

# United States Court of Appeals For the First Circuit

## DOCKETING STATEMENT

No. 17-1593

Short Title: SMUG v. Lively

### Type of Action

- Civil  
 Criminal/Prisoner  
 Cross Appeal

#### A. Timeliness of Appeal

1. Date of entry of judgment or order appealed from June 5, 2017
2. Date this notice of appeal filed June 8, 2017  
If cross appeal, date first notice of appeal filed n/a
3. Filing date of any post-judgment motion filed by any party which tolls time under Fed. R. App. P. 4(a)(4) or 4(b) n/a
4. Date of entry of order deciding above post-judgment motion n/a
5. Filing date of any motion to extend time under Fed. R. App. P. 4(a)(5), 4(a)(6) or 4(b) n/a  
Time extended to n/a

#### B. Finality of Order or Judgment

1. Is the order or judgment appealed from a final decision on the merits?  Yes  No
2. If no,
  - a. Did the district court order entry of judgment as to fewer than all claims or all parties pursuant to Fed. R. C. P. 54(b)?  Yes  No  
If yes, explain n/a
  - b. Is the order appealed from a collateral or interlocutory order reviewable under any exception to the finality rule?  Yes  No  
If yes, explain n/a

#### C. Has this case previously been appealed? Yes No

If yes, give the case name, docket number and disposition of each prior appeal  
13-2503 Petition for Writ of Mandamus, Scott Lively, Petitioner, Petition denied December 4, 2014

#### D. Are any related cases or cases raising related issues pending in this court, any district court of this circuit, or the Supreme Court? Yes No

If yes, cite the case and manner in which it is related on a separate page. If abeyance or consolidation is warranted, counsel must file a separate motion seeking such relief.

- E. Were there any in-court proceedings below?  Yes  No  
If yes, is a transcript necessary for this appeal?  Yes  No  
If yes, is transcript already on file with district court?  Yes  No

F. List each adverse party to the appeal. If no attorney, give address and telephone number of the adverse party. Attach additional page if necessary.

1. Adverse party Sexual Minorities of Uganda (SMUG)  
Attorney Pamela Spees, Baher Azmy & Jeena Shah  
Address Center for Constitutional Rights, 666 Broadway, 7th Floor, New York, NY 10012  
Telephone 212-614-6427

2. Adverse party \_\_\_\_\_  
Attorney \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_

3. Adverse party \_\_\_\_\_  
Attorney \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_

G. List name(s) and address(es) of appellant(s) who filed this notice of appeal and appellant's counsel. Attach additional page if necessary.

1. Appellant's name Scott Lively  
Address c/o Liberty Counsel, PO Box 540774, Orlando, FL 32854  
Telephone 407-875-1776

Attorney's name Horatio G. Mihet  
Firm Liberty Counsel  
Address PO Box 540774, Orlando FL 32854  
Telephone 407-875-1776

2. Appellant's name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_

Attorney's name \_\_\_\_\_  
Firm \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_

Will you be handling the appeal? (In criminal cases counsel below will handle the appeal unless relieved by this court.)  Yes  No

Fed. R. App. P. 12(b) provides that each attorney who files a notice of appeal must file with the clerk of the court of appeals a statement naming each party represented on appeal by that attorney. 1st Cir. R. 12.0 requires that statement in the form of an appearance.

Signature /s/ Horatio G. Mihet  
Date June 14, 2017

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Docketing Statement was served by e-mail on the following counsel of record for Plaintiff-Appellee, this 14<sup>th</sup> day of June 2017:

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