

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
SPRINGFIELD DIVISION

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SEXUAL MINORITIES UGANDA,

Plaintiff,

CIVIL ACTION

v.

**NO. 3:12-CV-30051-MAP**

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

Defendant.

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**DECLARATION OF PAMELA C. SPEES IN SUPPORT OF PLAINTIFF'S  
OPPOSITION TO DEFENDANT'S MOTION TO POSTPONE THE  
DEPOSITION OF PLAINTIFF**

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 Opposition to Defendant's Motion to Postpone the Deposition of Plaintiff. I make this declaration upon personal knowledge, except where indicated.

2. More than 80% of the documents produced by SMUG in response to discovery requests in this matter consisted of emails which were produced as they were kept in the usual course of business.

3. In the second and third production of documents that Defendant made in response to discovery requests in this matter, Defendant did not label the documents he produced nor did he provide any folder information for those documents.

4. Attached hereto as Exhibit A is an email chain between H. Mihet, K. McNeely,

and others, dated June 9 and June 10, 2015.

5. Attached hereto as Exhibit B is an email from H. Mihet to D. Beebe *et al.*, dated June 14, 2015.

6. Attached hereto as Exhibit C is Defendant Scott Lively's Responses and Objections to Plaintiff's First Request for Production of Documents, dated June 12, 2014.

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

Executed on June 21, 2015 at New York, New York.

/s/ Pamela C. Spees  
PAMELA C. SPEES

# Exhibit A

## McNeely, Kaleb

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**From:** Mihet, Horatio <hmihet@liberty.edu>  
**Sent:** Wednesday, June 10, 2015 2:29 PM  
**To:** McNeely, Kaleb; Gannam, Roger  
**Cc:** Sullivan, Mark; Spiegelman, Gina; Kumar, Vikram; Beebe, Daniel  
**Subject:** Re: Depositions -- Issues and Scheduling

Kaleb:

We are in agreement on the deposition schedule for June 22-30.

As for Ganafa, we provided more than sufficient notice of our intention to depose him, and SMUG has continually sought to shield him from deposition. A telephonic alternative is no more suitable for his deposition than it would be for Lively's. As a courtesy to him and SMUG, we would be willing to accommodate their purported scheduling difficulties by taking his deposition in NY sometime in the first two weeks of July (assuming agreement by the parties to conduct his deposition outside of the fact discovery period). Failing an agreed upon alternative date in advance, we will hold Ganafa to the June 19 date as currently noticed, and will seek all available remedies from the Court if he fails to appear. In addition to all other remedies, if SMUG does not produce Ganafa for in-person testimony, SMUG should be prepared to take Mr. Lively's deposition via telephone, as he also has a very busy schedule. Please let me know immediately SMUG's intentions.

As for Mukasa, we have no choice, given the written record, but to suspect foul play. SMUG and its counsel have clearly been in touch with him, if you arranged outside counsel for him and ascertained his purported willingness to authorize service. SMUG presumably knows his phone number and at least city of residence, but has refused to provide any contact information whatsoever, instead leading us to believe the entire time that Mukasa would voluntarily appear and/or that his counsel would accept service. Is Mukasa no longer willing to appear voluntarily on June 18? Irrespective of that, please immediately provide any and all contact information known to SMUG.

I await your prompt response. Thank you.

HGM

**Horatio G. Mihet, Esq.\***

*V.P. Legal Affairs and Chief Litigation Counsel*

**Liberty Counsel**

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**From:** mcneely.kaleb@dorsey.com <mcneely.kaleb@dorsey.com>  
**Sent:** Tuesday, June 09, 2015 3:17:28 PM  
**To:** Mihet, Horatio; Gannam, Roger  
**Cc:** Sullivan.Mark@dorsey.com; spiegelman.gina@dorsey.com; kumar.vikram@dorsey.com; beebe.daniel@dorsey.com  
**Subject:** RE: Depositions -- Issues and Scheduling

Mr. Mugisha and Mr. Lusimbo will not be in the US until the week of June 22-26. In light of that, we can agree to the following deposition schedule:

June 22 - Mugisha  
June 23 – Lively  
June 24 – ATM through Lively (if necessary)  
June 25 – Lusimbo  
June 26 – SMUG/Onziema  
June 29 – Kaoma  
June 30 – SMUG/Onziema (if necessary)

Regarding Mr. Ganafa, given the late juncture at which you noticed his deposition, there is insufficient time for him to arrange the approximately one week it will take to travel to the US/be deposed/return to Uganda, particularly as Mr. Ganafa is employed full-time. Although we do not intend to rely on Mr. Ganafa and maintain our position that he possesses little, if any, relevant information, we are willing to agree to Mr. Ganafa being deposed remotely by telephone from Uganda.

With respect to Mr. Mukasa, although he has not been associated with SMUG for some time and SMUG does not intend to rely upon his testimony in this action, we have made a good faith effort to facilitate your wish to depose him, including through arranging separate counsel for Mr. Mukasa. Our understanding was that Mr. Mukasa was willing to have his attorney accept service of a subpoena but it appears that is no longer the case. Given that Mr. Mukasa is a non-party, however, SMUG is not in a position to compel him to accept service of a subpoena. Moreover, SMUG does not have information regarding Mr. Mukasa's physical address.

