

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.

**DECLARATION OF JILL M. SCHMID
IN SUPPORT OF DEFENDANT-APPELLANT SCOTT LIVELY'S
MOTION FOR RECONSIDERATION OF DENIAL OF MOTION
TO SET ORAL ARGUMENT AND TO EXCLUDE APPELLEE
FROM ORAL ARGUMENT FOR DEFAULT IN FILING BRIEF**

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I, Jill M. Schmid, do hereby declare as follows:

1. I am over the age of eighteen years and am the Senior Litigation Assistant to the attorneys for Defendant-Appellant, Scott Lively (“Lively”), in this appeal. The statements in this Declaration are true and correct, based upon my personal knowledge (unless otherwise indicated), and if called to testify to them, I would and could do so competently.

2. I am submitting this Declaration in support of Defendant-Appellant Scott Lively’s Motion for Reconsideration of Denial of Motion to Set Oral Argument and to Exclude Appellee from Oral Argument for Default in Filing Brief (EID 6140152, the “Reconsideration Motion”), and in reply to certain facts in the Opposition to Lively’s Reconsideration Motion (EID 6141632, the “Opposition”) filed by Plaintiff-Appellee Sexual Minorities Uganda (“SMUG”).

3. On November 9, 2017, I called and spoke to Mr. Gerry Claude in the Clerk’s Office of the United States Court of Appeals for the First Circuit, and was advised by Mr. Claude that SMUG’s brief was not due because of SMUG’s pending motion to stay. I advised Mr. Claude that Lively’s counsel could not locate any rule, procedure, or other authority excusing SMUG from filing its brief in accordance with the Court’s briefing schedule. I asked Mr. Claude what authority allows SMUG to miss a brief-filing deadline expressly ordered in writing by the Court. Mr. Claude

would not provide me any authority. Instead, he advised me to “keep looking” and that he could not dispense legal advice.

DATED this January 3, 2018.

I declare under penalty of perjury of the laws of the United States and the Commonwealth of Massachusetts that the foregoing statements are true and correct.

/s/ Jill M. Schmid
Jill M. Schmid