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8 IN THE SUPERIOR COURT OF WASHINGTON FOR BENTON COUNTY
9 STATE OF WASHINGTON,

10 Plaintiff,

11 v.

12 ARLENE'S FLOWERS, INC., d/b/a
13 ARLENE'S FLOWERS AND GIFTS; and
14 BARRONELLE STUTZMAN,

15 Defendants.

16 ROBERT INGERSOLL AND CURT FREED,

17 Plaintiffs,

18 V.

19 ARLENE'S FLOWERS, INC., D/B/A
20 ARLENE'S FLOWERS AND GIFTS; AND
21 BARRONELLE STUTZMAN,

22 Defendants.
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No. 13-2-00871-5

(Consolidated with No. 13-2-00953-3)

**DECLARATION OF JAKE EWART
IN SUPPORT OF PLAINTIFFS
INGERSOLL AND FREED'S MOTION
FOR PARTIAL SUMMARY JUDGMENT
AND MEMORANDUM OF
AUTHORITIES**

1 Pursuant to RCW 9A.72.085, the undersigned hereby declares that:

2 1. I am an attorney with the firm of Hillis Clark Martin & Peterson P.S., which
3 represents plaintiffs Robert Ingersoll and Curt Freed in this action. I have personal
4 knowledge of the facts set forth in this declaration and am fully competent to testify in this
5 matter.
6

7 2. Attached as EXHIBIT A are true and correct copies of portions of the transcript
8 of the deposition of Barronelle Stutzman, taken on October 3, 2013.
9

10 3. Attached as EXHIBIT B are true and correct copies of portions of the transcript
11 of the deposition of Robert Ingersoll, taken on January 24, 2014.

12 4. Attached as EXHIBIT C are true and correct copies of portions of the transcript
13 of the deposition of Curt Freed, taken on January 24, 2014.
14

15 5. Attached as EXHIBIT D are true and correct copies of portions of Arlene's
16 Flowers' Third Set of Discovery Requests to Plaintiff Curt Freed and Responses Thereto,
17 dated April 14, 2014.

18 6. Attached as EXHIBIT E are true and correct copies of portions of Arlene's
19 Flowers' Third Set of Discovery Requests to Plaintiff Robert Ingersoll and Responses
20 Thereto, dated April 14, 2014.
21

22 7. Attached as EXHIBIT F is a true and correct copy of Declaration of
23 Robert Ingersoll in Support of Opposition to Defendants' Motion for Partial Summary
24 Judgment on CPA Claim by Ingersoll and Freed, dated September 23, 2013
25
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1 8. Attached as EXHIBIT G are true and correct copies of portions of Defendant
2 Arlene's Flowers's Response to Plaintiffs First Set of Discovery Requests, dated
3 June 26, 2013.
4

5 I hereby declare, under penalty of perjury under the laws of the State of Washington,
6 that the foregoing is true and correct.
7

8 DATED this 21st day of November, 2014 at Seattle, Washington.
9

10 
11 _____
12 JAKE EWART
13

14 ND: 99994.022 4822-8162-7414v1
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EXHIBIT A

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF BENTON

STATE OF WASHINGTON,)	
)	
Plaintiff,)	
)	
vs.)	No. 13-2-00871-5
)	
ARLENE'S FLOWERS, INC., d/b/a)	
ARLENE'S FLOWERS AND GIFTS; and)	
BARRONELLE STUTZMAN,)	
)	
Defendants.)	

ROBERT INGERSOLL and CURT FREED,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
ARLENE'S FLOWERS, INC., d/b/a)	
ARLENE'S FLOWERS AND GIFTS; and)	
BARRONELLE STUTZMAN,)	
)	
Defendants.)	

DEPOSITION OF BARRONELLE STUTZMAN

October 3, 2013

Kennewick, Washington

1 APPEARANCES

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15 Also Present:

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1 Q And it shows a date of December 18, 1989.

2 Do you know whether or not that's the date in
3 which the business was first incorporated or was there
4 a business that your mother owned called Arlene's
5 Flowers before that?

6 A There wasn't another Arlene's Flowers, there was only
7 one.

8 Q Okay. Thanks.

9 (Exhibit No. 2 marked for
10 identification.)

11 Q (By Mr. Scott) The court reporter's handed you
12 Exhibit 2, but before I move on to that I'll ask you
13 an obvious question relating to Exhibit 1, the
14 certificate of incorporation. It says there if you'll
15 look that it's Arlene's Flowers, Inc. is incorporated
16 as a Washington profit corporation.

17 Do you see that?

18 A What are you looking at?

19 Q In the middle of the page right underneath the name of
20 business.

21 A Okay. Yes, sir.

22 Q And it is correct, isn't it, that you're in the
23 business to make money or it's a for profit
24 corporation?

25 A That's the hope, yes.

1 Q So turning to Exhibit 2, it was also produced to us in
2 this case. That's an agreement dated January 31, 2000
3 between yourself, Barronelle Stutzman, and
4 Dorothy Ryan; is that right?

