife,

[2] Job's wife, I think, he referred to her as.

[3] **Q.** That's not a compliment?

[4] **A.** It's not a compliment.

[5] **Q.** What is meant by that?

[6] **A.** He goes, She's Job's wife to me.

[7] **THE COURT:** Listen, I know what it

[8] means. I do read the Bible.

[9] **MR. SAMMS:** Just for the record, I

[10] am aware, too, Your Honor. I'm trying to

[11] enlighten everybody.

[12] **THE COURT:** I've read the story.

[13] **THE WITNESS:** If Your Honor knows,

[14] I'll carry on.

[15] **BY MR. SAMMS:**

[16] **Q.** Please go on. I'm sorry, Doctor.

[17] **A.** And he was telling me. He spoke to me,

[18] as well. He called me the son of Satan or a

[19] liar or whatever he would say, but I stood

[20] there. There were other people there. We

[21] were concerned for the safety of these women,

[22] who were more courageous than any of the men

[23] had been, actually, in confronting him.

[24] **Q.** Is there a prevailing attitude at the

[25] church as to whether or not Mr. Snyder is

[1] dangerous or they are fearful?

[2] **MS. COHEN:** Objection.

[3] Dr. Goligher can testify to what
[4] he feels, but he doesn't know what the
[5] entire church feels.

[6] **MR. SAMMS:** I'm not asking for the
[7] state of mind of his congregants. I am
[8] asking his understanding, based on all of
[9] his interactions and what he hears and
[10] what transpires on a daily basis.

[11] **THE COURT:** Yeah.

[12] That's overruled.

[13] **BY MR. SAMMS:**

[14] **Q.** You can answer , sir?

[15] **A.** Yes, because people are telling me these
[16] things on an ongoing basis. As I mentioned
[17] earlier, somebody told me that last night, and
[18] somebody else spoke to me on Saturday morning,
[19] whom I hadn't talked to about it, and their
[20] concern was this person had taught one of the
[21] children and was so sad, really, that his wife
[22] and children have left. His wife and children
[23] were very precious to us.

[24] **Q.** And they're still, technically, members
[25] of the church and welcome at any time.

[1] **A.** I think they have resigned membership. I
[2] may be wrong, but we didn't take away their
[3] membership.

[4] **Q.** Sir, you heard Mr. Snyder testify a
[5] little bit about some of his beliefs, as far
[6] as you having to go and about some of the
[7] emails that have been sent previously.

[8] Do you, in fact, have a concern or fear
[9] for your own life, in the church when he is
[10] there?

[11] **A.** The precipitating incident that lead, I
[12] think, our Session to make the decision to
[13] excommunicate him was on a Sunday evening,
[14] when Mr. Snyder came down to the front of the
[15] church while I was still preaching from the
[16] pulpit, stood to my right hand, in the Amen
[17] pews, stood in my way, was sitting two rows
[18] back, and, as he's standing there -- I didn't
[19] see this. Everybody else saw it and reported
[20] this afterwards. He's standing there, and
[21] he's looking at my wife and staring at me. My
[22] wife thought he was going to kill me, when he
[23] put his hand --

[24] **MS. COHEN:** Objection.
[25] Sustained. Stricken.

[1] **BY MR. SAMMS:**

[2] **Q.** Did you have an understanding as to
[3] whether or not your wife was fearful?

[4] **A.** She was fearful.

[5] **Q.** And are you fearful -- well, strike that.

[6] With respect to the escalation in his
[7] behavior, had there ever been before the trial
[8] complaints that he was engaging people outside
[9] the church, or did you see a change in him?

[10] **A.** There was a definite change when he lost
[11] the trial.

[12] **Q.** Now, have people brought to your
[13] attention that they have observed items about
[14] the Tenth written by Mr. Snyder on various
[15] websites and Twitter and other things?

[16] **A.** Yes, they have. I've seen them on
[17] Twitter myself.

[18] **Q.** So, unfortunately, this message is being
[19] communicated --

[20] **THE COURT:** You can't testify.

[21] Let him testify.

[22] **BY MR. SAMMS:**

[23] **Q.** Has this message been communicated in any
[24] other ways, other than those of Twitter and
[25] the Net, that you're aware of?

[1] **A.** There are multiple blogs that pick up
[2] stories, and these stories are being picked up
[3] in multiple blogs.

[4] **Q.** And has it been brought to your attention
[5] by people who have seen these in the
[6] congregation?

[7] **A.** It has been brought to my attention, yes.

[8] **Q.** Specifically, there's been some testimony
[9] that Mr. Snyder is on a mission to get rid of
[10] you or the elders and you or some combination.

[11] Do you have a concern that his actions --
[12] that there, may be an act upon those and what
[13] do you base that on?

[14] **A.** So, since there has been a series of
[15] things which we've discovered, there are both
[16] two incidents quite long ago now where he
[17] intervened with the family with an autistic
[18] child in Sunday school, and he intervened and
[19] yelled at the child to take him home, verbally
[20] attacked the parents.

[21] **MS. COHEN:** Objection.

[22] I'm not sure that's responsive I
[23] think. He said long ago. I may have not
[24] heard him correctly.

[25] **THE COURT:** You want to ask him

[1] the question again so she can hear, and he
[2] can give a response.

[3] **MR. SAMMS:** Sure.

[4] **BY MR. SAMMS:**

[5] **Q.** I think it was something to the effect
[6] of, explain why you have a concern for
[7] yourself and the church?

[8] **A.** The reason I raised that and the second
[9] incident a couple of days after that with
[10] another autistic child, he wanted the police
[11] called because of the child's behavior, and he
[12] accused this autistic child of having touched
[13] the private parts of a woman, which the woman
[14] denied, but he wouldn't take no for an answer.
[15] That pattern of behavior happened again and
[16] again. When he met the people involved in a
[17] scenario, he has, perhaps, modified for a
[18] moment, as he was going to accept the truth,
[19] and, then, come back harder than ever.
[20] There's a pattern. My concern is, however,
[21] this goes, his pattern of behavior will
[22] harden.

[23] **Q.** Are you familiar or do you have passing
[24] knowledge of the recent shootings in
[25] synagogues and churches?

[1] **MS. COHEN:** Objection.

[2] **THE COURT:** Objection is

[3] sustained.

[4] **BY MR. SAMMS:**

[5] **Q.** Have you, in fact, had an interaction
[6] with the police officers yourself regarding
[7] the dangerousness of Mr. Snyder?

[8] **A.** I went to the precinct and took his
[9] letters to them. They read it, and they were
[10] concerned, and, in fact, at their own
[11] initiative, they sent police cars around, and
[12] told us they were going to send police cars
[13] around. We eventually had to hire an off-duty
[14] policeman ourselves, at one point, we were so
[15] afraid of the what he might do.

[16] **MR. SAMMS:** The Court's
[17] indulgence.

[18] Your Honor, that's all I'll cover
[19] with Dr. Goligher, at this point. I may
[20] have rebuttal testimony, but I don't
[21] believe that will be necessary.

[22] **THE COURT:** Okay.

[23] - - -

[24] CROSS-EXAMINATION

[25] - - -

[1] **BY MS. COHEN:**

[2] **Q.** Dr. Goligher, would you agree, based on
[3] your testimony, that when you first met
[4] Mr. Snyder, you had a good relationship?

[5] **A.** I thought we did. Yes, we did.

[6] **Q.** And, in fact, Mr. Snyder was bringing to
[7] you issues regarding the safety of the church
[8] and its congregants?

[9] **A.** Initially, his approach to me was his
[10] concerns about safety and security in the
[11] church.

[12] **Q.** Okay.

[13] And, at that point, had there been an
[14] escalation in types of shooting incidents
[15] involving churches and synagogues?

[16] **A.** Not at that point. It was very isolated.
[17] I think, at that point, this was early on.

[18] **Q.** And did Mr. Snyder indicate to you that
[19] he had some police training, when he first
[20] started talking to you about the security of
[21] the church?

[22] **A.** No, he did not.

[23] **Q.** Did you ever see Mr. Snyder carry a
[24] weapon?

[25] **A.** I wouldn't know what to look for.

[1] **Q.** All right.

[2] Did the church do anything with regard to
[3] Mr. Snyder's concerns about safety?

[4] **A.** They did, eventually, yes. I think it
[5] was a slow process, because everything is a
[6] slow process in Presbyterian government, but,
[7] eventually, we addressed the issue.

[8] **Q.** Thank you.

