
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 BRIEFING DEADLINE**

Mathew D. Staver
Horatio G. Mihet
Roger K. Gannam
Daniel J. Schmid
Mary E. McAlister
LIBERTY COUNSEL
P.O. Box 540774
Orlando, FL 32854
Phone: (407) 875-1776
Facsimile: (407) 875-0770
Email: court@LC.org

Pursuant to Fed R. App. P. 26(b), and with the consent of all parties, Defendant-Appellant Scott Lively (“Lively”), by and through the undersigned counsel, moves this Court for a 21-day extension of time, to and including September 11, 2017, for Lively to file his Opening Brief and Appendix. In support, Lively shows unto the Court as follows:

1. On July 10, 2017, this Court set an August 21, 2017 deadline for Lively’s Opening Brief. (Appellant’s Briefing Notice, Entry ID 6104464).

2. This appeal arises from a complex, transnational case involving allegations of “crimes against humanity” brought by a foreign organization against an American citizen in connection with his core political speech. The case implicates weighty matters of fundamental rights, the First Amendment, and international law. During its five-year tenure in the district court, the case generated well over 40,000 pages, 5,000 of which were presented to the lower court in connection with the dispositive motion which is the subject of this appeal. The summary judgment briefs (without exhibits) covering the issues relevant to this appeal span over 500 pages.

3. The undersigned counsel have been working diligently to complete the Opening Brief and Appendix, but, given the importance and complexity of the issues, and the sheer volume of the record from which those issues must be briefed, they need a short extension of the deadline.

4. As additional grounds, the undersigned counsel were required to devote the first two weeks within the briefing deadline to responding to the Motion to Dismiss and the Motion to Stay this appeal filed by Plaintiff-Appellee. Lively's response to the Motion to Dismiss is substantial, relies on numerous authorities, and fully utilizes the word limit imposed by this Court's rules.

5. Furthermore, during the time allotted for preparing the Opening Brief and Appendix, the undersigned counsel have been actively engaged in numerous other time-sensitive matters, including a petition for certiorari to the United States Supreme Court and three preliminary injunction proceedings in different states (two of which are requiring numerous pre-hearing depositions and extensive briefing). The undersigned counsel have been required to travel extensively out of the office in connection with these professional commitments.

6. This is the first extension of time sought by Lively for his Opening Brief and Appendix. The request is submitted in good faith, and not for purposes of undue delay. No party will be prejudiced by the relief requested herein.

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

8. Prior to filing this motion, counsel for Lively conferred with counsel for Plaintiff-Appellee, who indicated that Plaintiff-Appellee consents to the relief requested. 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 September 11, 2017, to file his Opening Brief and Appendix.

Respectfully submitted,

/s/ Horatio G. Mihet

Mathew D. Staver

Horatio G. Mihet

Roger K. Gannam

Daniel J. Schmid

Mary E. McAlister

LIBERTY COUNSEL

P.O. Box 540774

Orlando, FL 32854

Phone: (407) 875-1776

Facsimile: (407) 875-0770

Email: dschmid@LC.org

Attorneys for Defendant-Appellant

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of August, 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/ Horatio G. Mihet

Horatio G. Mihet

Attorney for Defendant-Appellant