5 A Yes, sir.

6 Q And Dorothy Ryan is Dotty Ryan, your mother?

7 A Yes, sir.

8 Q Okay. Would you tell us in your own words how it came
9 to be that you bought the store from your mother?

10 A She was ill, had Alzheimer's and I wanted to buy it to
11 make sure that I could support her, take care of her.

12 Q Had it been sort of the plan for some time that you
13 would succeed her in the business?

14 A Yes.

15 Q Okay. And are you the sole owner of Arlene's Flowers?
16 The only owner?

17 A The only owner like my husband and I? Well, I'm the
18 only owner, yeah.

19 Q Okay. Okay. And you're the president of the company?

20 A Yes, sir.

21 Q All right. And have you always been the president of
22 Arlene's Flowers since you bought the store from your
23 mother?

24 A Yes, sir.

25 Q And you mentioned, just to go back and clear the

1 **A Yes, sir. Well, since I've had it.**

2 Q Since you've had it?

3 **A Yeah.**

4 Q Where was it before that?

5 **A It was down on the parkway.**

6 Q Okay. How long was it on the parkway?

7 **A Before there was business licenses.**

8 Q Okay. I won't ask to date that then.

9 At the time it was down on the parkway was
10 Arlene's Flowers involved in flowers for weddings?

11 **A I have no idea.**

12 Q Okay. Your mother didn't own it at that time?

13 **A No.**

14 Q Okay. How long during the time your mother and you
15 have owned the store has Arlene's Flowers been
16 involved in selling floral arrangements and services
17 for weddings?

18 **A Always.**

19 Q Always. Okay. And have you always been involved in
20 it yourself?

21 **A Involved in the weddings?**

22 Q Yes.

23 **A No, not until I was trained.**

24 **Q Trained. Okay. How much of your business in the last**
25 **five years if you can estimate for us is related to**

- 1 weddings? Just approximately?
- 2 **A I don't keep track of that, so.**
- 3 **Q Can you give me your best estimate, understanding that**
4 you don't keep precise track?
- 5 **A You want a percentage?**
- 6 **Q If that works for you, yes.**
- 7 **A I can't -- accurately I cannot give you a count.**
- 8 **Q I'm not looking to pin you down to accurate.**
- 9 **A Okay. If I'm guessing, maybe three percent.**
- 10 **Q Okay. So just to put it in context. Arlene's Flowers**
11 sells flowers for all occasions; is that right?
- 12 **A Yes, sir.**
- 13 **Q Okay. And all occasions includes things from the**
14 happy joy of babies to the sad occasion of people
15 passing away and every life event in between.
- 16 Is that fair?
- 17 **A Yes, sir.**
- 18 **Q How many people work at Arlene's Flowers?**
- 19 **A Average is ten.**
- 20 **Q Okay. Does that go up and down seasonally?**
- 21 **A Yes, sir.**
- 22 **Q Okay. And how many hours a week do you work at the**
23 store these days?
- 24 **A I'm scheduled for Monday, Wednesday and Fridays.**
- 25 **Q Full days on those days?**

1 percentage of your business is walk in versus phone
2 versus computer?

3 **A About 85 percent of ours is by phone and computer.**

4 Q Okay.

5 **A The rest is walk in.**

6 Q Okay. And the 85 percent, is there any way to break
7 that down further, phone/computer?

8 **A I'm sure there is, but I haven't broken it down.**

9 Q Okay. Does Arlene's Flowers advertise?

10 **A Yes, sir.**

11 Q How do you advertise?

12 **A By radio, telephone marketing, internet, newspaper,**
13 **word of mouth, reader board, brochures.**

14 Q Okay. In the time frame for the three years leading
15 up to March of this year, March of 2013, did any of
16 your advertising at any of those media have a
17 religious message as part of the advertisement?

18 **A Not positive on that one.**

19 Q Okay.

20 **A There may have been something on the radio, but I'm**
21 **not positive.**

22 Q Okay. And when you say there may have been something
23 on the radio what are you thinking of?

24 **A I may have said something like blessing or -- but in**
25 **general, no.**

1 **A Yes, sir.**

2 Q And how long has this handbook been in place?

3 **A I can't tell you exactly.**

4 Q Okay. Was it in place this entire calendar year?

5 **A Yes, sir.**

6 Q And for a couple years before that?

7 **A Yes, sir.**

8 Q Do you and your employees refer to this handbook in
9 the course of business to help guide your employee
10 conduct?

11 **A On a daily basis, on a yearly basis, on a --**

12 Q On a whatever kind of regular basis?

13 **A We don't look at it on a regular basis. But every**
14 **employee gets one when they're hired.**

15 Q Okay. And you expect every employee to familiarize
16 herself or himself with it?

17 **A Yes, sir.**

18 Q Okay. Would you turn to the second page of the
19 exhibit, please?

20 **A (Witness complies.) The cover page?**

21 Q Yes, the page right behind the cover.

22 **A Okay.**

23 **Q Paragraph 4 is what I want to ask you about, in**

24 **paragraph 4 a nonharassment policy/nondiscrimination**

25 **policy.**

1 Do you see that?

2 A Yes, sir.

3 Q And it reads, "This company prohibits discrimination
4 or harassment based on race, color, religion, creed,
5 sex, national origin, age, disability, marital status,
6 veteran status or any other status protected by
7 applicable law."