[9] At some point, you indicated Mr. Snyder
[10] became, in your opinion, unreasonable in his
[11] views; is that correct?

[12] **A.** I think -- I made it possible for him to
[13] speak to people with the issues that he was
[14] raising. I made it possible for him to meet
[15] with the people that had not acted properly,
[16] in his view, to find their perspective, and,
[17] usually, the perspective was entirely
[18] different from what he was thinking. I mean,
[19] increasingly, the narrative in his head did
[20] not accord with reality.

[21] I don't think Mr. Snyder is interested in
[22] the truth.

[23] **Q.** Was Mr. Snyder the only one in your
[24] congregation who expressed views that you
[25] didn't agree with?

[1] **A.** People disagree with me all the time.

[2] **Q.** You talked about a lawsuit.

[3] Have you ever sued Mr. Snyder for
[4] defamation?

[5] **A.** No, I haven't.

[6] **Q.** So the only lawsuit you're talking about
[7] is when Mr. Snyder sued you for defamation; is
[8] that correct?

[9] **A.** Well, he sued us on behalf of the church,
[10] yes.

[11] **Q.** And were you aware that Mr. Snyder was
[12] standing in front of the church before the
[13] defamation trial occurred?

[14] **A.** He had stood once, I think.

[15] **Q.** That he was carrying his banner before
[16] the defamation trial?

[17] **A.** I think Mr. Snyder said he had been there
[18] once.

[19] **Q.** So when you say that his actions in
[20] carrying the banner was an escalation as a
[21] result of his losing the defamation trial,
[22] that isn't exactly true, is it?

[23] **A.** It is absolutely true. He carried it
[24] once, then, after the defamation, he was there
[25] every week. That's an escalation.

[1] **Q.** Do you recall that you or your legal
[2] counsel ever sent him a letter after he
[3] carried a banner once, that further carrying
[4] of the banner would result in trespass?

[5] **A.** I didn't ever really interact with legal
[6] counsel. They acted independently.

[7] **Q.** Isn't it true that the main escalation of
[8] this issue resulted after Mr. Baker talked to
[9] a retired policeman at the conference he
[10] attended?

[11] **MR. SAMMS:** Objection to the form.
[12] Escalation of what, please, Your
[13] Honor?

[14] **THE COURT:** Sustained.
[15] Clarify the question.

[16] **BY MS. COHEN:**

[17] **Q.** When Mr. Baker returned from his
[18] conference, did he tell you what he had
[19] learned?

[20] **A.** He didn't tell me then, no. I didn't
[21] really hear about that in full until the
[22] hearing.

[23] **Q.** Do you recall anyone telling you that
[24] Mr. Baker learned at the conference that
[25] Mr. Snyder might be a danger to the church?

- [1] **A.** I don't think so. Not that I recall.
- [2] **Q.** No one ever tell told you that?
- [3] **A.** No.
- [4] **Q.** Now, you were in court the other day when
- [5] Ms. Elzey testified; is that correct?
- [6] **A.** I was.
- [7] **Q.** And did you have an opportunity to see
- [8] the video of the camera that Mr. Snyder had?
- [9] **A.** Yeah. I didn't get to see it run, no.
- [10] **Q.** Did you personally see any interaction
- [11] between Ms. Elzey and Mr. Snyder that she
- [12] complained of?
- [13] **A.** Not that incident, but the later incident
- [14] where she was outside with Mrs. Bennett,
- [15] Mrs. Bennett was talking to me, and, I think,
- [16] Ms. Elzey joined that conversation right
- [17] outside the church.
- [18] **Q.** Do you know who talked to who, initially,
- [19] as a result?
- [20] **A.** No. I wasn't there for the beginning of
- [21] it.
- [22] **Q.** Now, you stated a member came up to you
- [23] recently and said something to the effect,
- [24] isn't it a shame that Mr. Snyder's wife and
- [25] children had leave the church; is that what

[1] you testified?

[2] **MR. SAMMS:** Objection.

[3] Mischaracterization.

[4] **THE COURT:** Sustained.

[5] You can ask him what he said.

[6] **BY MS. COHEN:**

[7] **Q.** What do you recall?

[8] **A.** The person was angry at him for taking
[9] them from the church.

[10] **Q.** And that was the opinion of a member; is
[11] that correct?

[12] **A.** Yes.

[13] **Q.** All right.

[14] Have you ever talked to Mr. Snyder's wife
[15] and children about their feelings regarding
[16] the church?

[17] **MR. SAMMS:** Objection.

[18] Relevance.

[19] **THE COURT:** Overruled.

[20] **THE WITNESS:** Directly, no.

[21] **BY MS. COHEN:**

[22] **Q.** Now, you said that you understand that
[23] you have heard of the various blogs that
[24] picked up stories that Mr. Snyder distributed;
[25] is that correct?

- [1] **A.** Yes.
- [2] **Q.** Were those religious blogs?
- [3] What types of blogs were they?
- [4] **A.** Yeah, religious blogs.
- [5] **Q.** And would you say that there are many
- [6] religious blogs out there in social media?
- [7] **A.** Yes. There's a genere of blog that deals
- [8] with this kind of thing.
- [9] **Q.** And has the church ever attempted to sue
- [10] any of those blogs?
- [11] **A.** Not at all.
- [12] **Q.** Why not?
- [13] **A.** Because how do you stop people peddling
- [14] lies?
- [15] If I may continue?
- [16] I'm absolutely committed to -- I campaign
- [17] against abuse from the pulpit. I have invited
- [18] any wife who's been abused by her husband to
- [19] come and talk to me and told her on behalf of
- [20] church that we would believe her. Abuse under
- [21] which somebody's hiding, spiritual abuse, the
- [22] spiritual abuse is what he's doing to my
- [23] congregation. I've come to this court today,
- [24] not to talk about myself, but about my people.
- [25] My people are plead with me to plead with this

[1] Court that they should not have to come to
[2] church and have their right to lawfully
[3] assemble for public worship interrupted by a
[4] list of lies and defamatory statements about
[5] what may or may not have happened, and, in
[6] fact, did not happen as they are characterized
[7] by this man in our church.

[8] **Q.** Dr. Goligher, you became a citizen fairly
[9] recently, correct?

[10] **A.** Correct.

[11] **Q.** And as part of becoming a citizen, did
[12] you have to study the laws and constitution of
[13] this country?

[14] **A.** Yes.

[15] **Q.** And did you learn that this country does
[16] allow freedom of speech for its citizens?

[17] **A.** One of the things that attracts me to
[18] America is the Bill Of Rights and the freedom
[19] of speech, which is not enshrined in law in
[20] the United Kingdom, by the way, but there are
[21] other freedoms there, like freedom of
[22] assembly, for example, and our freedom of
[23] assembly, the peaceful freedom of assembly,
[24] has been interrupted by his standing outside
[25] the church.

[1] **Q.** About how many members belonged to the
[2] church?

[3] **A.** We have lost about 300 members since he
[4] started, so we are probably around 600. I'm
[5] not sure.

[6] **Q.** How many currently belong?

[7] **A.** I have had no idea, because I really
[8] never read the stats.

[9] **Q.** You don't know the membership of your own
[10] church?

[11] **A.** I don't believe so. I'm not interested
[12] in numbers. I'm interested in the people.

[13] **Q.** So if you don't know the numbers, how do
[14] you know that 300 people have left?

[15] **A.** I think the number now, the last I heard
[16] was 600. We were 900 or 1,000 before then.

[17] **Q.** Isn't it true that many houses of worship
[18] have lost members in recent years?

[19] **A.** We tend to gain them, not lose them.

[20] **Q.** So you're attributing loss of all of
[21] these members to Mr. Snyder's standing in
[22] front of a church?

[23] **A.** I wouldn't be so foolish as to put all
[24] the blame for that on this, but there are
[25] ramifications. It's not only people

[1] themselves are afraid. There are also people
[2] who don't want to be somewhere where there is
[3] ill feeling, and that's why they stopped.
[4] Then there's the natural people moving out of
[5] area and so on.

[6] **Q.** When you stated you had contacted the
[7] police, do you know if they ever attempted to
[8] arrest Mr. Snyder?

[9] **A.** I don't think they found any basis for
[10] arrest.

[11] **Q.** And, currently, you said there is some
[12] security at the church?

[13] **A.** So, yes, actually, initiated by him, and
[14] over time we've addressed many other security
[15] issues, some of which still need to be put in
[16] place.

