

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
SPRINGFIELD DIVISION**

SEXUAL MINORITIES UGANDA,	:	CIVIL ACTION
	:	
Plaintiff,	:	3:12-CV-30051-KPN
	:	
v.	:	JUDGE MICHAEL A. PONSOR
	:	
SCOTT LIVELY,	:	
	:	ORAL ARGUMENT REQUESTED
Defendant.	:	

DEFENDANT SCOTT LIVELY’S MOTION TO DISMISS PLAINTIFF’S COMPLAINT

Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), Defendant Scott Lively, individually and as President of Abiding Truth Ministries, respectfully moves the Court to dismiss, with prejudice, the Complaint (dkt. 1) filed by Plaintiff, Sexual Minorities Uganda, on the grounds that Plaintiff lacks standing, the Court lacks subject-matter jurisdiction, and the Complaint fails to state a claim upon which relief can be granted.

A memorandum of law in support of this Motion is filed concurrently herewith.

Respectfully submitted,

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REQUEST FOR ORAL ARGUMENT

Pursuant to L.R. D. Mass. 7.1(d), Defendant Scott Lively respectfully requests oral argument on this Motion, on the grounds that this case is of great public importance and oral argument will assist the Court in understanding, evaluating and deciding the wide array of complex questions of constitutional and international law raised herein.

/s/ Horatio G. Mihet
Horatio G. Mihet
Attorney for Defendant Scott Lively

CERTIFICATE OF CONFERRAL

Pursuant to L.R. D. Mass. 7.1(a)(2), I certify that I conferred in good faith with counsel for Plaintiff prior to filing this motion, but was unable to resolve or narrow the issues raised herein.

/s/ Horatio G. Mihet
Horatio G. Mihet
Attorney for Defendant Scott Lively

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically with the Court on June 22, 2012. Service will be effectuated by the Court's electronic notification system upon all counsel or parties of record.

/s/ Horatio G. Mihet
Horatio G. Mihet
Attorney for Defendant Scott Lively