8 Do you see that?

9 A Yes, sir.

10 Q And as the president of Arlene's Flowers, Inc. can you
11 describe how you expect that to guide your employee
12 conduct with respect to customers? Just in your own
13 words?

14 MR. BRISTOL: I'm going to just
15 object to the form of the question as vague.

16 Q (By Mr. Scott) You may answer.

17 A Clarify for me.

18 Q Well, in your own words how do you expect your
19 employees to abide by this policy?

20 A I expect them to follow the policy.

21 Q Okay. What do you expect them -- what do you
22 understand in this policy the word creed to mean?

23 A I'm sorry?

24 Q What do you understand the word creed to mean in this
25 policy?

1 Q Okay. The first paragraph says that "Arlene's has
2 been in business for over 47 years."

3 Where does that 47-year number come from?

4 A From the previous Arlene's Flowers.

5 Q Okay. Which was started by your mother?

6 A No. Started on the parkway before that, before my
7 mom.

8 Q Your mom bought that parkway business; is that
9 correct?

10 A She bought the business that's on Lee now.

11 Q Okay.

12 A Parkway business moved to Lee.

13 Q Got it. Thank you. Okay.

14 And it goes on to say, "Service is what we're all
15 about. We want to be our customers' personal florist,
16 not just a florist. We want our customers from birth
17 to death. We are happy to refund or correct their
18 order."

19 Does that first paragraph, introduction to your
20 mission and procedure, accurately describe the mission
21 and procedure of Arlene's Flowers during the time
22 you've owned the business?

23 A Yes, sir.

24 Q And skipping the shop hours paragraph to the paragraph
25 that begins "Customers." This document says,

1 "Customers come first, whoever they are, however they
2 are dressed, whatever they look like, whatever color
3 or creed, what they are willing to spend."

4 Has that -- does that sentence accurately describe
5 the mission of Arlene's Flowers during the time that
6 you've owned the business?

7 **A Yes, sir.**

8 Q Okay. And what did you mean and what do you mean when
9 you say, "Customers come first, whoever they are"?

10 **A They're the ones that write our paycheck.**

11 Q Okay. And so does "whoever they are" mean in your
12 mind people of all types and beliefs and faiths?

13 **A Yes, sir.**

14 Q Every type of different person?

15 **A Yes, sir.**

16 Q Okay. And one of the phrases in this sentence is
17 "whatever color or creed."

18 Do you know what creed means in the context of
19 this sentence, "whatever color or creed"?

20 **A Religion.**

21 Q Okay. What about people who aren't religious, do you
22 consider them to come first as well?

23 **A Absolutely.**

24 Q Okay. And does that also mean that you consider
25 customers to come first no matter what their religion

1 Q And what are the circumstances?

2 A Major holidays, when we don't have the staff or if
3 they want particular flowers that we can't get in the
4 time frame they need.

5 Q Other than a major holiday situation or a time or
6 delivery constraint, Arlene's Flowers has not declined
7 to do service for anyone other than Curt and Robert.

8 Is that fair?

9 A That's correct.

10 Q Does Arlene's Flowers have a policy about when it will
11 decline service other than due to a major holiday or
12 delivery constraint?

13 A Never had to.

14 Q Does it now have a policy?

15 A Not written, we have not written a policy.

16 Q Do you have any kind of unwritten policy?

17 A Yes, we don't take same sex marriages.

18 Q And when was that unwritten policy conceived of?

19 A When it came out in Facebook. Or whenever -- wherever
20 Curt put it, I believe it was on Facebook that we had
21 a discussion about it.

22 Q And what is the reason for that unwritten policy that
23 you will not take same sex customer wedding orders?

24 A Because biblically marriage is between a man and a
25 woman.

1 Q Is there any other reason behind the policy?

2 A No, sir.

3 Q Would Arlene's Flowers sell flowers for the wedding of
4 two atheists?

5 A If they're a man and a woman.

6 Q Okay. Would the same be the case for the wedding of
7 two people of the Muslim faith?

8 A If they were a man and a woman.

9 Q Okay. So I take it that would be the case for a man
10 and a woman marrying regardless of their faith or no
11 faith.

12 Is that fair?

13 A Yes, sir.

14 Q All right. Does it matter -- does the -- strike that.

15 Would Arlene's Flowers sell flowers for the
16 wedding of a man and a woman if the woman was pregnant
17 at the time of the wedding?

