

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

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No. 17-1593

SEXUAL MINORITIES UGANDA

Plaintiff - Appellee

v.

SCOTT LIVELY, individually and as President of Abiding Truth Ministries

Defendant - Appellant

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**Declaration of Joshua Colangelo-Bryan**

I, Joshua Colangelo-Bryan, declare pursuant to 28 U.S.C. § 1746:

1. I am Of Counsel with Dorsey & Whitney LLP, which represents Plaintiff-Appellee Sexual Minorities Uganda (“SMUG”) in the above captioned-matter.
2. On October 5, 2017, I spoke on the telephone with Mr. Gerry Claude, Case Manager in the Clerk’s Office of this Court, regarding the effect of SMUG’s then-pending Motion to Dismiss Defendant-Appellant’s Appeal (“Motion to Dismiss”) and Motion to Stay Proceedings Pending Resolution of Plaintiff-

Appellee's Motion to Dismiss ("Motion to Stay")<sup>1</sup> on the deadlines and any briefing schedule issued by the Court.

3. Mr. Claude told me that, even if Plaintiff's then-recently filed merits brief were to be accepted by the Court, the filing of SMUG's motions meant that SMUG would not be required to file a substantive opposition until its motions were decided. Moreover, Mr. Claude said, the filing of the motions would preclude any default if SMUG did not file a merits brief. He stated that the Court's internal systems indicated SMUG's motions were pending and that he would add another note for the benefit of the personnel who handle briefing schedules.
4. Shortly after this conversation ended, Mr. Claude called me. He told me that he had conferred with his supervisor and wished to clarify that it was the filing of the Motion to Stay, rather than the Motion to Dismiss, that would preclude any default.
5. On October 6, 2017, Plaintiff filed a second copy of his merits brief, seeking to cure an issue of untimeliness in connection with the merits brief he had filed earlier.
6. I spoke with Mr. Claude again on October 12, 2017 in perhaps an overabundance of caution. Mr. Claude confirmed again that the Motion to

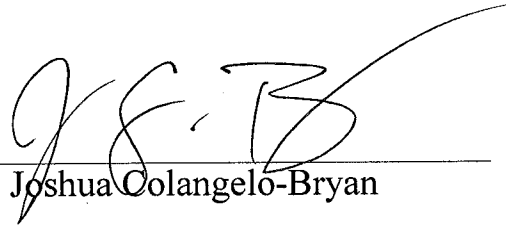
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<sup>1</sup> These motions remain pending.

Stay would preclude any default on the part of SMUG. He said, "I have no problem if you use my name," in the event that any argument was made later that not filing a merits opposition brief constituted a default by SMUG.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
January 2, 2018



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Joshua Colangelo-Bryan