[17] **Q.** So, on a Sunday when Mr. Snyder stands
[18] with his sign, is there some security
[19] available in the church?

[20] **A.** Yes. I'm not totally aware just how good
[21] that is or what that involves.

[22] **MS. COHEN:** Okay. I don't have
[23] any further question. Thank you.

[24] - - -

[25] REDIRECT EXAMINATION

[1] - - -

[2] **BY MR. SAMMS:**

[3] **Q.** Are you trying to limit Mr. Snyder or
[4] anybody from criticizing you and limiting what
[5] they say, or do you have an objection to how
[6] and where it's being done?

[7] **A.** As I said earlier and I'll say again, I'm
[8] not here for anything he says about me. I am
[9] here for my people, and to see the people
[10] disturbed, this woman last night, to see how
[11] threatened she felt by him talking to her and
[12] the things he said to her, I have to say that
[13] talking to her last night firmed my resolve.

[14] **MR. SAMMS:** Thank you. That's all
[15] I have, Your Honor.

[16] - - -

[17] RECROSS-EXAMINATION

[18] - - -

[19] **BY MS. COHEN:**

[20] **Q.** You said this was last night someone came
[21] up to you?

[22] **A.** Yes.

[23] **Q.** And did that person contact the police
[24] about Mr. Snyder?

[25] **A.** This is an elderly lady.

[1] **Q.** No. I'm just asking,

[2] **A.** I know she didn't.

[3] **Q.** What was she complaining about?

[4] She didn't like Mr. Snyder?

[5] **A.** He accosted her, and he stopped her,

[6] spoke to her, told her things. She said, I'm

[7] not going to tell you, because they affect

[8] you.

[9] **Q.** And when was this?

[10] **A.** That happened on Easter Sunday of last

[11] year.

[12] **Q.** Last April?

[13] **A.** Last April.

[14] **Q.** And she just told you now?

[15] **A.** She had last -- she had not been there.

[16] That's why, I said, I hadn't seen you.

[17] **Q.** Did you personally witness her being

[18] accosted?

[19] **A.** I didn't, no. I'm just reporting what

[20] she said.

[21] **MS. COHEN:** Thank you. No

[22] further questions.

[23] **THE COURT:** Okay. You can step

[24] down.

[25] - - -

[1] (Witness excused.)

[2] - - -

[3] **MR. SAMMS:** Your Honor, with the
[4] submission of our exhibits, that would
[5] close our case, at this point.

[6] I would move P-1 through P-4 in.
[7] I believe P-5 and P-6 were used only to
[8] refresh her recollection.

[9] **THE COURT:** Any objection?

[10] **MS. COHEN:** No.

[11] **THE COURT:** Do you have any other
[12] witnesses or other evidence to present?

[13] **MS. COHEN:** Yes. I would like to
[14] call Judge Nichols to the stand.

[15] **MR. SAMMS:** Just for the record,
[16] Your Honor, I think I made my position
[17] clear that it's inappropriate to have
[18] character witnesses in this type of
[19] proceeding, but I understand the Court's
[20] ruling.

[21] **THE COURT:** Yes. He can testify
[22] as to character only.

[23] - - -

[24] NATHANIEL NICHOLS, having been
[25] dduly sworn, was examined and testified as

[1] **follows:**

[2] **THE COURT CRIER:** State your full
[3] name for the record.

[4] **THE WITNESS:** Nathaniel Nichols.

[5] - - -

[6] RESPONDENT'S EVIDENCE

[7] - - -

[8] DIRECT EXAMINATION

[9] - - -

[10] **BY MS. COHEN:**

[11] **Q.** Judge Nichols, thank you for coming here
[12] today.

[13] Where do you currently reside?

[14] **A.** Media, Pennsylvania.

[15] **Q.** Are you currently employed?

[16] **A.** No, I'm Not. I retired in December of
[17] 2018.

[18] **Q.** And for about ten years prior to your
[19] retirement, what did you do?

[20] **A.** I was a Judge on the Court of Common
[21] Pleas of Delaware County. I did juvenile and
[22] dependency.

[23] **Q.** And how long were you a Judge?

[24] **A.** Seven years.

[25] **Q.** Do you know Phil Snyder?

[1] **A.** Yes.

[2] **Q.** How do you know him?

[3] **A.** I know him because he and his son trained
[4] in the art of aikido at Swarthmore Community
[5] Center.

[6] **Q.** And how long have you known him?

[7] **A.** I'm going to approximate about 10 or 11
[8] years.

[9] **Q.** All right.

[10] Do you know what his reputation is in the
[11] community?

[12] **MS. COHEN:** Objection.

[13] No foundation, Your Honor. He's
[14] only said he sees him two hours a week,
[15] essentially, at some martial arts class.

[16] **MS. COHEN:** I'll refine it to the
[17] martial arts community.

[18] **THE WITNESS:** He has a stellar
[19] reputation in the martial art community.

[20] **BY MS. COHEN:**

[21] **Q.** And as part of the martial arts course,
[22] do you participate in any contests or
[23] exhibits?

[24] **A.** We don't do anything in terms of any
[25] contests. Aikido is a defensive art. No

[1] offensive movements are used.

[2] **Q.** And about how many people participate in
[3] the class?

[4] **A.** I will talk about the childrens class
[5] that his son attends. We have between seven
[6] and ten students.

[7] **Q.** All right.

[8] And those -- I can't recall exactly. I
[9] may have asked this.

[10] How long have you known Mr. Snyder?

[11] **A.** About 10 years.

[12] **Q.** And during those ten years, there have
[13] been various people in those classes; is that
[14] correct?

[15] **A.** Yes.

[16] **Q.** It's not just the same group of people?

[17] **A.** Yes.

[18] **Q.** And has anyone expressed to you that they
[19] felt Mr. Snyder was a danger to himself or
[20] others?

[21] **MR. SAMMS:** Objection, Your Honor.

[22] **THE COURT:** Sustained.

[23] **BY MS. COHEN:**

[24] **Q.** Does Mr. Snyder have a reputation for
[25] being violent in the martial arts community?

[1] **A.** No.

[2] **Q.** Have you reached any conclusion as to
[3] whether Mr. Snyder is violent at all?

[4] **A.** I don't believe he's violent at all,
[5] based upon my experience with him in the
[6] martial arts.

[7] **Q.** Other than what you have heard in this
[8] courtroom as a spectator, are you aware that
[9] Mr. Snyder protests the Tenth Presbyterian
[10] Church?

[11] **MR. SAMMS:** Objection.

[12] Relevance, Your Honor. He's a
[13] character witness not a --

[14] **THE COURT:** Not a fact witness.

[15] That's right. Okay.

[16] Sustained.

[17] **BY MS. COHEN:**

[18] **Q.** Have you ever felt personally threatened
[19] by Mr. Snyder in the 10 years you've known
[20] him?

[21] **MR. SAMMS:** Same objection.

[22] **THE COURT:** Sustained.

[23] **THE WITNESS:** No.

[24] **MS. COHEN:** I don't have any
[25] further questions.

[1] - - -

[2] CROSS-EXAMINATION

[3] - - -

[4] **BY MR. SAMMS:**

[5] **Q.** Good afternoon, Your Honor.

[6] **A.** Good afternoon.

[7] **Q.** Your Honor, on the witness stand, sorry,

[8] you mentioned that you see Phil in the

[9] children's class for aikido?

[10] **A.** Yes.

[11] **Q.** And why is he in the children's class?

[12] **A.** His son attends the class.

[13] **Q.** So does he study, as well?

[14] **A.** Yes.

[15] **Q.** Okay.

[16] Do you teach the class or are you any

[17] children's class, as well?

[18] **A.** I teach the class.

[19] **Q.** So you know him as in a teacher/student

[20] relationship, essentially?

[21] **A.** Yes.

[22] **Q.** And you give these classes in Swarthmore,

[23] I think you were kind enough to tell us?

[24] **A.** At Swarthmore Community Center Mondays

[25] and Wednesdays.

[1] **Q.** You said that you were?

[2] Are you no longer --

[3] **A.** Swarthmore University owns the building
[4] and ended the lease for the community center.

[5] We rented from the community center, not the
[6] college.

[7] **Q.** So have your lessons continued in any
[8] other location?

[9] **A.** We have our main dojo in Delaware, on
[10] Concord Pike.

[11] **Q.** And does Mr. Snyder and his son attend
[12] there?

[13] **A.** No, they do not.

[14] **Q.** How long has it been since they have
[15] attended?