18 A If it's a man and a woman, yes.

19 Q What about if one member of the couple had been
20 previously divorced?

21 A If it's a man -- it's not my place to judge.

22 Q Okay. Would Arlene's Flowers sell flowers for the
23 wedding of a man and a woman where the woman had been
24 born a man but had sexual reassignment surgery?

25 A It's never come up.

1 in the same way?

2 **A I don't know that.**

3 **Q If a person came in for wedding flowers, just one, and**
4 **gave you two names and you couldn't tell whether the**
5 **names were that of men or women would you sell flowers**
6 **anyway?**

7 **A I don't know that that's been the case.**

8 **Q If it did happen would you sell flowers to them for**
9 **the wedding?**

10 **A If I didn't know if it was a man or a woman?**

11 **Q Right.**

12 **A No.**

13 **Q Why not?**

14 **A Because marriage is between a man and a woman and I**
15 **would have that clarified.**

16 **Q All right. And you said it's increasingly common for**
17 **customers, wedding customers to pick their flowers up.**
18 **When that happens Arlene's Flowers doesn't**
19 **necessarily know how the flowers are actually used at**
20 **the wedding, do you?**

21 **A Correct.**

22 **Q Now, the flowers that are sold for a wedding, whether**
23 **they're picked up or delivered, do they have any**
24 **signage that identifies them as coming from Arlene's**
25 **Flowers?**

1 **A I don't.**

2 Q It's been quite a while?

3 **A Yeah.**

4 Q And do you also know Curt Freed?

5 **A I don't know that I've met Curt.**

6 Q Do you know who he is?

7 **A Just through Robert.**

8 Q Okay. And what do you understand is Curt's
9 relationship to Robert?

10 **A That they're a couple.**

11 Q Okay. And when did you first learn that Curt and
12 Robert are a couple?

13 **A I don't remember exactly.**

14 Q Was it several years ago?

15 **A I'm sure, yeah.**

16 Q You say you are sure?

17 **A Yeah, it was a couple years ago, or more.**

18 Q Were you aware that Mr. Ingersoll identifies as gay?

19 **A That he identified as gay?**

20 Q Yes.

21 **A Explain.**

22 Q I'll phrase it differently.

23 Were you aware that Robert Ingersoll is a gay man?

24 **A Yes.**

25 Q And when did you become aware of that?

1 **A I couldn't tell you exactly.**

2 **Q Was it several years ago?**

3 **A Possibly.**

4 **Q And how did you learn of this?**

5 **A By him ordering flowers for Curt, talking about their**
6 **relationship.**

7 **Q Has Robert ordered flowers for Curt for a number of**
8 **different occasions?**

9 **A Yes, sir.**

10 **Q Do you remember any of the types of occasions?**

11 **A Birthday, anniversary.**

12 **Q Valentine's Day?**

13 **A Yes, sir.**

14 **Q And have those flowers sometimes been delivered by**
15 **Arlene's Flowers to Curt at his place of work or**
16 **business?**

17 **A I don't -- I'm not sure on that.**

18 MR. SCOTT: Counsel, I'm going to
19 ask the court reporter to mark two exhibits I don't
20 have copies of that were produced by Arlene's Flowers,
21 but we'll get copies of them at the break, and I'm
22 handing them to you to show you the documents.

23 MR. BRISTOL: Let's see, this will
24 be what, appears to be Exhibit 10?

25 MR. SCOTT: 10 and 11.

1 **A** Because he likes what I do.

2 **Q** And when Janell came to you what did she tell you?

3 **A** She said that Rob would be in to talk about wedding
4 flowers.

5 **Q** What did you tell her?

6 **A** I told her that it was going to be a very difficult
7 decision and I would have to go home and talk to my
8 husband about it.

9 **Q** So you hadn't made up your mind at that point in time
10 whether or not to provide flowers for Robert for his
11 wedding to Curt; is that right?

12 **A** Correct.

13 **Q** Now, your husband is also involved in Arlene's
14 Flowers, Inc., correct?

15 **A** Involved by how?

16 **Q** He's an officer of the company?

17 **A** Yes.

18 **Q** What is his title as an officer?

19 **A** Vice president.

20 **Q** And what are his duties as vice president of the
21 company?

22 **A** He's just vice president.

23 **Q** Okay. Do you consult with him as vice president from
24 time to time regarding the business of Arlene's
25 Flowers, Inc.?

1 **A Yes, sir.**

2 **Q Okay. What kinds of consultations do you have with**
3 **him?**

4 **A Decisions that need to be made about the buying or the**
5 **store or just general business decisions.**

6 **Q We looked earlier, and we can pull the document out if**
7 **it's helpful to you at Arlene's Flowers' mission and**
8 **procedures.**

9 **Was he involved with you in the creation and**
10 **adoption of that document?**

11 **A No, sir.**

12 **Q Okay. That's solely your decision?**

13 **A Yes.**

14 **Q Okay. All right. Did you and Janell have any further**
15 **discussions before you consulted with your husband?**

16 **A No, not that I recall.**

17 **Q Okay. And tell us about your consultations with your**
18 **husband as vice president of Arlene's Flowers.**

19 **A We just went through what we should do and what our**
20 **faith was and our beliefs and we decided that because**
21 **of our faith that we couldn't do it in good**
22 **conscience.**

23 **Q Okay. Had you and your husband had any previous**
24 **discussions as the officers of Arlene's Flowers, Inc.**
25 **about this topic of providing flowers for gay and**

1 lesbian couples?