Regards,

**Kaleb McNeely**

Associate

.....  
**DORSEY & WHITNEY LLP**

51 West 52nd Street

New York, NY 10019-6119

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P: 212.415.9215 F: 646.417.7193 C: 9178162491  
.....

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**From:** Mihet, Horatio [mailto:hmihet@liberty.edu]  
**Sent:** Tuesday, June 09, 2015 2:47 PM  
**To:** McNeely, Kaleb; Gannam, Roger  
**Cc:** Sullivan, Mark; Spiegelman, Gina; Kumar, Vikram; Beebe, Daniel  
**Subject:** RE: Depositions -- Issues and Scheduling

# Exhibit B

## McNeely, Kaleb

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**From:** Mihet, Horatio <hmihet@liberty.edu>  
**Sent:** Sunday, June 14, 2015 9:19 PM  
**To:** Beebe, Daniel; McNeely, Kaleb; Kumar, Vikram; Spiegelman, Gina; Sullivan, Mark  
**Cc:** Gannam, Roger  
**Subject:** Lively's Second Supplemental Production

Counsel – through the link below you should be able to access documents and media labeled LIVELY 5064 – 5082, which are being produced by Lively in response to SMUG's First and Second Document Requests:

<https://drive.google.com/folderview?id=0B0Zsnt7VZZByT292cmxlb1Q1S00&usp=sharing>

Kind Regards,

**Horatio G. Mihet, Esq.\***

*Vice President of Legal Affairs &  
Chief Litigation Counsel*

**Liberty Counsel**

PO Box 540774

Orlando, FL 32854

800-671-1776 phone

407-875-0770 fax

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# Exhibit C

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
SPRINGFIELD DIVISION**

<b>SEXUAL MINORITIES UGANDA,</b>	:	<b>CIVIL ACTION</b>
	:	
<b>Plaintiff,</b>	:	<b>3:12-CV-30051-MAP</b>
	:	
<b>v.</b>	:	<b>JUDGE MICHAEL A. PONSOR</b>
	:	
<b>SCOTT LIVELY, individually and as</b>	:	<b>MAGISTRATE JUDGE NEIMAN</b>
<b>president of Abiding Truth Ministries,</b>	:	
	:	
<b>Defendant.</b>	:	

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**DEFENDANT SCOTT LIVELY’S RESPONSES AND OBJECTIONS  
TO PLAINTIFF’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Fed. R. Civ. P. 34 and Local Rules 26.5 and 34.1, Defendant Scott Lively (“Lively”) provides the following responses and objections to the First Request for Production of Documents propounded by Plaintiff Sexual Minorities Uganda (“SMUG”).

**GENERAL OBJECTIONS**

1) Lively objects to SMUG’s “Definitions” and “Instructions” to the extent they seek or purport to impose obligations greater than or inconsistent with the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the District of Massachusetts, or any discovery orders entered in this action. Lively responds pursuant to, and consistent with, the aforementioned authorities.

2) Lively objects to SMUG’s definition of “Defendant,” “you” and “your,” to the extent it purports to attribute conduct or documents to Lively in his individual capacity. Unless otherwise specifically and expressly stated, each and every conduct or document described in or produced with these responses and objections was undertaken, authored, received or transmitted by Lively, if at all, solely in his capacity as an officer of Abiding Truth Ministries (“ATM”).

3) Lively's investigation and development of all facts and circumstances relating to this action is ongoing. Lively will supplement these responses, objections and document production as new and additional information is discovered, and as required by applicable rules.

4) By providing these responses, objections and document production, Lively does not waive, and hereby expressly reserves, the right to assert any and all objections as to their admissibility into evidence in this action, or in any other proceedings, on any and all grounds including, but not limited to, competency, relevancy, materiality, and privilege. Further, Lively provides these responses, objections and document production without in any way implying that they are relevant or material to the subject matter of this action.

### **REQUESTS FOR PRODUCTION**

1) All documents relating to your responsibilities and duties with or on behalf of Abiding Truth Ministries, the Pro-Family Resource Center, DefendtheFamily.com, Defend the Family International, Watchmen on the Walls, Coalition for Family Values, or their affiliates and subsidiaries.

**OBJECTION/RESPONSE:** Lively objects to this request because it is vague, ambiguous and otherwise fails to identify the documents sought with reasonable specificity. Without waiving any objection, see documents related to the corporate governance of ATM, produced as LIVELY 2931 - 2971. Lively does not have any additional documents providing a job description within his custody, possession or control.

2) All documents relating to any fundraising you conducted on behalf of Abiding Truth Ministries, the Pro-Family Resource Center, DefendtheFamily.com, Defend the Family International, Watchmen on the Walls, Coalition for Family Values, or their affiliates and subsidiaries, and any funds you received from these entities, including but not limited to all reports to the Internal Revenue Service or any state tax-reporting agency indicating monies and any other remuneration paid to or on behalf of you.