[16] **A.** I would say about two to three months.

[17] **Q.** When did you stop having your classes in
[18] Swarthmore?

[19] **A.** About two or three months ago.

[20] **Q.** So you haven't seen in the last two to
[21] three months?

[22] **A.** Correct.

[23] **Q.** Okay.

[24] And you don't know anything about his
[25] state of mind from a psychiatric capacity; is

[1] this fair to say?

[2] **MS. COHEN:** Objection.

[3] He's not qualified to reach that
[4] conclusion.

[5] **MR. SAMMS:** He's offered an
[6] opinion about character.

[7] **THE COURT:** He can answer that
[8] question.

[9] **THE WITNESS:** Could you repeat the
[10] question?

[11] **BY MR. SAMMS:**

[12] **Q.** Do you know anything about his
[13] psychiatric condition, from a medical
[14] perspective?

[15] **A.** I do not.

[16] **Q.** You are not a psychiatrist or medical
[17] doctor yourself, correct?

[18] **A.** No.

[19] **Q.** Okay.

[20] So the frequency with which you would see
[21] him, up until the last two or three months,
[22] was twice a week?

[23] **A.** Correct.

[24] **Q.** Okay.

[25] For those 10 years, how many times have

[1] you been to his house?

[2] **A.** Never.

[3] **Q.** How many times have you sat down and had
[4] a meal with him that wasn't related to an
[5] aikido event?

[6] **A.** I have not.

[7] **Q.** As I understand it, in aikido, you don't
[8] go to tournaments, like some of these other
[9] martial arts?

[10] **A.** Correct.

[11] **Q.** So is the only place you've ever seen him
[12] and conversed with him, at the aikido dojo,
[13] for lack of a better word?

[14] **A.** Yes.

[15] **Q.** Okay.

[16] And those classes are an hour,
[17] hour-and-a-half, two hours?

[18] **A.** An hour.

[19] **Q.** And during that class, as an instructor,
[20] for that hour, you are teaching and assisting
[21] the 10 to 12 students that are there, correct?

[22] **A.** Correct.

[23] **Q.** You're not spending an hour with Phil
[24] Snyder, talking about what his thoughts are
[25] and what is happening in his life, or what is

[1] going on, correct?

[2] **A.** Correct. We might have some
[3] conversations, generally, before or after
[4] class.

[5] **Q.** Sure.

[6] Kind of along the lines of, you know --

[7] **MS. COHEN:** Objection putting
[8] words in the witness's mouth.

[9] **MR. SAMMS:** It's, cross-
[10] examination, Your Honor.

[11] **THE COURT:** It's sustained.

[12] **BY MR. SAMMS:**

[13] **Q.** The types of conversations that you have
[14] with him are more along the lines of, how is
[15] the weather, how is the family?

[16]

[17] **MS. COHEN:** Objection. The same
[18] objection.

[19] He can ask him what their
[20] conversations were.

[21] **THE COURT:** It's sustained.

[22] **BY MR. SAMMS:**

[23] **Q.** Have you ever talked to him about his
[24] bank account?

[25] **A.** No.

- [1] **Q.** Have you ever talked to him about his
[2] philosophy with respect to the way a church
[3] should be run?
- [4] **A.** I've had a conversation with him about
[5] some problems he had at his church he shared
[6] with he.
- [7] **Q.** What did he share with you?
- [8] **A.** That he had some issues with his church.
- [9] **Q.** And anything else specific?
- [10] **A.** Specific to the church?
- [11] **Q.** Sure?
- [12] **A.** What he thought of, in terms of what was
[13] going on at the church.
- [14] **Q.** And did you have any knowledge, other
[15] than from Mr. Snyder , about what was going on
[16] at the church?
- [17] **A.** No.
- [18] **Q.** Have you seen him interact with anybody
[19] from the church or at the church premises?
- [20] **A.** No.
- [21] **Q.** Have you ever seen him protesting on any
[22] of these Sundays in Philadelphia, when people
[23] claimed he has verbally attacked them?
- [24] **A.** No.
- [25] **Q.** So would it be fair to say that you have

[1] actually no first-hand knowledge of how he
[2] lives his life or what he does, outside of the
[3] two hours a week you see him at the dojo?

[4] **A.** You can say that, but the core principles
[5] are principles that I think we teach to people
[6] for them to use --

[7] **MR. SAMMS:** Objection, Your Honor.
[8] Nonresponsive, at this point.

[9] **THE COURT:** Objection is
[10] sustained.

[11] It is nonresponsive.

[12] **BY MR. SAMMS:**

[13] **Q.** I guess, then, there is a philosophy
[14] behind all martial arts, correct?

[15] **A.** Yes.

[16] **Q.** And, in yours, I guess it would be fair
[17] to say that it is, you teach people to be of
[18] good moral character and to do certain things,
[19] but you have never seen him live his life,
[20] other than at dojo, correct?

[21] **A.** Correct.

[22] **Q.** So, I guess, what you're telling the
[23] Court is that you have no knowledge at all
[24] about what his character or his behavior is,
[25] outside of those two hours a week, correct?

[1] **A.** Correct.

[2] **MR. SAMMS:** That's all I have for
[3] this witness, Your Honor.

[4] I would move to strike his
[5] testimony in its totality as being
[6] irrelevant and without foundation.

[7] **THE COURT:** Okay.
[8] Your response?

[9] **MS. COHEN:** To his objection?

[10] **THE COURT:** Yes.

[11] **MS. COHEN:** Okay.

[12] So Rule 608 requires that a
[13] witness's character for truthfulness or
[14] untruthfulness --

[15] **THE COURT:** Okay. Listen. We're
[16] past that. The Judge testified.

[17] Before you can ask any questions,
[18] you have to address what counsel just
[19] raised on the floor, and that is that he
[20] now, based upon his cross-examination of
[21] this witness, because this witness does
[22] not have the requisite knowledge of the
[23] person's entire character, only limited in
[24] time and space to his relationship and
[25] interaction with him in this short time,

[1] that now he wants him now stricken or
[2] disqualified as a witness for character,
[3] because he can't testify totally as to
[4] your client's character.

[5] **MS. COHEN:** I understand.

[6] Your Honor, no one can testify as
[7] totally as to anyone's character. Our
[8] lives are compartmentalized.

[9] **THE COURT:** Listen. That might be
[10] the case. I'm only saying what he's
[11] simply saying, that it wasn't a broader
[12] spectrum of knowing him. Coming to his
[13] home, interacting with him on maybe a
[14] daily or weekly basis, learning more about
[15] him, perhaps, in the community, other
[16] facets of his life, in that his own
[17] testimony was he has knowledge of him, is
[18] pretty clear.

[19] **MS. COHEN:** I understand. I would
[20] like to ask a few more questions.

[21] **THE COURT:** Before you can do
[22] that, you need to get past this hurdle.

[23] **MS. COHEN:** Okay. I feel that
[24] based on what the witness has testified
[25] to -- he talked about the fact that he has

[1] seen this individual twice a week. Two
[2] hours a week for 10 years is a lot of
[3] interaction with someone. That there are
[4] other students in the school that he
[5] interacts with them. That he, Mr. Snyder,
[6] has talked to him about his sincere belief
[7] about the church, which goes beyond the
[8] fact of their aikido class and what they
[9] learn in that class, possibly there are
[10] principles that have been discussed. I
[11] don't know, but the fact that they have
[12] talked about something other than aikido,
[13] they've had conversations. He's known him
[14] for 10 years of time. I feel that he's
[15] entitled to testify as to whether he
[16] feels, based on his continuing and
[17] longstanding relationship with Mr. Snyder,
[18] that he is a good judge of character, and
[19] it isn't just defined to teaching him a
[20] course.

[21] **MR. SAMMS:** May I briefly respond,
[22] Your Honor?

[23] **THE COURT:** Yes.

[24] **MR. SAMMS:** With respect to the
[25] fact he sees him in a setting twice a

- [1] week, the witness was kind enough to
[2] explain, that's as a teacher/student.
[3] That's not one on one. That's there for a
[4] limited purpose of learning the martial
[5] art, and, quite frankly, there has been no
[6] probative testimony of any character of
[7] run-ins or encounters outside.
- [8] I'm sure the Judge is a good judge
[9] of character overall. It has been my
[10] experience that not all judges are good
[11] judges of character, present company
[12] excluded, but this is merely an attempt by
[13] counsel to prostitute this man's good
[14] name, and experiences and accomplishments,
[15] to help her client without the requisite
[16] foundation, and I would renew my motion it
[17] be stricken.
- [18] **MS. COHEN:** I did not ask all of
[19] the questions that I could have asked in
[20] the general reality of the universe about
[21] the discussions they have had or what the
[22] Judge knows about Mr. Snyder . I
[23] deliberately narrowed my questions, so we
[24] wouldn't be here all day talking about
[25] irrelevant things.