2 **A Never came up before.**

3 **Q And will you describe for us what are the reasons that**
4 **you and your husband based your decision as the**
5 **officers of Arlene's Flowers, Inc. on?**

6 **A Our biblical -- biblical belief that marriage is**
7 **between a man and a woman.**

8 **Q Did you consult with anyone else other than your**
9 **husband?**

10 **A No, sir.**

11 MR. SCOTT: Why don't we take
12 another short break here.

13 THE WITNESS: Okay.

14 (Recess, 10:58 to 11:09 a.m.)

15 **Q (By Mr. Scott) After you talked with your husband**
16 **about whether or not to sell flowers to Robert for his**
17 **wedding to Curt, did you talk with anyone else prior**
18 **to talking with Robert?**

19 **A Janell.**

20 **Q Describe your conversation with Janell, please.**

21 **A I told her that Darrell and I had discussed it and**
22 **that -- that was the conclusion we had come to.**

23 **Q And did you tell her the reason for your conclusion?**

24 **A Yes, sir.**

25 **Q And what was Janell's response?**

1 **A** **She agreed.**

2 **Q** **Did she have a say in whether or not Arlene's Flowers**
3 **would sell flowers for this occasion?**

4 **A** **No.**

5 **Q** **The decision was strictly made by you and your**
6 **husband?**

7 **A** **Yes, sir.**

8 **Q** Did any of the other employees of Arlene's Flowers
9 know prior to your meeting with Robert that you would
10 not sell flowers to him for his wedding?

11 **A** **Not that I know of.**

12 **Q** Okay. And do you remember when your conversation with
13 Robert took place?

14 **A** **Like a day, time?**

15 **Q** Yes.

16 **A** **No.**

17 **Q** **Tell me what you remember about your conversation with**
18 **Robert.**

19 **A** **He came in and we were just chitchatting and he said**
20 **that he was going to get married. Wanted something**
21 **really simple, khaki I believe he said. And I just**
22 **put my hands on his and told him because of my**
23 **relationship with Jesus Christ I couldn't do that,**
24 **couldn't do his wedding.**

25 **Q** **Did you tell him that before he finished telling you**

1 what he wanted?

2 **A He said it was going to be very simple.**

3 **Q Did he tell you what types of flowers he would want?**

4 **A We didn't get into that.**

5 **Q Did you not get into it because you wanted to tell him**
6 **that you would not sell to him?**

7 **MR. BRISTOL: Object to the form of**
8 **the question. It's assuming facts not in evidence.**
9 **My problem, Mike, is the word "sell."**

10 **Q (By Mr. Scott) You may answer the question.**

11 **A I chose not to be a part of his event.**

12 **Q Did he ask you to be a part of his event?**

13 **A He ask -- he -- he wanted me to do his wedding flowers**
14 **which would have been part of the event.**

15 **Q If Robert Ingersoll had told you that what he wanted**
16 **to purchase from Arlene's Flowers for his wedding was**
17 **simply branches to use for the wedding would you have**
18 **sold those to him?**

19 **A Yes.**

20 **Q If he had told you that he wanted to purchase just**
21 **simple stems that he would then arrange would you have**
22 **sold those to him?**

23 **A Yes.**

24 **Q But as your conversation turned out you told him you**
25 **wouldn't sell for his wedding before he was able to**

1 tell you specifically what he wanted; isn't that
2 right?

3 **A I told him --**

4 **MR. BRISTOL: Object to the**
5 **phraseology that she wouldn't sell him flowers.**

6 MR. SCOTT: I'm going to object to
7 the speaking objection, Counsel. You can object to
8 the form but not coach your witness.

9 Would you please read the question back?

10 MR. BRISTOL: You're assuming facts
11 not in evidence.

12 MR. SCOTT: You can object to the
13 form but you may not coach your witness.

14 (LAST QUESTION WAS READ BACK BY THE COURT REPORTER.)

15 **A Didn't tell him I wouldn't sell him flowers, I told**
16 **him I wouldn't be part of his event. I told him I**
17 **couldn't do his wedding flowers.**

18 **Q (By Mr. Scott) Robert did not ask you to attend his**
19 **wedding, did he?**

20 **A No, sir.**

21 **Q He didn't even ask you to deliver flowers to his**
22 **wedding, did he?**

23 **A We didn't get that far.**

24 **Q Okay. You didn't get that far because you told him**
25 **you would not provide services for his wedding, right?**

1 Q The coolers. Flowers in the coolers. If a same sex
2 couple -- or strike that.

3 If a person came in and said, I'd like that
4 arrangement right there and said nothing about what
5 occasion it was for, would you ask what occasion it's
6 for?

