

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 DEADLINE TO FILE REPLY BRIEF
AND REQUEST FOR EXPEDITED CONSIDERATION**

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Pursuant to Fed R. App. P. 26(b), Defendant-Appellant Scott Lively (“Lively”), by and through the undersigned counsel, moves this Court for a 14-day extension of time, to and including May 16, 2018, for Lively to file his Reply Brief. In support, Lively shows unto the Court as follows:

1. Lively’s Opening Brief was filed on October 6, 2017. (Doc. 00117209013).

2. Although no stay had been entered by this Court, citing its *pending* Motion to Dismiss and Motion to Stay this appeal Appellee Sexual Minorities Uganda (“SMUG”) did not file its Response Brief until April 18, 2018 (Doc. 00117209013), after this Court denied those motions. (Doc. 00117267294).

3. Following the Court’s March 19, 2018 denial of SMUG’s Motion to Dismiss and Motion to Stay, the Court affixed SMUG’s Response Brief deadline for April 9, 2018. (*Id.*)

4. Without opposition from Lively, SMUG requested and obtained an extension to file its Response Brief, to and including April 18, 2018. (Doc. 00117273342).

5. Pursuant to Fed. R. App. P. 31(a)(1), Lively’s Reply Brief is currently due on May 2, 2018.

6. Lively needs a brief extension of this deadline. The extension sought and obtained by SMUG for its Response Brief has placed Lively’s Reply deadline

squarely in the middle of a previously planned vacation for the undersigned counsel. Moreover, during the same time period, the undersigned counsel for Lively are also consumed with another previously scheduled brief due in an appeal pending at the Sixth Circuit, as well as a 100+ page post-hearing brief due in a complex, multi-party civil rights matter pending in the Eastern District of New York.

7. This brief extension is sought by Lively in good faith, and not for purposes of undue delay. The extension will enable Lively's counsel to adequately prepare a Reply Brief that will assist the Court in understanding and adjudicating the weighty issues presented in this appeal.

8. This is the first extension of this briefing deadline sought by Lively. If granted, the extension would not prejudice any party, nor would it prejudice the speedy and efficient resolution of this appeal. There is no oral argument date set as of the filing of this motion.

9. Prior to filing this motion, counsel for Lively conferred with counsel for SMUG, who indicated that SMUG "takes no position" on this request. Lively understands this to mean that SMUG does not and will not oppose this extension request.

10. Because Lively's current Reply Brief deadline is one week away, Lively respectfully requests expedited consideration of this unopposed extension request.

WHEREFORE, for good cause shown, Lively respectfully requests that this Court grant his request for an extension of time, to and including May 16, 2018, to file his Reply Brief.

Respectfully submitted,

/s/ Horatio G. Mihet

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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of April, 2018, 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