[1] I feel there's been enough
[2] testimony established that indicates that
[3] the Judge has known Mr. Snyder, and it's
[4] my understanding there were also other
[5] things that I was going to get to as to
[6] whether there have been social functions,
[7] field trips.

[8] I understand the group has gotten
[9] together for other purposes other than
[10] just attending the class, and I would like
[11] to give the Judge the opportunity to
[12] discuss that.

[13] **THE COURT:** Okay. Overruled.

[14] **BY MS. COHEN:**

[15] **Q.** So, Judge Nichols, other than seeing
[16] Mr. Snyder in a classroom setting, have you
[17] interacted with him in any other settings?

[18] **A.** Yes. At least once a year we go to the
[19] Japanese House in Fairmount Park, and we take
[20] the children and parents are welcome to come,
[21] and every time we've gone, Mr. Snyder has been
[22] there with his son and his daughter,
[23] typically, and he interacts with the children
[24] who are there in the class and other people at
[25] the Japanese House.

[1] **Q.** And about how many people attend this
[2] Japanese Garden event?

[3] **A.** We average between 10 and 12 people from
[4] our club.

[5] **Q.** It's not only the class, in effect, at
[6] the time when you go?

[7] **A.** It's the members of the class, their
[8] parents, and, then, of course, we interact
[9] with other people who are also attending the
[10] Japanese Garden.

[11] **Q.** And did you reach any conclusion as to
[12] whether Mr. Snyder is a good parent?

[13] **MR. SAMMS:** Objection, Your Honor.

[14] **THE COURT:** It's not enough there.

[15] Objection is going to be sustained

[16] as to that.

[17] **BY MS. COHEN:**

[18] **Q.** Other than the Japanese Garden, have
[19] there been any other social functions with the
[20] group over the course of the years?

[21] **A.** That's typically it.

[22] **Q.** Okay.

[23] And you stated that Mr. Snyder has talked
[24] to you about -- and I wrote down -- sincere
[25] beliefs about the church.

[1] What types of things has he told you
[2] about?

[3] **MR. SAMMS:** Objection.

[4] He's been offered as a character
[5] witness.

[6] **THE COURT:** Not as a fact witness.

[7] That's right.

[8] Sustained.

[9] **BY MS. COHEN:**

[10] **Q.** Have you ever talked to Mr. Snyder about
[11] religion in general?

[12] **A.** No.

[13] **Q.** Are there other adult in the class
[14] besides Mrs. Snyder, in these courses you
[15] attended?

[16] **A.** Sometimes other parents will come with
[17] their children, but, if they do, they may not
[18] participate. They may just sit there and
[19] observe.

[20] **Q.** And have any other parents ever told you
[21] that they fear Mr. Snyder?

[22] **MR. SAMMS:** Objection.

[23] Hearsay.

[24] **THE COURT:** Objection sustained.

[25] It's stricken.

[1] **MS. COHEN:** I don't have any
[2] further questions.

[3] **THE COURT:** Anything else for the
[4] Judge?

[5] - - -

[6] RECROSS-EXAMINATION

[7] - - -

[8] **Q.** One time a year you have a picnic at the
[9] Japanese House?

[10] **A.** Yes.

[11] **Q.** With 10 or 12 other people attending, as
[12] well, or is it their whole family?

[13] **A.** It's the whole family can attend.

[14] It's not a picnic. We are touring the
[15] Japanese House and gardens they have there.

[16] **Q.** So it's not even a situation where you're
[17] there for a picnic, and you might sit down
[18] next to him and talk to him for 20 minutes
[19] over a sandwich or something?

[20] It's not even that?

[21] **A.** I would talk to him during the tour of
[22] the house. There's also a koi pond, and,
[23] oftentimes, the children want to feed the koi,
[24] and we'll be there with the parents, and we'll
[25] talk to Mr. Snyder, as well as to other

[1] parents.

[2] **Q.** Right. This tour of the Japanese House
[3] that you do once a year, how long does that
[4] take?

[5] **A.** A good hour and a half to two hours.

[6] **Q.** And as the teacher or leader, you have to
[7] spend time with everybody and acknowledge
[8] everyone's presence, I assume, correct?

[9] **A.** To a certain extent, but the tour is a
[10] guided tour. I didn't have to be with them
[11] during the tour. I might be with one or
[12] another group during the course of the tour.

[13] **Q.** So if I understand it right, you spend
[14] in, no longer for the last three months, maybe
[15] two hours a week with him in a classroom
[16] setting, and, maybe, one and a half hours once
[17] a year in a situation where everybody is
[18] touring the Japanese House?

[19] **A.** Uh-huh.

[20] **THE COURT:** That's all I have.

[21] Thank you very much, Your Honor.

[22] **THE COURT:** Anything else?

[23] - - -

[24] REDIRECT EXAMINATION

[25] - - -

[1] **BY MS. COHEN:**

[2] **Q.** Have you always taught the aikido class
[3] since you've known Mr. Snyder, or were you a
[4] student at one point?

[5] **A.** I've always taught it.

[6] **MS. COHEN:** Thank you.

[7] **THE COURT:** Your Honor, you're
[8] excused.

[9] - - -

[10] (Witness excused.)

[11] - - -

[12] **THE COURT:** Any other witnesses or
[13] evidence?

[14] **MS. COHEN:** No.

[15] **THE COURT:** If the Judge would
[16] like to leave, you are excused.

[17] **MS. COHEN:** We only have one
[18] Exhibit, R-1. I would like to admit that
[19] into evidence.

[20] **MR. SAMMS:** Your Honor, could we
[21] be indulged in a five-minute closing
[22] argument or so?

[23] **THE COURT:** That's fine with me.

[24] **THE COURT CRIER:** Exhibit R-1.

[25] **THE COURT:** Any objection to that?

[1] **MR. SAMMS:** I don't, other than
[2] remembering what it is, Your Honor, so I
[3] don't object.

[4] **MS. COHEN:** It was the two-page
[5] letter from yourself.

[6] **THE COURT:** Okay.
[7] With that, you rest?

[8] **MS. COHEN:** Yes, I do.

[9] **THE COURT:** Go ahead counsel,
[10] argument.

[11] **MR. SAMMS:** Thank you very much,
[12] Your Honor.

[13] Your Honor, it's very difficult to
[14] argue the importance of an injunction when
[15] there's been an order in place for six
[16] months that is keeping everything under
[17] control, but we can not sluff off what
[18] brought us to that original point to begin
[19] with.

[20] As Your Honor sees, there's a long
[21] and tortured history between the parties
[22] in the case that resulted in somebody
[23] moving cross country to be at this church.
[24] To them, rising to the level of them being
[25] excommunicated.

[1] Now, excommunication is not
[2] something that happens every day. I filed
[3] to ask about a lot of the interactions
[4] because what I wanted to do is give a
[5] background and have it grow, but,
[6] obviously, just from everyday
[7] understanding that is a significant,
[8] significant action that's been take that
[9] resulted in a lawsuit, the lawsuit, Your
[10] Honor, that he lost.

[11] Mr. Baker talked about the four
[12] quadrants of what he learned at the
[13] **shooting**: When somebody has an increased
[14] presence online. When they are upset
[15] about something that was important to
[16] them, and when they lose a traumatic
[17] event, and when they have access to
[18] firearms. The fact that counsel asked
[19] Mr. Baker did he shoot anybody yet, has
[20] absolutely no bearing and should not have
[21] any bearing on this hearing. That's not
[22] the point. We want to prevent that from
[23] happening, and that's, why we're here.

[24] There's a very real danger, based
[25] on what the experts have said in the

[1] training, and what the real life
[2] indicators are, that he is a danger to the
[3] congregation. The level venom, or -- I
[4] don't know if venom is the right word, but
[5] in the level of dissatisfaction and how
[6] earnest, and sincere, or obsessed he is
[7] with this false narrative and how he won't
[8] stop at any end -- perhaps he gave us the
[9] best reason why we should have this
[10] granted now, Mr. Snyder himself.