7 A **Sometimes.**

8 Q Okay. And if in response to your question you were
9 told, It's for my wedding, would you ask to whom?

10 A **No.**

11 Q Okay. And if a person had come in and said, I'd like
12 that bouquet and it's for my marriage to my partner,
13 and you were to learn that that partner was of the
14 same sex, would you sell that to that person?

15 A **Yes.**

16 Q You testified today that the reason you've reached
17 this decision not to sell flowers to Robert or anyone
18 else that asked you to do so for a same sex wedding is
19 based on your biblical beliefs; is that correct?

20 A **Yes, sir.**

21 Q Do you believe that selling flowers for a same sex
22 wedding somehow implies or relates that you were
23 endorsing same sex marriage?

24 A **Yes, sir.**

25 Q And how do you think you're endorsing it if you sell

1 STATE OF WASHINGTON) I, Susan E. Anderson, CCR, RPR,
2) ss CCR # 2493, a duly authorized
3 County of Yakima) Notary Public in and for the State
 of Washington, residing at
 Yakima, do hereby certify:

4

5 That the foregoing deposition of BARRONELLE
6 STUTZMAN was taken before me and completed on October 3,
7 2013, and thereafter was transcribed under my direction; that
8 the deposition is a full, true and complete transcript of the
9 testimony of said witness, including all questions, answers,
10 objections, motions and exceptions;

11 That the witness, before examination, was by me
12 duly sworn to testify the truth, the whole truth, and nothing
13 but the truth, and that the witness reserved the right of
14 signature;

15 That I am not a relative, employee, attorney or
16 counsel of any party to this action or relative or employee
17 of any such attorney or counsel and that I am not financially
18 interested in the said action or the outcome thereof;

19 That I am herewith securely sealing the said
20 deposition and promptly delivering the same to
21 Attorney MICHAEL R. SCOTT.

22 IN WITNESS WHEREOF, I have hereunto set my hand and
23 affixed my official seal this day of
24 , 2013.

25

21 Susan E. Anderson, CCR, RPR
22 Notary Public in and for the State
23 of Washington, residing at
24 Yakima.

EXHIBIT B

SUPERIOR COURT OF WASHINGTON
COUNTY OF BENTON

STATE OF WASHINGTON,

Plaintiff,

vs.

No. 13-2-00871-5
(Consolidated with
13-2-00953-3)

ARLENE'S FLOWERS, INC., d/b/a
ARLENE'S FLOWERS AND GIFTS,
and BARRONELLE STUTZMAN,

Defendants.

ROBERT INGERSOLL and CURT FREED,

Plaintiffs,

vs.

ARLENE'S FLOWERS, INC., d/b/a
ARLENE'S FLOWERS AND GIFTS,
and BARRONELLE STUTZMAN,

Defendants.

Deposition of: ROBERT G. INGERSOLL

Taken at: 7025 West Grandridge
Kennewick, Washington

Time: 9:20 a.m., Friday, January 24, 2014

Called By: Defendants

Before: JOAN CASEY
CCR 2238

Casey & Donley Court Reporters

509 783-7137

APPEARANCES

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ALSO PRESENT: BARRONELLE STUTZMAN

ROBERT G. INGERSOLL

1 using Arlene's Flowers as your sole florist?

2 A. Approximately nine years, going on ten, perhaps.

3 Q. During that time, how much do you think that you
4 spent there in terms of money when you purchased the
5 flowers?

6 A. In terms of dollars, I couldn't put a number on it.
7 Usually -- I had an account there so it would be on
8 account, or cash.

9 Q. Would you think that about \$4500 would be around the
10 right range?

11 A. It could be approximately that. It might be more
12 but I can't give you a definite yes-or-no answer.

13 Q. But it's at least that?

14 A. Perhaps, yes.

15 Q. When you would go into Arlene's Flowers, on how many
16 occasions did Barronelle specifically serve you?
17 Just give me an estimate of how many times?

18 A. You're speaking of only going into the flower store
19 only, no other contact, is that correct?

20 Q. Yes, for this question.

21 A. And only for flowers?

22 Q. Yes.

23 A. It could be -- I'm not a hundred percent sure of the
24 exact number, couldn't tell you that, but maybe 20
25 times or more.

1 although she wouldn't do our flowers, that perhaps
2 some other florist would.

3 Q. Did Barronelle tell you that she wouldn't do the
4 flowers and would refer you because of her religion?

5 A. Again, I don't recall that conversation completely.
6 I do know that I did get some other florists
7 provided to me by Barronelle.

8 Q. Did Barronelle tell you during that conversation
9 that she was referring you because of her
10 relationship with Jesus Christ?

11 A. She did not use those words exactly, as I recall.
12 she was not going to do them because of her
13 relationship with Jesus Christ, but other florists
14 were given to me as an option.

