

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

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

**MOTION FOR EXTENSION OF TIME TO FILE DISPOSITIVE MOTIONS
AND REQUEST FOR EXPEDITED CONSIDERATION**

Defendant, SCOTT LIVELY (“Lively”), respectfully moves the Court for an order extending the dispositive motions deadline to July 18, 2016 or August 12, 2016, with corresponding adjustments to the opposition and reply brief deadlines. In support of this motion, Lively shows the Court as follows:

1. On May 5, 2016, the Court granted a joint motion of the parties, granted leave for the parties to conclude the deposition of Plaintiff’s expert outside the previous discovery deadline on the ground of his health concerns, and re-set the dispositive motion deadline for July 1, 2016. (Dkt. 239).

2. Subsequently, the parties timely concluded the deposition of Plaintiff’s expert, and Lively’s counsel have been diligently working on the arduous task of synthesizing the unusually large record and complex issues involved in this transnational litigation into a dispositive motion. However, because of several unforeseen exigencies, Lively needs a brief additional extension of time to complete his dispositive motion.

3. Specifically:

a) Unanticipated developments in other cases handled by Lively's counsel have required them to be simultaneously involved in four separate preliminary injunction and/or temporary restraining order proceedings within the last month, which required their immediate attention, extensive travel out of the office, and a large portion of the time they had otherwise set aside for this case.

b) Lively has been on an extended trip outside of the United States for over one month, which has caused delays in critical conferrals between him and counsel. Lively scheduled this travel prior to the rescheduling of the dispositive motion deadline made necessary by the health concerns of Plaintiff's expert, at a time when he did not know that the travel would interfere with the dispositive motion briefing.

c) Despite the close of fact discovery months ago, Plaintiff has recently produced a substantial number (almost 1,500 pages) of additional documents, which required Lively's counsel to shift their attention away from the dispositive motion and back to document review.

4. Accordingly, Lively respectfully requests that the Court extend the dispositive motion deadline by approximately two weeks, to and including July 18, 2016. Corresponding extensions of the dispositive motions briefing schedule, would place oppositions due on August 18, 2016, and replies on September 8, 2016.

5. Lively submits this motion in good faith, and not for the purpose of undue delay, and no party will be prejudiced by the relief sought herein. The extension of time requested herein will benefit the parties in presenting, and the Court in reviewing and deciding, the complex and weighty issues involved in this case.

6. Prior to filing this motion, counsel for Lively conferred with counsel for Plaintiff. The entirety of the written response from Plaintiff's counsel was the following: "We do not

object to your request for an extension, as long as SMUG is also given an extension until September 12th to file its opposition, and reply briefs are due on October 3rd. Please inform the Court of our position in your submission.”

7. Although Lively does not object to, and, given the exigencies discussed above, would much prefer, the more relaxed briefing schedule suggested by Plaintiff, Lively notes that Plaintiff’s proposal would necessitate the rescheduling of the September 14, 2016 dispositive motions hearing. Moreover, to maintain the thirty-day timeframe for oppositions that has consistently been a part of previous scheduling orders, the dispositive motions deadline under Plaintiff’s proposal should be August 12, 2016.

8. Because the dispositive motions deadline is currently July 1, 2016, Lively respectfully requests expedited consideration of this motion.

WHEREFORE, for good cause shown, Lively respectfully requests either that the Court extend the dispositive motions deadline to July 18, 2016 (with oppositions due August 18, 2016 and replies due September 8, 2016); or, alternatively, that the Court extend the dispositive motions deadline to August 12, 2016 (with oppositions due September 12, 2016, and replies due October 3, 2016, as suggested by Plaintiff), and, in this event, that the Court re-schedule the September 14, 2016 hearing at its convenience following the conclusion of briefing.

Respectfully submitted,

Philip D. Moran (MA 353920)
265 Essex Street, Suite 202
Salem, Massachusetts 01970
T: 978-745-6085
F: 978-741-2572
philipmoranesq@aol.com

Attorneys for Defendant
†Admitted *pro hac vice*

/s/ Horatio G. Mihet
Mathew D. Staver†
Horatio G. Mihet†
Roger K. Gannam†
LIBERTY COUNSEL
P.O. Box 540774
Orlando, FL 32854-0774
T: 407-875-1776
F: 407-875-0770
court@lc.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically with the Court on June 24, 2016. Service will be effectuated by the Court's electronic notification system upon all counsel or parties of record.

/s/ Horatio G. Mihet
Horatio G. Mihet
Attorney for Defendant, Scott Lively