**OBJECTION/RESPONSE:** Lively objects to this request because it is overbroad, oppressive and unduly burdensome, and because it seeks documents which are neither relevant nor likely to lead to the discovery of admissible evidence. Lively further objects to this request to the extent it seeks the identity of individual members, donors or supporters of the listed entities, as it infringes on the First Amendment right of individuals to belong to and to support issue organizations anonymously. Without waiving any objection, ATM's Forms 990 filed with the Internal Revenue Service from 2002 to 2013 are produced as LIVELY 2972 - 3174. See also ATM's email alerts and newsletters, produced as LIVELY 2128 - 2930.

3) The articles of incorporation and by-laws, including any amendments thereto, of Abiding Truth Ministries, the Pro-Family Resource Center, DefendtheFamily.com, Defend the Family International, Watchmen on the Walls, Coalition for Family Values, or their affiliates and subsidiaries.

**RESPONSE:** Documents related to the corporate governance of ATM are produced as LIVELY 2931 – 2971. Lively does not have in his custody, possession or control responsive documents for any of the other listed entities.

4) All documents relating to the governance of Abiding Truth Ministries, the Pro-Family Resource Center, DefendtheFamily.com, Defend the Family International, Watchmen on the Walls, Coalition for Family Values, or their affiliates and subsidiaries, including documents identifying the officers and/or directors of those organizations and all minutes of meetings of the board of directors of those organizations.

**OBJECTION/RESPONSE:** To the extent this request seeks documents other than those sought in Request No. 3, or those specifically enumerated in this request, Lively objects on the ground that the request is vague, ambiguous and fails to identify the documents sought with reasonable specificity. To the extent this request seeks minutes of ATM board meetings where there was no discussion of Uganda, Lively objects on the ground that such request is overbroad, oppressive, not relevant or likely to lead to discovery of admissible evidence, and an invasion into the confidential and proprietary information of an organization not party to this suit.

Without waiving any objection, documents related to the corporate governance of ATM are produced as LIVELY 2931 – 2971. ATM's officers and/or directors are identified in ATM's governing documents (LIVELY 2931 – 2971), and in ATM's Forms 990 (LIVELY 2972 – 3174). Minutes of ATM's board of directors meetings where there was discussion of Uganda are produced as LIVELY 3175 - 3180. Lively does not have in his custody, possession or control any responsive documents for any of the other listed entities.

5) All documents relating to the relationship between and among any combination of the following: Abiding Truth Ministries, the Pro-Family Resource Center, DefendtheFamily.com, Defend the Family International, Watchmen on the Walls, and the Coalition for Family Values, and their affiliates and subsidiaries.

**OBJECTION/RESPONSE:** Lively objects to this request because it is vague, ambiguous and otherwise fails to identify the documents sought with reasonable specificity. Without waiving any objection, Lively does not have in his custody, possession or control any organizational chart or description of the entities' relationship to each other.

6) All documents reflecting the identity of any persons in Uganda who served as an officer, director, employee, or agent of Abiding Truth Ministries, the Pro-Family Resource Center, DefendtheFamily.com, Defend the Family International, Watchmen on the Walls, Coalition for Family Values, or their affiliates and subsidiaries, during the Relevant Date Range.

**RESPONSE:** Lively has no responsive documents in his custody, possession or control.

7) All documents relating to any efforts by you, or any entity on whose behalf you were acting, taken in conjunction with any persons residing or working in Uganda, relating to homosexuality, so-called homosexual behavior, the so-called promotion of homosexuality or homosexual behavior, the “gay agenda,” the “gay movement,” the Anti-Homosexuality Bill, or the promotion “pro-family” values.

**RESPONSE:** See: writings and reports about Uganda (LIVELY 1507 – 1666); travel documents and communications about Uganda (LIVELY 3181 - 3499); and documents regarding the Anti-Homosexuality Bill (LIVELY 3500 – 3743). Documents describing Lively’s work in Uganda are also included in the scottlively.net files (LIVELY 1667 – 1915), and in ATM’s email alerts and newsletters (LIVELY 2128 – 2930).

8) All documents relating to your communications with Stephen Langa, Martin Ssempe, James Buturo, David Bahati, and/or Simon Lokodo, relating to homosexuality, so-called homosexual behavior, the so-called promotion of homosexuality or homosexual behavior, the “gay agenda,” the “gay movement,” the Anti-Homosexuality Bill, or the promotion of “pro-family” values.

**RESPONSE:** All responsive communications are produced within the documents and communications about Uganda (LIVELY 3181 - 3499) and documents regarding the Anti-Homosexuality Bill (LIVELY 3500 – 3743).

9) All documents relating to any financial transaction between, on the one hand, you, Abiding Truth Ministries, the Pro-Family Resource Center, DefendtheFamily.com, Defend the Family International, Watchmen on the Walls, or the Coalition for Family Values, or their affiliates or subsidiaries, and, on the other hand, Stephen Langa, Martin Ssempe, James Buturo, David Bahati, and/or Simon Lokodo, including all documents relating to the reason for the financial transaction.

**RESPONSE:** Lively has no responsive documents in his custody, possession or control.

10) All documents relating to payments, reimbursements for expenses, logistical support, or scheduling efforts by you, Abiding Truth Ministries, the Pro-Family Resource Center, DefendtheFamily.com, Defend the Family International, Watchmen on the Walls, or the Coalition for Family Values, or their affiliates or subsidiaries, relating to the travel of Stephen Langa, Martin Ssempe, James Buturo, David Bahati, and/or Simon Lokodo to the United States.