15 Q. And that is the reason that she gave you, correct?

16 A. That would be a correct statement, yes.

17 Q. The next sentence says, "I understand that on a
18 political and religious basis and it is their right
19 to do so," do you see that? Was that your
20 understanding as well, that you understood she was
21 referring you because of her religion and you
22 understood at that time that she had the right to do
23 so?

24 A. Upon having the conversation with Barronelle, I was
25 initially shocked and my response was not -- It was

1 a response of I don't understand and I walked away
2 feeling very hurt and upset emotionally because I
3 didn't understand why this person that I had
4 developed a relationship with would do this to me,
5 so that would be my answer.

6 Q. But at the time and when you left the store, you
7 didn't believe that it was illegal for her to refer
8 you, correct?

9 MR. SCOTT: Objection. Lack of foundation.
10 Calls for a legal opinion of a lay witness.

11 MS. WAGGONER: I think you mean object as to
12 form, correct?

13 MR. SCOTT: No, I mean what I said, Counsel.

14 MS. WAGGONER: Well, I encourage you to stick
15 with objecting to form --

16 MR. SCOTT: I'm entitled to make the objection.

17 MS. WAGGONER: -- without coaching the witness.

18 MR. SCOTT: Well, I stand by my objection.
19 It's not coaching, it's a proper objection, and it
20 stands.

21 MS. WAGGONER: He pauses for significant
22 periods of time every time you object.

23 MR. SCOTT: My objection stands, Counsel.

24 A. Would you please repeat the question?

25 MS. WAGGONER: Would you read the question

1 back, please?

2 (Question read as follows: But at the time and
3 when you left the store, you didn't believe that it
4 was illegal for her to refer you, correct?"

5 A. At the time I didn't have a thought. I was in shock
6 because, again, it was a person that I had formed a
7 relationship with and didn't know that that would be
8 the outcome. I also had to go back to work, so my
9 mindset was, I need to go back to work. I need to
10 -- I was in shock and it was like no, I didn't put a
11 lot to it at that point in time.

12 Q. But as you thought about it later you didn't know
13 that it was against the law for her to refer, right?

14 A. After I thought about it, yes, I knew that it was
15 against the law for her to refer -- to not offer me
16 flowers.

17 Q. When did you reach that conclusion?

18 A. That day was my birthday and we had friends that
19 were coming over for dinner and when I had gotten
20 home from work, Curt was preparing dinner for me and
21 we had guests coming and I said to him, "By the
22 way" -- something to this effect, I can't be a
23 hundred percent -- "Barronelle is not going to do
24 flowers for our wedding because of her belief in
25 Jesus Christ and it's against her religion to do

1 Q. And what was that?

2 A. Just some sticks or twigs in a vase and then we were
3 going to do candles. We wanted to be very simple
4 and understated.

5 Q. Did you tell Barronelle that you wanted to do sticks
6 or twigs?

7 A. Barronelle never gave me the opportunity to discuss
8 the flower arrangements.

9 Q. And if you were just doing sticks or twigs for your
10 wedding arrangement, why did you drive all the way
11 over to Arlene's Flowers to put together sticks and
12 twigs?

13 A. Barronelle was our florist, we'd used her for
14 awhile, and we knew that she would be able to get
15 the things that we wanted.

16 Q. And you believed she would use her creativity to
17 create something beautiful?

18 A. I did not at that time believe that we would have
19 had her create them rather than to source them.

20 Q. By source them, do you just mean purchase the
21 product?

22 A. Yes, that's what I mean.

23 Q. Premade?

24 A. Sticks and twigs aren't premade. You cut them.

25 Q. So they would need to be arranged, right?

1 A. I don't believe that she would have arranged them
2 for us. We would have purchased vases and perhaps
3 just put them on the table with some candles around
4 them.

5 Q. Did you bring any pictures in when you went to meet
6 with Barronelle?

7 A. I did not.

8 Q. Are you aware whether Curt had any contact with
9 Barronelle about the wedding arrangements?

10 A. I do not believe that Curt had any contact with
11 Barronelle.

12 Q. In the nine years that Barronelle served you, was
13 her referral for your wedding the only time she
14 declined to create an arrangement for you?