[11] The event he's upset and picketing
[12] about occurred in 2001, before he was at
[13] the church, before Dr. Goligher was at the
[14] church. This is just a man who is going
[15] to be picking, bothering, harassing
[16] people, as has been testified.

[17] **THE COURT:** That's what he said.

[18] **MR. SAMMS:** And he's going to
[19] continue to do it unless this Court places
[20] restrictions on him.

[21] Now, we're not overreaching and
[22] this argument I expect defense to make,
[23] Oh, it's free speech. Judge Fletman found
[24] free speech. First of all, we didn't have
[25] the continued conduct, and with all due

[1] respect, I think Judge Fletman might have
[2] missed the boat a little bit, but, now, we
[3] are at a different stage. He is even more
[4] dangerous now, ask his interactions will
[5] not stop.

[6] Regardless of how we value, as a
[7] society free speech, there are limits that
[8] can be placed on it. In fact, Your Honor
[9] the Supreme Court of United States, not
[10] **Pennsylvania, said:** "In this
[11] quintessential public forum, injunction.
[12] Which affect the time, place and manner of
[13] expression are proper if they are content
[14] neutral." That's all we are proposing.
[15] That's Perry Educational case, as I'm sure
[16] the Court is aware. It goes on to say:
[17] "As long as there are narrowly tailored to
[18] serve a significant governmental interest
[19] and leave open ample channels for
[20] communication," and that is key here.

[21] We want him away from carrying a
[22] sign on our premises. that's it. That's
[23] all we've asked for, at this point in
[24] time. He has a website that he runs and
[25] communicates with. He told me on the

[1] stand last week there were hundreds of
[2] letters he sent. Then he said 200, 100
[3] pages. Then he again said later it was
[4] 300, under examination by his own counsel.
[5] Making it 3,000 that would be the number.
[6] He is free to have discourse in the public
[7] about what he feels, what he thinks, as
[8] long as he can, But he has essentially
[9] stated that his sole purpose for being
[10] there is to bother the leaders and the
[11] congregants of the church until they see
[12] things his way, which after all of these
[13] years is not going to happen, and when
[14] sour grapes turn to harassment and
[15] intimidation, we have proved -- I can walk
[16] through the elements, Your Honor, but I
[17] think the Court is well aware of them, and
[18] there's no harm if the injunction is
[19] sustained. The harm if it is not, is
[20] people not being allowed to worship on
[21] their own because they're fearful because
[22] they're being harassed as they go in.
[23] We heard about one woman who
[24] hadn't been back since Easter, until
[25] yesterday, because of his conduct. It is

[1] unfortunate that the parties can't move
[2] on, unfortunately, but because of the
[3] danger that he presents, I don't want to
[4] walk away from that. Obviously, everyone
[5] gets he's picketing and he's doing it in a
[6] way that, quite frankly, is expressive
[7] conduct that is prohibited, but the extra
[8] step that there is a real danger that
[9] Captain Roane, a captain in the
[10] Philadelphia Police Department has said,
[11] he's a red flag. You've got danger. That
[12] there's a conversation between
[13] Dr. Goligher and the persons in the 9th
[14] District, and they say he's a danger.
[15] We're going to send a police car to the
[16] corner every Sunday. We shouldn't have to
[17] do that.

[18] There have been, Your Honor, 649
[19] deaths as a result of deadly force in
[20] places of worship between 1999 and 2013.
[21] That's not including what we know about
[22] happened in Pittsburgh. Last August, here
[23] in Philadelphia, there was a church
[24] shooting, because, unfortunately, I
[25] remember, because it happened about the

[1] time we were going to have a hearing in
[2] this case. These tragic events, did he
[3] shoot anybody, that's not an answer. It
[4] is that attitude that leads to these
[5] problems. This man is disgruntled,
[6] dissatisfied, disenchanted, and it's going
[7] the lead to problems if it's not
[8] prevented, especially, Your Honor, when he
[9] has a content neutral order, and many,
[10] many other ways that he is and can express
[11] himself. In addition to the Supreme Court
[12] case -- and I have a number of cases to
[13] hand up with the Court's permission at the
[14] end -- the First Amendment permits
[15] government to prohibit offensive speech as
[16] intrusive when the captive audience cannot
[17] avoid the objectionable speech. That's
[18] the Klebanoff case. That's the
[19] Pennsylvania Superior Court case, which is
[20] the seminal case in Pennsylvania on this
[21] issue, and, essentially, he's being
[22] intrusive to the people going in and out.
[23] It's affecting them, and what he's saying
[24] is objectionable speech. The contents of
[25] what he's saying on the sign, for him to

[1] get up there, Your Honor, and say, Oh,
[2] this is all about my right to express
[3] myself.

[4] Well, why those words? Why that
[5] location? Why every Sunday only? Why the
[6] time? Come on. He sat there, and he lied
[7] to us, Your Honor. There's no other way
[8] to politely say it. I could say
[9] disingenuous, but the fact is that it's a
[10] lie. He lied about that.

[11] Judge Fletman found him to be a
[12] liar, and, incidentally, one thing I
[13] didn't talk about with respect to the
[14] concern for the shooting and the four
[15] quadrants is he's a man who we believe and
[16] we would submit on the evidence the fair
[17] inference is, is paranoid. You saw emails
[18] where he said, I didn't take communion
[19] because I thought you were going to poison
[20] me. Another reason I didn't take
[21] communion was because you had a gunman
[22] trained on me. That's a serious concern,
[23] Your Honor, to our people, particularly,
[24] when it is escalating and when it is
[25] worst. The two leading cases of Klebanoff

[1] and Perry, they both allow this, Your
[2] Honor.

[3] We have for years in this
[4] Commonwealth allowed people to limited
[5] picketing outside of places where is
[6] people gather or go, even abortion
[7] clinics, right. The courts consistently
[8] held that you can bar them from picketing
[9] because of the nature and how it affects
[10] people going in and out as long as they
[11] have a content neutral way and other
[12] avenues to express themselves.

[13] That's what we're talking about
[14] here. All these congregants of the
[15] Tenth want is to be able to worship in
[16] peace and practice their religion
[17] unencumbered, without fear of going to
[18] church and being physically, or verbally
[19] attacked, and we're concerned for the
[20] fears everybody.

[21] We're not asking for a complete
[22] ban on his right to give free speech, and
[23] it would be naive for anybody to say free
[24] speech is free speech. All he's doing is
[25] holding up a sign. That's not what the

[1] evidence says. He's intentionally trying
[2] to harm the congregants and the church,
[3] and he will continue to do it, as I told
[4] this Court.

[5] Your Honor, I have more, but Your
[6] Honor has been paying much attention, and
[7] I appreciate all of the time you've given
[8] to this matter, but it's a very serious
[9] matter with potential deadly consequences
[10] if this isn't addressed, so we would
[11] respectfully request this content neutral
[12] order that limits only a small fraction of
[13] what he can do if he really wants to have
[14] his freedom of speech.

[15] **THE COURT:** Okay.

[16] **MR. SAMMS:** Thank you, Your Honor.

[17] **MS. COHEN:** Your Honor, I'm going
[18] to speak very briefly about the law and
[19] then address what Mr. Samms said.

[20] Pennsylvania courts have long held
[21] that a preliminary injunction is
[22] extraordinary and an extraordinary remedy
[23] to be utilized only when the plaintiff has
[24] established a clear right to relief and
[25] requires certain standards. The first is

[1] that there has to be immediate and
[2] irreparable harm that cannot be
[3] compensated for in damages. The second is
[4] that greater injury would result from
[5] refusing an injunction than from granting
[6] it. The third is the party must show that
[7] an injunction will restore the parties to
[8] their status as existed immediately prior
[9] to the alleged wrongful misconduct. The
[10] fourth is the party seeking injunction
[11] must show the activity is actionable.
[12] Right to relief is clear. Wrong is
[13] manifest, and that the action will prevail
[14] on its merits. That the action is
[15] reasonably suited to abate the offending
[16] activity. The sixth is the party must
[17] show an injunction will not adversely
[18] affect the public interest.

[19] These requirements have to be
[20] cumulative. If any one elements is
[21] lacking, a court must not grant relief.
[22] The most important case in this State is
[23] Willig vs. Mascom, which Judge Fletman
[24] touched, upon.

[25] In that case, the law firm was

[1] unhappy, and we've all had clients who
[2] have been unhappy or Judges whose
[3] participants in front of them were
[4] unhappy, and that particular case involves
[5] someone carrying a sign around. The lower
[6] court ruled in favor of the person. That
[7] was appealed. The Supreme Court reversed
[8] and said that under the Constitution and
[9] the state constitution, the person could
[10] freely speak their opinion, regardless of
[11] whether the opinion is based on fact or
[12] fantasy.