**RESPONSE:** Lively has no responsive documents in his custody, possession or control.

11) All documents relating to your communications with the following individuals relating to homosexuality, so-called homosexual behavior, the so-called promotion of homosexuality or homosexual behavior, the “gay agenda,” the “gay movement,” the Anti-Homosexuality Bill, or the promotion of “pro-family” values:

- a. employees and/or members of the Family Life Network in Uganda;
- b. employees and/or members of the Disciple Nations Alliance in Uganda;
- c. employees and/or members of the Ugandan National Parents Network;
- d. employees and/or members of the Uganda Coalition for Moral Values;
- e. employees and/or members of the Inter Faith, Culture and Family Coalition Against Homosexuality in Uganda;
- f. Kihumuro Apuuli;
- g. Fred Ruhindi;
- h. Kale Kayihura;
- i. Sydney Nsubuga Enoch;
- j. Paul Kagaba;
- k. George Oundo;
- l. Giles Muhame;
- m. the *Rolling Stone* tabloid in Uganda and/or its employees, reporters, writers, or contributors;
- n. the *Red Pepper* tabloid in Uganda and/or its employees, reporters, writers, or contributors;

- o. the *New Vision* newspaper in Uganda and/or its employees, reporters, writers, or contributors; or
- p. members of the Ugandan Parliament or Government.

**RESPONSE:** All responsive communications are produced within the documents and communications about Uganda (LIVELY 3181 - 3499) and documents regarding the Anti-Homosexuality Bill (LIVELY 3500 – 3743).

12) All documents relating to any financial transaction relating to homosexuality, so-called homosexual behavior, the so-called promotion of homosexuality or homosexual behavior, the “gay agenda,” the “gay movement,” the Anti-Homosexuality Bill, or the promotion of “pro-family” values between, on the one hand, you, Abiding Truth Ministries, the Pro-Family Resource Center, DefendtheFamily.com, Defend the Family International, Watchmen on the Walls, or the Coalition for Family Values, or their affiliates or subsidiaries, and, on the other hand:

- a. the Family Life Network in Uganda and its employees and members;
- b. the Disciple Nations Alliance in Uganda and its employees and members;
- c. the Ugandan National Parents Network and its employees and members;
- d. the Uganda Coalition for Moral Values and its employees and members;
- e. the Inter Faith, Culture and Family Coalition Against Homosexuality in Uganda and its employees and members;
- f. Kihumuro Apuuli;
- g. Fred Ruhindi;
- h. Kale Kayihura;
- i. Sydney Nsubuga Enoch;
- j. Paul Kagaba;
- k. George Oundo;
- l. Giles Muhame;

- m. the *Rolling Stone* tabloid in Uganda and its employees, reporters, writers, or contributors;
- n. the *Red Pepper* tabloid in Uganda and its employees, reporters, writers, or contributors;
- o. the *New Vision* newspaper in Uganda and its employees, reporters, writers, or contributors; or
- p. members of the Ugandan Parliament or Government and their families.

**RESPONSE:** Lively has no responsive documents in his custody, possession or control.

13) All documents relating to payments, reimbursements for expenses, logistical support, or scheduling efforts by you, Abiding Truth Ministries, the Pro-Family Resource Center, DefendtheFamily.com, Defend the Family International, Watchmen on the Walls, or the Coalition for Family Values, or their affiliates or subsidiaries, relating to the travel of any Ugandan government official to the United States.

**RESPONSE:** Lively has no responsive documents in his custody, possession or control.

14) All documents relating to your efforts in Uganda relating to the promotion of “pro-family” values, the purported harms and causes of homosexuality, so-called homosexual behavior, the so-called promotion of homosexuality or homosexual behavior, the “gay agenda,” the “gay movement,” and methods for treating, addressing, countering, or eliminating homosexuality, so-called homosexual behavior, the so-called promotion of homosexuality or homosexual behavior, the “gay agenda,” and the “gay movement.”

**OBJECTION/RESPONSE:** Lively objects to this request on the grounds that it is vague, ambiguous and fails to identify the documents sought with reasonable specificity. To the extent this request purports to require Lively to produce every document available to him regarding homosexuality and its harms, the “gay” agenda and movement, the methods of opposing the “gay” agenda and movement, and/or the promotion of homosexuality, Lively objects on the grounds that it is oppressive, overbroad and unduly burdensome.

Without waiving any objection, see: documents regarding the harms and dangers posed by homosexual behavior, pederasty, pathological behavior by homosexuals, harms to children and society posed by “gay marriage,” as well as causation, prevention and recovery from homosexuality (LIVELY 0001 – 1243); documents regarding methods for opposing the “gay” agenda and movement and dealing with the personal and societal harms caused by homosexual conduct (LIVELY 1244 – 1457); documents regarding homosexual promotion and recruitment

(LIVELY 1458 – 1506); writings and reports about Uganda (LIVELY 1507 – 1666); the contents of scottlively.net (LIVELY 1667 – 1915); documents regarding the “gay” agenda (LIVELY 1939 – 2127); ATM’s email alerts and newsletters (LIVELY 2128 – 2930); travel documents and communications about Uganda (LIVELY 3181 - 3499); documents regarding the Anti-Homosexuality Bill (LIVELY 3500 – 3743); and various comments and threats of violence directed to Lively, and his responses to same (LIVELY 3744 – 4048).

