

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

No. 17-1593

SEXUAL MINORITIES UGANDA

Plaintiff-Appellee

v.

SCOTT LIVELY, individually and as President of Abiding Truth Ministries

Defendant-Appellant

**PLAINTIFF-APPELLEE’S MOTION FOR EXTENSION OF TIME TO
FILE RESPONSE TO DEFENDANT-APPELLANT’S APPELLATE BRIEF**

Pursuant to Fed. R. App. P. 27, Fed. R. App. P. 26(b), and 1st Cir. R. 27, Plaintiff-Appellee Sexual Minorities Uganda (“SMUG”), by and through the undersigned counsel, move this Court for an order extending the time for SMUG to file its response to Defendant-Appellant Scott Lively’s (“Lively”) brief by nine (9) days, to and including April 18, 2018. In support thereof, SMUG states 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.

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. After being granted three unopposed motions for extension of the briefing deadline, Lively filed his merits brief on October 6, 2017.

4. On March 19, 2018, this Court denied SMUG's Motion to Dismiss and denied its Motion to Stay as moot. The Court further directed SMUG to file its response to Lively's brief within twenty-one (21) days of the order.

5. Due to previously scheduled professional commitments of its counsel, which entail both domestic and international travel, as well as personal commitments relating in part to the Easter holiday, SMUG requires a brief extension of time to prepare its response.

6. In order to prepare its response, SMUG requests a modest extension of nine (9) days, to and including April 18, 2018. The additional time would allow SMUG a total of thirty (30) days from the Court's March 19 order to prepare its response, which accords with the time period allowed pursuant to Fed. R. App. P. 31(a)(1) for responding to an appellant's brief.

7. This motion is brought in good faith and is not for purposes of delay.

8. Prior to filing this motion, counsel for SMUG attempted to contact Lively's counsel by phone on March 23, 2018 for purposes of obtaining consent to

the requested extension. As of the time of this filing, SMUG's counsel has not received a response from Lively's counsel.

9. Finally, this motion does not affect any other deadlines set forth in the March 19 scheduling order.

RELIEF REQUESTED

WHEREFORE, for good cause shown, SMUG respectfully requests that this motion be granted, and that the Court extend the deadline for SMUG to file its response to Lively's brief by nine (9) days, to April 18, 2018.

Dated: March 23, 2018

Respectfully submitted,

/s/ Pamela C. Spees

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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 March 23, 2018.

/s/ Pamela C. Spees
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