[13] Although I sympathize with the
[14] church, to say that Mr. Snyder, who is
[15] very apparently annoying and frustrating,
[16] and they've tried to do everything they
[17] feel they could for him, has to be removed
[18] from five locations in the City from
[19] carrying a sign, whereas he's only
[20] appeared at one location, is really going
[21] over the bound of legal bounds, and,
[22] really, what we've heard during the course
[23] of this testimony, other than fact that an
[24] occasional congregant, and, in this case,
[25] a lady back from Easter, says something,

[1] says they feel upset about what he's
[2] saying, do not like his beliefs. There
[3] have been no grounds and nothing to
[4] support that he is a danger to the
[5] congregation.
[6] He is licensed to carry a weapon.
[7] He has a law enforcement background. He
[8] got weapons, at least, one of them,
[9] because he was robbed in the City. If the
[10] City takes everyone who walks around
[11] carrying a sign or engages in peculiar
[12] behavior and prevents them from doing it,
[13] we're in real trouble.

[14] When I first moved to the City,
[15] there was a lady who sat on the sidewalk
[16] wearing bright red lipstick all over her
[17] face. Her makeup and hair were
[18] disarrayed. She stayed in the City for
[19] years and years. Sometimes I think I
[20] still see her.

[21] **THE COURT:** I have a question on
[22] your argument.

[23] **MS. COHEN:** Yes.

[24] **THE COURT:** We all have
[25] constitutional rights, and, so, the

[1] question is, if somebody is exercising
[2] their constitutional right to the extent
[3] it denies or overrides someone else's
[4] constitutional right, is that lawful
[5] behavior?

[6] Just like he has constitutional
[7] rights, the church has a right for, of
[8] course, their own expression, to assembly,
[9] as long as they do it peaceably. So,
[10] then, this person can say, Hey, listen I
[11] can do and say what I want and interrupt
[12] that. So is that the kind of conduct that
[13] the law protects?

[14] Do you understand?

[15] **MS. COHEN:** I understand.

[16] **THE COURT:** We all have those
[17] rights, but you can't say that his right
[18] is paramount to the church's rights and
[19] vice versa, but what the Court has to be
[20] concerned about in weighing those
[21] interests is that the Court must be
[22] concerned about also another element that
[23] we adhere, the safety or the risk that
[24] would be the potential other people that
[25] are involved.

[1] **MS. COHEN:** Your Honor, this has
[2] been a long and ongoing argument that has
[3] been going for years and years between
[4] these parties, and, as Dr. Goligher said,
[5] between other people in the church. This
[6] is a dialogue. He doesn't like what they
[7] did or didn't do.

[8] **THE COURT:** I don't think it's a
[9] dialogue, respectfully. I think it's gone
[10] beyond that, and I think you're absolutely
[11] correct that it's gone on for years and
[12] years, and we're all human, and when you
[13] take something for years and years, as we
[14] can see through his own testimony, the
[15] things he said, his own conduct has
[16] changed because of a visceral reaction
[17] that he has to things, and who's to say
[18] that that reaction may not turn violent.
[19] It just takes an instant for any of us.

[20] **MS. COHEN:** Your Honor, we're not
[21] living in good times. We're living in
[22] troubled times, but he has shown no
[23] inclination. He has a job. He has a
[24] family. He goes to karate classes taught
[25] by a Judge who hasn't eliminated him from

[1] the classes. He hasn't done anything,
[2] other than a few people approached him,
[3] and they didn't like his views.

[4] **THE COURT:** But that's your
[5] interpretation. Remember, I'm the Judge,
[6] and, obviously, you represent him, and
[7] you're arguing for him. I respect that,
[8] but, as the Court, my job is to weigh his
[9] constitutional rights against those of
[10] others that he's infringing upon and the
[11] impact that he's having on their safety or
[12] any risk to them, and, perhaps, even to
[13] himself.

[14] His testimony was he felt he was
[15] threatened when the armed police person,
[16] you know, was there, and, if people feel
[17] threatened, they can respond certain ways
[18] out of fear. So I'm saying, my job as the
[19] Judge is to take into consideration what
[20] the law says, and, also, the impact that
[21] this decision would have upon the church,
[22] upon him, and anybody else in that
[23] community.

[24] Anything could happen, and like
[25] you said, we are living in very turbulent

[1] times. We know, regardless of what your
[2] religion may be, we've seen houses of
[3] worship that have been attacked. Even
[4] without as much information as we have
[5] here in this case. Whether it's a mosque,
[6] a church, whether it's a Jewish synagogue,
[7] we see these things happen, unfortunately.
[8] It's a part of our lives as Americans;
[9] however, and there is someone else who
[10] will come right here and say, Listen,
[11] Judge, I have a right to bear arms. We
[12] respect the Bill Of Rights. We understand
[13] that, but your right is not paramount to
[14] someone else's if it infringes upon the
[15] safety and the peace of mind of others.

[16] **MS. COHEN:** Your Honor, I agree
[17] with you. I'm not just arguing for
[18] constitutional rights, although they're
[19] interesting, because there have been
[20] people who have annoyed me in my life, and
[21] I have called the police, and the police
[22] have said I can't get involved.

[23] **THE COURT:** Right.

[24] **MS. COHEN:** All right. So, I am
[25] just saying, other than Mr. Roane, who is

[1] a retired policeman -- and my partner is a
[2] retired policeman and detective -- there
[3] is nothing. And Mr. Roane did not meet
[4] Mr. Snyder. He has not had a psychiatric
[5] evaluation. These shootings have been
[6] performed, for the most part, are people
[7] no one even knew of who walked in the
[8] facility --

[9] **THE COURT:** The most recent one
[10] was.

[11] **MS. COHEN:** Some people were known
[12] to the facility, but is it going to help
[13] to keep him 100 feet away, when he blogs
[14] --

[15] **THE COURT:** As the Judge, I'm not
[16] God, and I don't have a crystal ball;
[17] however, I'm concerned about any rulings
[18] that I would make that would impact on the
[19] lives of individuals as well as that
[20] community at large, and that is what I
[21] bear as the Judge. Not as an attorney
[22] representing either side, but as the
[23] Judge, I must weigh these things, and the
[24] everyone's individual rights.

[25] **MS. COHEN:** Your Honor, I know you

[1] don't want to be the Judge to say, if
[2] Mr. Snyder gets in trouble one day, I let
[3] him out of my courtroom without stopping
[4] him.

[5] **THE COURT:** That's absolutely
[6] true.

[7] **MS. COHEN:** And I understand it.

[8] **THE COURT:** I was in criminal
[9] court, so I know how this goes.

[10] **MS. COHEN:** I have had many
[11] discussions with Mr. Snyder, and I don't
[12] always agree with Mr. Snyder, but I do
[13] agree Mr. Snyder has the right to have his
[14] views.

[15] We're in very serious political --

[16] **THE COURT:** He's on the Internet.
[17] He's doing all this other stuff, and let
[18] me say this. He has a right to say what
[19] he wants to say; however, when it begins
[20] to be conduct that becomes either illegal
[21] or totally wrong, it's actionable. The
[22] church, even though all the things have
[23] been said, even what Judge Fletman has
[24] said, it's clear, the things he's saying
[25] are defamatory, with liable and slander.

[1] Even based upon the testimony here, they
[2] actually have a legal action against him,
[3] but I'm just saying, you know, because
[4] he's talking about his rights. We need to
[5] understand there are limitations to the
[6] rights of the Constitution upon all of us,
[7] and I'm only saying, for whatever reason
[8] the church hasn't sued him for defamation,
[9] which they could, and put all of that on
[10] the Internet, and they will probably be
[11] assured a victory in court, especially
[12] given the fact he lost his own case.
[13] Let's be realistic here. I don't know
[14] what has to happen in his mind, as you
[15] heard his testimony clearly from that
[16] witness stand, he's going to do what it
[17] takes, regardless of what even happens
[18] here today.

[19] **MS. COHEN:** He didn't say do
[20] anything. He said he's going to do what
[21] it takes legally and through the courts.
[22] He has followed the law and what he had to
[23] do. It's a dangerous precedent. The
[24] Supreme Court won't remove the homeless
[25] from our streets. That's a dangerous

[1] precedent, because they get injured and so
[2] on.