These topics are also discussed in *Redeeming the Rainbow; Defeating “Gay” Arguments with Simple Logic; Why and How to Defeat the Gay Movement; 7 Steps to Recruit-Proof Your Child; The Poisoned Stream; and The Pink Swastika*. These are copyrighted works and bound volumes, but they can be provided for inspection at a mutually convenient date.

15) All documents relating to any consultants – including but not limited to public relations, strategy, advocacy, media, communications, community outreach, legislative, policy, religious, or business consultants – engaged by you, Abiding Truth Ministries, the Pro-Family Resource Center, DefendtheFamily.com, Defend the Family International, Watchmen on the Walls, or the Coalition for Family Values, or their affiliates or subsidiaries, relating to homosexuality, so-called homosexual behavior, the so-called promotion of homosexuality or homosexual behavior, the “gay agenda,” the “gay movement,” or the promotion of “pro-family” values in Uganda or relating to the Anti-Homosexuality Bill, including but not limited to all reports to the Internal Revenue Service or any state tax-reporting agency indicating money and any other remuneration paid to or on behalf of such consultants.

**OBJECTION/RESPONSE:** Lively objects to this request on the grounds that it is vague, ambiguous and fails to identify the documents sought with reasonable specificity. Without waiving any objection, Lively has no responsive documents in his custody, possession or control.

16) All documents relating to the sending of any books or pamphlets authored or co-authored, in whole or part, by you, whether in hard copy or electronic format, to Uganda from the United States.

**RESPONSE:** Any responsive documents are produced within the documents and communications about Uganda (LIVELY 3181 - 3499).

17) All documents relating to the Anti-Homosexuality Bill, including relating to the averment in Paragraph 161 of your Answer that you “reviewed and commented upon a draft of the Anti-Homosexuality Bill considered by the Ugandan Parliament” and that you “urge[d] departure from the bill’s proposed penalties.”

**RESPONSE:** See documents produced as LIVELY 3500 – 3743; LIVELY 1507 – 1666; and LIVELY 3744 – 4048.

18) All documents relating to any funds you, Abiding Truth Ministries, the Pro-Family Resource Center, DefendtheFamily.com, Defend the Family International, Watchmen on the Walls, or the Coalition for Family Values, or their affiliates or subsidiaries, provided to persons in Uganda for work, services, or consultation relating to the Anti-Homosexuality Bill, or other existing or proposed legislation in Uganda relating to homosexuality, so-called homosexual behavior, the so-called promotion of homosexuality or homosexual behavior, the “gay agenda,” the “gay movement,” anti-discrimination, or the promotion of “pro-family” values.

**RESPONSE:** Lively has no responsive documents in his custody, possession or control.

19) All documents relating to any existing or proposed legislation in Uganda, other than the Anti-Homosexuality Bill, relating to homosexuality, so-called homosexual behavior, the so-called promotion of homosexuality or homosexual behavior, the “gay agenda,” the “gay movement,” anti-discrimination, or the promotion of “pro-family” values, including statements or comments by you, Abiding Truth Ministries, the Pro-Family Resource Center, DefendtheFamily.com, Defend the Family International, Watchmen on the Walls, or the Coalition for Family Values, or their affiliates or subsidiaries.

**RESPONSE:** Any responsive documents are produced within the documents and communications about Uganda (LIVELY 3194 - 3499), documents regarding the Anti-Homosexuality Bill (LIVELY 3500 – 3743), and writings and reports about Uganda (LIVELY 1507 – 1666).

20) All documents relating to the averment in your Answer to Paragraphs 61-63 of Plaintiff’s Amended Complaint that you are “generally opposed to the expansion of non-discrimination laws to include sexual preference, sexual conduct or transgender status” and that you have “shared [your] views and opinions publicly.”

**OBJECTION/RESPONSE:** To the extent this request purports to require Lively to produce every statement, speech, opinion or writing he has ever authored or given on the subject of opposing expansion of non-discrimination laws to include sexual preference, sexual conduct or transgender status, Lively objects on the grounds that it is oppressive, overbroad and unduly burdensome.

Without waiving any objection, Lively’s position on this issue is discussed extensively within the documents produced herewith, including in: *Redeeming the Rainbow*, pp. 101-105, “My Letter to the Slovenian People,” “My Letter to the Hungarian People,” “The Key to Pro-Family Victory If We Really Want It,” “Homo-Fascism v. the First Amendment,” “How to Save the Boy Scouts: The First Amendment Supremacy Clause,” “CHRISTIAN RED ALERT,” “Has the Worm Finally Turned,” “Report from Springfield MO,” “Time for Pro-Family Push-Back in 2014!,” “Harvard, Mother Jones and the ‘Gay’ Bullies,” “Pink Brick Award,” and “First Amendment Supremacy Clause Fact Sheet.”

