

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 ROGER K. GANNAM
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, Roger K. Gannam, do hereby declare as follows:

1. I am over the age of eighteen years and am one of 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. In the telephone call between Mr. McNeely and me on November 9, 2017, identified in paragraph 19 of SMUG’s Opposition (Opp’n, EID 6141632, ¶ 19), Mr. McNeely stated that he had not spoken to anyone in the Clerk’s office regarding SMUG’s briefing deadline, but that SMUG’s position, based on another, unidentified person’s communication with the Clerk’s office, was that SMUG’s brief was not due because of SMUG’s pending motion to stay. Mr. McNeely did not advise me of the number or content of the several conversations between SMUG’s

counsel and the Clerk's office now revealed in SMUG's Opposition at paragraphs 7-10, 14-16, and 18. (Opp'n, EID 6141632, ¶¶ 7-10, 14-16, 18.)

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/ Roger K. Gannam
Roger K. Gannam