[3] **THE COURT:** If the person is not
[4] attacking anyone --

[5] **MS. COHEN:** He has not attacked
[6] anyone. The police haven't arrested him.
[7] He hasn't done anything. Even the ladies
[8] that said he talked to them, they never
[9] complained. They're coming in griping to
[10] the church.

[11] **THE COURT:** What about their
[12] rights to a free assembly and to be able
[13] to peaceably assemble, if they go to
[14] church on a Sunday morning, without the
[15] interference and harassment from a
[16] disgruntled member. He's in front of me
[17] alleging his rights.

[18] Do these people have rights, too?

[19] **MS. COHEN:** They can put someone
[20] with a sign saying he's a cook. They can
[21] put something in writing to their
[22] congregation saying ignore this guy.
[23] That's what I would do. I would say, Oh,
[24] that's interesting. Goodbye. Honestly, I
[25] would do that. I would, and I understand

[1] what you're saying totally, but it has not
[2] risen to that level.

[3] **THE COURT:** I understand your
[4] argument.

[5] **MS. COHEN:** He's just someone who
[6] believes. He doesn't lie. He got up
[7] there and said something that was --

[8] **THE COURT:** The ability for us to
[9] be able to reason as normal adults and
[10] human beings, to understand that there are
[11] laws in place for our benefit and for our
[12] protection. If someone does not have that
[13] ability to reasonably conclude about those
[14] things, that is a serious concern for the
[15] Court, law enforcement, and any other
[16] individual or group that, that conduct may
[17] affect.

[18] **MS. COHEN:** Just because he
[19] doesn't want to listen to reason, as does
[20] our president not want to listen to
[21] reason, does not mean he should be picked
[22] up and prevented from going to five
[23] locations in the City.

[24] **THE COURT:** I don't think you can
[25] compare him to our president. I think

[1] that's something totally different. I
[2] don't think the president is out anywhere
[3] with any picketing signs before any
[4] organization or church doing things that
[5] would be harassing. Your use of the
[6] president as a standard, in terms of your
[7] argument, I think is unfunded. It's not
[8] similarly situated.

[9] Listen, we can talk all day. I
[10] respect your argument.

[11] **MS. COHEN:** This is the person,
[12] he's the person that pressed for security
[13] in the church.

[14] **THE COURT:** Well. Thank God.

[15] **MS. COHEN:** And he was interested
[16] in security, ask, apparently, they have
[17] security.

[18] Dr. Goligher doesn't even know how
[19] many people are in his church. He
[20] estimates they lost 300. There's no
[21] record of anyone leaving.

[22] I understand what you're saying.
[23] I just feel we're going overboard for this
[24] particular instance. There's no
[25] psychiatric component. There's no exam.

[1] There's no one saying he's schizophrenic.

[2] How many years of the Catholic
[3] church did everyone accuse them of abuse,
[4] and everyone said, Oh, this is ridiculous.

[5] **THE COURT:** It's not the same
[6] situation.

[7] **MS. COHEN:** It is to a certain
[8] extent.

[9] **THE COURT:** It's not.

[10] **MS. COHEN:** He's saying things
[11] occurred in the church.

[12] **THE COURT:** He's not produced in
[13] all the forms, any shred of evidence.

[14] In the Catholic church situation,
[15] there were many witness who would testify
[16] as to one, two or more priests in a
[17] particular parish, so that's not true.

[18] **MS. COHEN:** He hasn't been sued
[19] for defamation.

[20] **THE COURT:** The only thing I'm
[21] saying is this. Let's be realistic here.
[22] That is that he can allege all he wants
[23] to, but there's something that's important
[24] here that we need to understand, as I
[25] said, the defense to defamation is truth.

[1] We know that, and if there's no truth to
[2] all the things he's saying, clearly it's
[3] actionable. Why? Because the law is
[4] designed to protect us, okay, from any
[5] conduct that would harm us, that is not
[6] right.

[7] Now, I'm not of the belief that we
[8] should have politically correct speech. I
[9] don't believe that, even as the Court, and
[10] I don't think there should be a law to
[11] even protect being politically correct.
[12] He can say what he wants to say. But the
[13] face is that what he says, it should be
[14] truthful, because the other side, they
[15] have right too.

[16] **MS. COHEN:** I understand, but this
[17] was not a defamation trial.

[18] **THE COURT:** I understand that.
[19] I've heard enough argument, and I want to
[20] say this. There was a particular
[21] scripture that your client brought up in
[22] reference to -- well, he felt it necessary
[23] himself, he needed to enforce the
[24] provisions of the book of the Holy Bible,
[25] because of what he said. So he's taken it

[1] upon himself to eradicate these problems,
[2] if you will. I simply wanted to remind
[3] him, if he reads the book of First
[4] Timothy, Chapter 5, Verse 19, where it
[5] talks about an accusation against an elder
[6] should not be received, but for two or
[7] three witnesses that is confirmed. So
[8] it's interesting that, which is why people
[9] hate religion, you can take certain
[10] elements out that would benefit you, but
[11] not take the book as a whole, because,
[12] clearly, if he was so interested in
[13] enforcing that on his own, then he would
[14] have followed even the old scripture,
[15] First Timothy 5:19, you don't accept an
[16] accusation against an elder unless there
[17] are two or three witnesses to confirm it.
[18] This is not a court of theology,
[19] okay, but what I'm simply saying is that
[20] once again, it goes back to the
[21] rationality that you brought up, and the
[22] Court is concerned about that because
[23] these things affect all of us in this
[24] community, and, so, because of that, I am
[25] certainly going to grant this injunction,

[1] and I'm going to do it further than what
[2] they want.

[3] **MS. COHEN:** Well --

[4] **THE COURT:** Because I am
[5] concerned.

[6] **MS. COHEN:** Your Honor --

[7] **THE COURT:** He has a right to
[8] appeal if he wants. I could care less.

[9] My job, as the Court, as I simply
[10] said as eloquently as I could, is to weigh
[11] his individual rights against that of
[12] others and the risk and the safety that
[13] this particular conduct would pose to the
[14] church and anybody else in that respective
[15] community.

[16] **MS. COHEN:** Your Honor, would you
[17] give -- and I don't know what Mr. Samms
[18] feels us about it -- to avoid further
[19] litigation, would you give Mr. Samms and I
[20] about a week or two to see if we can come
[21] up with some type of an agreement that we
[22] might have.

[23] **THE COURT:** No, because you could
[24] have did that before you wasted my time,
[25] if that's the case, because I had

[1] scheduled this case earlier, then we did
[2] it again. If there was an attempt to
[3] broach any agreement, that should have
[4] been done prior to today.

[5] I've heard the entire hearing and
[6] all the witnesses and the testimony. I
[7] read the law, and I understand, as the
[8] Court, what my obligations are.

[9] **MS. COHEN:** Okay.

[10] **THE COURT:** And that being said,
[11] the record is clear as to what the Court
[12] is doing, and I'm not going to say that he
[13] should be within 1,000 feet of the church.
[14] Absolutely not. He should be within, at
[15] least, 5,000 feet of that church.

[16] **MS. COHEN:** Of all of the
[17] churches?

[18] They have five locations.

[19] **THE COURT:** 1700 Spruce Street,
[20] 1701 Delancey Street, 315 South 17th
[21] Street, 1710 Spruce Street --

[22] **THE COURT:** So you're saying he
[23] can't be in Rittenhouse Square?

[24] **THE COURT:** I'm saying what I
[25] said. He can't be within 5,000 feet of

[1] the churches. That's what the Court is
[2] saying.

[3] Now, we know he has rights. If he
[4] wants to appeal it, he can, but, as for
[5] today, this hearing is concluded based
[6] upon what the Court has ruled, and I would
[7] simply encourage your client, if he's son
[8] interested in enforcing what the good book
[9] says, it would behoove you to apply it.

[10] You all have a good day, and good
[11] luck to you, sir.

[12] - - -

[13] (Hearing concluded.)

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[1] C E R T I F I C A T I O N

[2]

[3] I hereby certify that the
[4] proceedings and evidence are contained
[5] fully and accurately in the notes taken by
[6] me on the trial of the above cause, and
[7] this copy is a correct transcript of the
[8] same.

[9]

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[12] -----

[13] Clarence M. Hook
[14] Official Court Reporter

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[18] (The foregoing certification of
[19] this transcript does not apply to any
[20] reproduction of the same by any means
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[22] supervision of the certifying reporter.)

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Lawyer's Notes