21) All documents relating to any and all trips you made to Uganda, including but not limited to documents relating to the planning for the trips; all public and private meetings, conferences, and events you attended during those trips; all speeches or comments you made during such trips relating to homosexuality, so-called homosexual behavior, the so-called promotion of homosexuality or homosexual behavior, the “gay agenda,” the “gay movement,” the Anti-Homosexuality Bill, or the promotion of “pro-family” values; and any payments or reimbursements for expenses incurred by you or any other entity or individual for (i) your travel and stay in Uganda and (ii) any public or private meetings, conferences, or events that you attended in Uganda.

**RESPONSE:** See: documents and communications about Uganda (LIVELY 3181 - 3499), documents regarding the Anti-Homosexuality Bill (LIVELY 3500 – 3743), and writings and reports about Uganda (LIVELY 1507 – 1666). Lively also discussed his Uganda trips on the scottlively.net website (LIVELY 1667 – 1915), and in ATM’s email alerts and newsletters (LIVELY 2128 – 2930).

22) All documents relating to communications between you and/or between any combinations of the following individuals relating to the promotion of “pro-family” values, the purported harms and causes of homosexuality, so-called homosexual behavior, the so-called promotion of homosexuality or homosexual behavior, the “gay agenda,” the “gay movement,” and methods for treating, addressing, countering, or eliminating homosexuality, so-called homosexual behavior, the so-called promotion of homosexuality or homosexual behavior, the “gay agenda,” or the “gay movement”:

- a. Alexy Ledyaeв, associated with the New Generation Church and Watchmen on the Walls, Riga, Latvia;
- b. Don Schmierer, former board member of Exodus International;
- c. Caleb Brundidge, associated with International Healing Foundation;
- d. Ken Hutcherson, associated with Antioch Bible Church;
- e. Vlad Kusakin; or
- f. Vadim Privedenyuk.

**OBJECTION/RESPONSE:** To the extent this request seeks communications about homosexuality in countries other than Uganda, Lively objects on the ground that such communications are beyond the scope of this litigation and are neither relevant nor likely to lead to the discovery of admissible evidence. This lawsuit is brought solely by a Ugandan entity and is about Lively’s alleged activities in Uganda. Lively’s communications with individuals in other countries about homosexuality in those other countries have no relevance to Uganda.

Without waiving any objection, any communications with these individuals about Uganda are included within the documents and communications about Uganda (LIVELY 3194 - 3499).

23) All documents relating to any financial transaction between, on the one hand, you, Abiding Truth Ministries, the Pro-Family Resource Center, DefendtheFamily.com, Defend the Family International, Watchmen on the Walls, or the Coalition for Family Values, or their affiliates or subsidiaries, and, on the other hand,

- a. Alexy Ledyayev;
- b. New Generation Church in Riga, Latvia;
- c. Don Schmierer;
- d. Caleb Brundidge;
- e. Ken Hutcherson;
- f. Vlad Kusakin; or
- g. Vadim Privedenyuk,

relating to the promotion of “pro-family” values, the purported harms and causes of homosexuality, so-called homosexual behavior, the so-called promotion of homosexuality or homosexual behavior, the “gay agenda,” or the “gay movement, and methods for treating, addressing, countering, or eliminating homosexuality, so-called homosexual behavior, the so-called promotion of homosexuality or homosexual behavior, the “gay agenda,” or the “gay movement.”

**OBJECTION/RESPONSE:** To the extent this request seeks documents regarding financial transactions for work or ministry done in countries other than Uganda, Lively objects on the ground that such documents are beyond the scope of this litigation and are neither relevant nor likely to lead to the discovery of admissible evidence. This lawsuit is brought solely by a Ugandan entity and is about Lively’s alleged activities in Uganda. Financial transactions between the listed organizations and individuals for work or ministry in other countries have no relevance to Uganda.

Without waiving any objection, Lively has no responsive documents in his custody, possession or control.

24) All documents relating to any funds you, or any employee, agent, affiliate, or subsidiary of Abiding Truth Ministries, the Pro-Family Resource Center, DefendtheFamily.com, Defend the Family International, Watchmen on the Walls, or the Coalition for Family Values, provided to persons residing or working in Russia, Latvia, Lithuania, or Moldova relating to existing or proposed legislation in any of the aforementioned countries relating to homosexuality, so-called homosexual behavior, the so-called promotion of homosexuality or homosexual behavior, the “gay agenda,” the “gay movement,” anti-discrimination, or the promotion of “pro-family” values.

**OBJECTION/RESPONSE:** Lively objects to this request on the ground that it seeks documents beyond the scope of this litigation which are neither relevant nor likely to lead to the discovery of admissible evidence. This lawsuit is brought solely by a Ugandan entity and is about Lively’s alleged activities in Uganda. SMUG alleges no harm from legislation in other countries, and such legislation has no relevance to Uganda.

Without waiving any objection, Lively has no responsive documents in his custody, possession or control.

25) All documents relating to your efforts to assist in the introduction, passage, or defeat of legislation in Russia, Moldova, Latvia, Lithuania, Estonia, Poland, Belarus, Romania, and Ukraine relating to homosexuality, so-called homosexual behavior, the so-called promotion of homosexuality or homosexual behavior, the “gay agenda,” the “gay movement,” anti-discrimination, or the promotion of “pro-family” values, including but not limited to all documents relating to the basis of your statement to NBC News that you “influenced the Russian law” banning so-called homosexual propaganda.

