
NO. 17-1593

**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

SEXUAL MINORITIES UGANDA

Plaintiff-Appellee,

v.

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

Defendant-Appellant.

**APPELLANT SCOTT LIVELY'S UNOPPOSED MOTION
FOR EXTENSION OF TIME TO FILE RESPONSE IN
OPPOSITION TO APPELLEE'S MOTION TO DISMISS AND MOTION
TO STAY APPEAL**

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Pursuant to Fed R. App. P. 27, Fed. R. App. P. 26(b), and 1st Cir. Loc. R. 27, Defendant-Appellant Scott Lively (“Lively”), by and through the undersigned counsel, moves this Court for an order extending the time, to and including July 24, 2017, for Lively to file his Response in Opposition to Plaintiff-Appellee’s (“SMUG”) Motion to Dismiss and Motion to Stay Appeal. In support, Lively shows unto the Court as follows:

1. On June 8, 2017, Lively filed his Notice of Appeal with the United States District Court for the District of Massachusetts, and the instant appeal was docketed on June 14, 2017. (Entry ID 6099384).

2. On July 3, 2017, SMUG filed a Motion to Dismiss the instant appeal (Entry ID 6103417), and a Motion to Stay the appeal pending resolution of its motion to dismiss. (Entry ID 6103418).

3. Pursuant to Fed. R. App. P. 27(a)(3), Lively’s current deadline to file a response to SMUG’s motions is July 13, 2017.

4. Due to the timing of SMUG’s motions and the previously scheduled professional commitments of his counsel, Lively needs a brief extension of time to prepare his response to SMUG’s motions.

5. Lively’s brief ten (10) day typical response period included a federal holiday, July 4th, in connection with which his counsel were out of the office, some for several days.

6. Also during the ten-day response period, Lively's counsel have three long-scheduled depositions for a matter in the United States District Court for the Southern District of Indiana, and those depositions will require two days of travel and two days of depositions.

7. In addition, during the week of July 17, Lively's counsel have back-to-back hearings in civil and criminal proceedings in San Francisco, California, as well as an evidentiary preliminary injunction hearing in Indiana, necessitating further extensive preparation and travel time out of the office.

8. To have a meaningful time to prepare responses to SMUG's two motions, Lively respectfully requests a modest extension of ten days, to and including July 24, 2017.

9. This is the first extension of time request submitted by Lively on these motions (and in this appeal). Lively submits the instant motion in good faith, and not for purposes of undue delay. No party will be prejudiced by the relief requested herein.

10. If granted, the extension of time will benefit the parties' briefing and full and coherent presentation of the issues before the Court.

11. Prior to filing this motion, counsel for Lively conferred with counsel for SMUG, who indicated that SMUG consents to the relief requested in this instant motion. Lively's motion is therefore unopposed.

WHEREFORE, for good cause shown, Lively respectfully requests that this Court grant his request for an extension of time, to and including July 24, 2017, to file his response in opposition to SMUG's motion to dismiss and motion to stay this appeal.

Respectfully submitted,

/s/ Daniel J. Schmid

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of July, 2017, I caused the foregoing to be electronically filed with this Court. Service will be effectuated on all counsel of record via this Court's ECF/electronic notification system.

/s/ Daniel J. Schmid
Daniel J. Schmid
Attorney for Defendant-Appellant

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(s) /s/ Daniel J. Schmid

Attorney for Defendant-Appellant

Dated: 7/6/2017