

**United States Court of Appeals  
For the First Circuit**

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No. 17-1593

SEXUAL MINORITIES UGANDA

Plaintiff - Appellee

v.

SCOTT LIVELY, individually and as President of Abiding Truth Ministries

Defendant - Appellant

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**PLAINTIFF-APPELLEE’S UNOPPOSED MOTION  
FOR EXTENSION OF TIME TO FILE REPLY IN  
FURTHER SUPPORT OF ITS MOTION TO DISMISS AND MOTION  
TO STAY APPEAL AND MOTION TO EXTEND THE  
DEADLINE FOR MERITS BRIEFING**

Pursuant to Fed R. App. P. 27, Fed. R. App. P. 26(b), and 1st Cir. Loc. R. 27, Plaintiff-Appellee Sexual Minorities Uganda (“SMUG”), by and through the undersigned counsel, moves this Court for an order: (1) extending the time, to and including August 7, 2017, for SMUG to file its Reply in Further Support of Its Motion to Dismiss and Motion to Stay Appeal; and (2) extending the deadline for briefing on the merits of this appeal by twenty-one (21) days. In support thereof, SMUG states as follows:

1. On June 8, 2017, Defendant-Appellant Scott Lively (“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.

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

3. On July 6, 2017, Lively filed a consent motion to extend the deadline to file his response to the Motion to Dismiss and the Motion to Stay by ten (10) days, which this Court granted on July 7, 2017.

4. On July 24, 2017, Lively filed his response to the Motion to Dismiss and the Motion to Stay.

5. Pursuant to Fed. R. App. P. 27(a)(3), SMUG’s current deadline to file its reply in further support of the Motion to Dismiss and the Motion to Stay is July 31, 2017.

6. Due to the short time frame for SMUG to submit its reply and the previously scheduled professional commitments of its counsel, SMUG needs a brief extension of time to prepare its reply.

7. In order to prepare its reply, SMUG respectfully requests a modest extension of seven (7) days, to and including August 7, 2017.

8. Pursuant to this Court’s order, dated July 10, 2017, the schedule for briefing on the merits in this appeal is currently as follows: (1) Lively’s brief and

appendix are due on August 21, 2017; (2) SMUG's response is due 30 days following service of Lively's brief; and (3) Lively's reply is due 14 days following service of SMUG's response.

9. Because the requested extension of SMUG's deadline to submit its reply in further support of the Motion to Dismiss and the Motion to Stay is August 7, under the current schedule Lively's brief and appendix would be due only fourteen (14) days later.

10. In order to permit the Court additional time to consider the Motion to Dismiss and the Motion to Stay prior to briefing on the merits of this appeal, SMUG respectfully requests that the deadline for Lively to submit his brief on the merits and appendix be extended by twenty-one (21) days, up to and including September 11, 2017, with the corresponding deadlines for SMUG's response and Lively's reply also extended by twenty-one (21) days.

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

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

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

WHEREFORE, for good cause shown, SMUG respectfully requests that this Court grant its requests: (1) for an extension of time, to and including August 7, 2017, to file its reply in further support of its Motion to Dismiss and the Motion to Stay; and (2) a 21-day extension of the deadline for Lively to file his brief on the merits and appendix, to and including September 11, 2017, with the corresponding deadlines for SMUG's response and Lively's reply also extended by twenty-one (21) days.

Dated: July 28, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was filed electronically, that it will be served electronically upon all parties of record who are registered CM/ECF participants via the NEF, and that paper copies will be sent to any parties indicated on the NEF as non-registered participants on July 28, 2017.

/s/ Pamela Spees

Pamela Spees

Counsel for Plaintiff-Appellee