**OBJECTION:** Lively objects to this request on the ground that it seeks documents beyond the scope of this litigation which are neither relevant nor likely to lead to the discovery of admissible evidence. This lawsuit is brought solely by a Ugandan entity and is about Lively’s alleged activities in Uganda. SMUG alleges no harm from legislation in other countries, and such legislation has no relevance to Uganda.

26) All documents you posted, or someone posted on your behalf, on the Internet relating to homosexuality, so-called homosexual behavior, the so-called promotion of homosexuality or homosexual behavior, the “gay agenda,” the “gay movement,” or the promotion of “pro-family” values.

**OBJECTION/RESPONSE:** Lively objects to this request on the ground that it is overbroad, oppressive, unduly burdensome, and fails to identify the documents sought with reasonable specificity. Lively has transmitted countless thousands of messages through the Internet on the listed topics. To the extent these documents are still posted on the Internet, they are equally available to SMUG.

Without waiving any objection, see [www.scottlively.net](http://www.scottlively.net) and [www.defendthefamily.com](http://www.defendthefamily.com). See also LIVELY 1507 – 1666, LIVELY 1667 – 1915, LIVELY 2128 – 2685, LIVELY 3194 – 3499, LIVELY 3500 – 3743, and LIVELY 3744 – 4048.

27) All documents relating to drafts and editor notes for *Defend the Family: Activist Handbook* and *Redeeming the Rainbow*.

**RESPONSE:** Responsive documents regarding *Redeeming the Rainbow* are produced as LIVELY 4049 – 4188. Lively has no responsive documents regarding the *Activist Handbook* in his custody, possession or control.

28) All documents that identify any author or co-author of *The Pink Swastika: Homosexuality in the Nazi Party*, *The Poisoned Stream*, or *Redeeming the Rainbow*, as averred in Paragraph 24 of your Answer.

**RESPONSE:** The author(s) of the listed works is/are identified within the works themselves. These are copyrighted works and bound volumes, but they can be provided for inspection at a mutually convenient date.

29) All documents relating to your statements about the relationship or link between the Rwandan genocide and homosexuality or so-called homosexual behavior, including documents or sources providing the basis of such statements, for example, your statement in or around March 2009 in Kampala that “a mass murder, you know like...the Rwandan stuff, probably involved these guys,” including but not limited to the sources upon which you relied in making those statements.

**OBJECTION/ RESPONSE:** Lively objects to this request as vague and ambiguous to the extent that it seeks documents relating to any statement other than the one specifically identified therein. Without waiving any objection, see discussion on gender imbalance in *Redeeming the Rainbow*.

30) All documents relating to your statements in *Redeeming the Rainbow* about the “homosexual recruitment of children,” including but not limited to the sources upon which you relied in making those statements.

**OBJECTION/RESPONSE:** Lively objects to this request as vague and ambiguous, because it fails to identify with reasonable specificity the statements as to which documents are sought. Lively cannot provide a complete response without a specific listing of the alleged statements in question. Moreover, to the extent this request purports to require Lively to produce every document he has ever read regarding homosexual recruitment, Lively objects on the ground that the request is overbroad, oppressive and unduly burdensome.

Without waiving any objection, see LIVELY 0125 – 0419, LIVELY 1191 – 1243, LIVELY 1458 – 1506, LIVELY 1507 – 1666, and LIVELY 1667 – 1915. See also *Redeeming the Rainbow*, *The Pink Swastika*, *7 Steps to Recruit-Proof Your Child*, “Satan Wins Back the Scouts,” “The Danger of ‘Safe Schools,’” and “Youth Suicide Used a ‘Gay’ Recruitment Strategy.”

31) All documents relating to your statements in your lecture at the “Seminar on Exposing the Homosexual Agenda” in Uganda in March 2009 connecting homosexuality or so-called homosexual behavior with child abuse, including but not limited to the sources upon which you relied in making those statements.

**OBJECTION/RESPONSE:** Lively objects to this request as vague and ambiguous, because it fails to identify with reasonable specificity the verbal statements as to which documents are sought. Lively cannot provide a complete response without a specific listing of the alleged statements in question. Moreover, to the extent this request purports to require Lively to produce every document he has ever read regarding the connections between homosexuality and child abuse, Lively objects on the ground that the request is overbroad, oppressive and unduly burdensome.

Without waiving any objection, see documents referenced in response to Request No. 30. Specifically within those documents, see also: *The Pink Swastika*, “Report from Uganda,” “The Death Penalty in Uganda,” “Satan Wins Back the Scouts,” “Pink Brick Award,” “My Comments on the Passage of the Uganda Anti-Homosexuality Law,” “Am I Nuts, or is Crazyiness Spreading?,” “Schoolchildren to Drink ‘Gay’ Koolaid in October,” and “Hey SPLC, Take Me OFF Your Hate, I Mean Hit List!”

32) All documents relating to your statements on *Roadkill Radio* in or around May 2012 about conversion therapy, including but not limited to the sources upon which you relied in making those statements.

