

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
SPRINGFIELD DIVISION

SEXUAL MINORITIES UGANDA,

Plaintiff,

CIVIL ACTION

v.

NO. 3:12-CV-30051-MAP

SCOTT LIVELY, individually and as
President of Abiding Truth Ministries,

Defendant.

**DECLARATION OF PAMELA C. SPEES IN SUPPORT OF PLAINTIFF'S
MOTION FOR EXTENSION OF DEADLINE FOR EXPERT
DISCLOSURES AND OTHER LITIGATION DEADLINES**

I, PAMELA C. SPEES, declare and state as follows:

1. I am an attorney with the Center for Constitutional Rights, counsel to Plaintiff Sexual Minorities Uganda (“Plaintiff” or “SMUG”) in the above-captioned case and submit this declaration in support of Plaintiff’s Motion for Extension of Deadline for Expert Disclosures and Other Litigation Deadlines (the “Motion”). I make this declaration upon personal knowledge, except where indicated.

2. In anticipation of the current deadline for submission of its expert disclosures, July 15, 2015, Plaintiff retained the services of an expert witness, Sheri Rosenberg (“Ms. Rosenberg”), an Associate Clinic Professor of Law, Director of the Program in Holocaust, Genocide and Human Rights Studies, and Director of the Human Rights and Genocide Clinic at Cardozo Law School.

3. On May 22, 2015, however, Ms. Rosenberg suddenly and unexpectedly passed away.

4. At the time of her death, Ms. Rosenberg was in the process of drafting – but had not yet completed – the expert report she planned to submit by the deadline of July 15, 2015.

5. Since Ms. Rosenberg’s untimely death, SMUG has been diligently working to determine the status of Ms. Rosenberg’s work on the expert report, and confirming the availability of another expert witness to take over the project.

6. SMUG has now confirmed that a colleague of Ms. Rosenberg’s is available to complete the task of preparing an expert report. However, due to the transition time needed for Ms. Rosenberg’s replacement to assume the role as expert, amid various pre-existing scheduling conflicts, completion of the expert report by July 15, 2015 is not possible.

7. On June 16, 2015, SMUG informed counsel for Defendant Scott Lively (“Lively”) of the loss of SMUG’s intended expert, and of SMUG’s intention to request an extension to the deadline for submission of expert disclosures.

8. On June 17, 2015, Lively, through his counsel, stated that, if the Court grants a motion Lively intends to file to postpone SMUG’s Rule 30(b)(6) deposition (the “30(b)(6) Motion”), Lively would not object to an extension for SMUG to provide the report of one replacement expert on the same topic. Counsel for Lively further stated that if the Court denies the 30(b)(6) Motion, Lively would only agree to a two-week extension of SMUG’s deadline to submit its expert disclosures. Finally, counsel for Lively advised that Lively intended to file a written response to the Motion.

9. Because SMUG believes this matter should be brought to the Court’s attention immediately, and because SMUG does not have knowledge of when Lively intends to file the 30(b)(6) Motion or when the Court will rule on such a motion, SMUG is filing this Motion on its own behalf.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on June 18, 2015 at New York, New York.

/s/ Pamela C. Spees
PAMELA C. SPEES