**OBJECTION/RESPONSE:** Lively objects to this request as vague and ambiguous, because it fails to identify with reasonable specificity the verbal statements as to which documents are sought. Lively cannot provide a complete response without a specific listing of the alleged statements in question. Without waiving any objection, to the extent this request seeks documents regarding Lively’s proposal for voluntary therapy as a sentencing alternative to ameliorate the harshness of the proposed Anti-Homosexuality Bill in Uganda, see LIVELY 3500 – 3743.

33) All documents relating to your statements in *Defend the Family: Activist Handbook* that the “gay movement” is a “highly organized army of social engineers,” including but not limited to the sources upon which you relied in making those statements.

**OBJECTION/RESPONSE:** Lively objects to this request as vague and ambiguous, to the extent it seeks documents relating to any statement other than the one specifically identified therein. Without waiving any objection, see documents regarding the “gay” agenda, produced as LIVELY 1939 – 2127.

34) All documents relating to Paragraph 10 of your Answer in which you aver, “David Kato is now dead because he was killed by a homosexual prostitute whom Kato hired for sexual services but refused to pay,” including but not limited to the sources upon which you relied in making that answer.

**RESPONSE:** See media reports of Mr. Kato’s murder, the investigation that followed, and the punishment of the person responsible for the murder, produced as LIVELY 1916 – 1938. Lively’s discovery and investigation into Mr. Kato’s murder continue. Lively will supplement this response as required by the Rules of Civil Procedure and the Court’s scheduling orders.

35) All documents relating to the sources on which you rely for Paragraph 22 of your Answer in which you aver, “[T]o the extent any of the acts, omissions or conduct alleged throughout this Complaint were actually undertaken by [you], they were undertaken solely in [your] capacity as an officer of Abiding Truth Ministries, a bona-fide corporation, and, as such [you] cannot be held individually liable for said acts, omissions or conduct.”

**RESPONSE:** See ATM’s governing documents (LIVELY 2931 – 2971); ATM’s board meeting minutes (LIVELY 3175 – 3180); writings and reports about Uganda (LIVELY 1507 – 1666); ATM’s email alerts and newsletters (LIVELY 2128 – 2930); travel documents and communications about Uganda (LIVELY 3181 - 3499); and documents regarding the Anti-Homosexuality Bill (LIVELY 3500 – 3743).

36) All documents relating to your sources of income and assets.

**OBJECTION:** Lively objects to this request on the ground that it is calculated to oppress and harass, and seeks information that is neither relevant nor likely to lead to the discovery of admissible evidence. This request is appropriate for post-judgment, not pre-judgment, proceedings. The request is also vague and ambiguous because it fails to identify the documents sought with reasonable specificity.

37) All documents relating to the cost of publication and distribution of, and royalties paid in connection with, *Defend the Family: Activist Handbook*, *Redeeming the Rainbow*, *The Pink Swastika: Homosexuality in the Nazi Party*, and *The Poisoned Stream*.

**OBJECTION/RESPONSE:** Lively objects to this request on the ground that it is calculated to oppress and harass, and seeks information that is neither relevant nor likely to lead to the discovery of admissible evidence. SMUG is admittedly not suing Lively for any of his books and writings regarding homosexuality, thus the documents sought bear no relevance to SMUG’s claims. The request is also vague and ambiguous because it fails to identify the documents sought with reasonable specificity.

Without waiving any objection, see ATM’s Form 990 filed with the Internal Revenue Service for the years 2002 – 2013 (LIVELY 2972 – 3174).

38) All documents relating to any insurance policy(ies) in the name of Abiding Truth Ministries covering the acts, omissions, or conduct of its officers and employees, including you.

**OBJECTION/RESPONSE:** Lively has no insurance policy in his custody, possession or control that covers the acts, omissions or conducts alleged in this lawsuit. To the extent this request purports to require other policies, Lively objects on grounds of relevance.

39) All documents relating to Sexual Minorities Uganda, East and Horn of Africa Human Rights Defenders Project, Freedom and Roam Uganda, Frank Mugisha, Victor Mukasa, Kasha Jacqueline Nabagasera, Pepe Onziema, Val Kalende, Gaetano Kaggwa, David Kato, Yvonne Oyo, Dr. Hilda Tadria, Richard Lusimbo, or Kapya Kaoma.

**OBJECTION:** Lively objects to this request as vague and ambiguous, because it fails to identify with reasonable specificity the documents sought about the listed organizations and individuals. To the extent the request seeks every single document available to Lively relating to the listed organizations and individuals, Lively objects on the grounds that the request is overbroad, oppressive and unduly burdensome. There are countless thousands of responsive documents publicly available to Lively. In this litigation alone there have been thousands of pages filed or exchanged between the parties regarding just one of the listed entities. Lively cannot even begin to formulate a proper response without some limiting factors.

40) All documents identified or relied on in your responses to Plaintiff's First Set of Interrogatories to Defendant Scott Lively in this Lawsuit.

**RESPONSE:** See documents identified in the responses to the referenced interrogatories, and produced herein.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via electronic mail this 12th day of June, 2014, upon:

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/s/ Horatio G. Mihet  
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