15 A. That was the only time that she refused to serve us,
16 yes.

17 Q. Curt asked you to marry him, right?

18 A. Yes, he did.

19 Q. When did he propose to you?

20 A. In December of 2012.

21 Q. When did you originally plan to get married?

22 A. Our anniversary, which is September 19th.

23 Q. Where did you plan to hold the ceremony?

24 A. A place called Bella Fiori Gardens.

25 Q. What did you like about Bella Fiori Gardens?

- 1 A. We knew the owners and it was a really nice venue.
- 2 Q. What appealed to you about the venue?
- 3 A. It was quiet and private. It had the space we
- 4 needed. It was outdoors.
- 5 Q. How many guests did you plan on inviting?
- 6 A. A hundred plus.
- 7 Q. Did you plan to send wedding invitations?
- 8 A. Yes, we did.
- 9 Q. Did you plan to use a guestbook at the ceremony?
- 10 A. Yes, we did.
- 11 Q. Did you plan to have a licensed or ordained minister
- 12 marry you at that ceremony?
- 13 A. Yes, we did.
- 14 Q. Did you plan to have a dinner or reception for the
- 15 ceremony?
- 16 A. Yes, we did.
- 17 Q. Did you plan to exchange vows at the ceremony?
- 18 A. Yes, we did.
- 19 Q. How about rings?
- 20 A. Yes, we did.
- 21 Q. Did you plan to have a photographer at the ceremony?
- 22 A. Yes, we did.
- 23 Q. And a caterer?
- 24 A. Yes, we did.
- 25 Q. And a wedding cake?

1 A. Yes, we did.

2 Q. Did you plan to purchase boutonnieres for the
3 wedding?

4 A. Yes, we did.

5 Q. Did you plan to purchase floral arrangements to use
6 as perhaps seating markers or end-of-the-row
7 markers?

8 A. No, we did not.

9 Q. Did you plan to purchase any other floral
10 arrangements for the ceremony itself?

11 A. Other than the sticks, no.

12 Q. The floral arrangement that you planned to purchase
13 for your wedding ceremony, was that one arrangement
14 or an arrangement that you would put at each table?

15 A. We would have put them at the table.

16 Q. Did you plan to have any floral arrangements on the
17 wedding table or at the front of where the ceremony
18 was occurring?

19 A. No. The garden has its own floral.

20 (Exhibit 4, Ten photographs, marked)

21 Q. Just take a moment to look at Exhibit 4 which
22 appears to be pictures of floral arrangements.

23 A. Yes. I know these pictures.

24 Q. Have you seen them before?

25 A. Yes, I have.

1 having dinner we knew it was against the law. The
2 weekend of emotion certainly pushed us to that
3 direction.

4 Q. So it's your testimony that after the referral you
5 went home and you took some time and it was at that
6 point that you understood or thought that
7 Barronelle's referral may have been against the law,
8 right?

9 MR. SCOTT: Objection. Mischaracterizes his
10 testimony.

11 A. Her refusal was against the law. I left in a state
12 of shock. I was very emotionally upset. I mean, it
13 was my birthday and being told from this person who
14 I thought would do my flowers and with the emotion
15 on the weekend, again this statement is based upon
16 that.

17 Q. You referenced a dinner conversation that you had
18 about the referral, right?

19 MR. SCOTT: Objection. Mischaracterizes the
20 testimony.

21 A. The dinner conversation about the refusal for her to
22 do flowers?

23 Q. Yes.

24 A. Yes. What about that conversation?

25 Q. Was it during that dinner conversation that you

1 made that statement to you?

2 A. Yes, we did.

3 Q. And when you spoke with her, you didn't tell her you
4 were just looking for sticks and twigs or product so
5 that you could put the arrangement together, right?

6 A. My understanding at that point was that she was not
7 going to do anything for the wedding because of her
8 belief in Jesus Christ.

9 Q. Didn't she tell you that she was unable to design
10 your wedding arrangement because of her belief in
11 Jesus Christ?

12 A. Again, it was my understanding from the conversation
13 that she was not able to do anything for the wedding
14 ceremony because of her belief in Jesus Christ.

15 Q. But that's not specifically what she said to you,
16 right?

17 A. Again, that was my belief --

18 Q. I'm asking you --

19 A. -- from the conversation.

20 Q. I'm asking what she said to you?

21 A. She said because of her belief in Jesus Christ she
22 could not -- I don't recall the conversation a
23 hundred percent, but I took it that meant she would
24 do nothing for the wedding.

25 Q. When you purchased flowers with Barronelle and had

1 Q. How did people know to come?

2 A. We talked to them.

3 Q. How many people did you invite?

4 A. Approximately 11.

5 Q. How many attended?

6 A. 11.

7 Q. Did you have a licensed or ordained minister there?

8 A. Yes, we did.

9 Q. I notice that in the discovery brief there was a
10 collage of photos. Do you recall that collage?

11 A. Yes, I do.

12 Q. Were there any other photos taken, to your
13 knowledge?

14 A. Our friends could have taken pictures, but I do not
15 know of any others.

16 Q. Have you given your attorneys all the photos that
17 were taken at your wedding ceremony that you have in
18 your possession?

19 A. Yes, we have.

20 Q. Did you exchange vows at the wedding ceremony?

21 A. Yes, we did.

22 Q. Did you exchange rings?

23 A. Yes, we did.

24 Q. And in terms of the floral arrangement, you had one
25 floral arrangement from Lucky's, right?

Casey & Donley Court Reporters

509 783-7137

CERTIFICATE

I, Joan Casey, Certified Court Reporter in and for the State of Washington, do hereby certify that prior to the commencement of the examination the said ROBERT G.

INGERSOLL was duly sworn to testify the truth in relation to the matters in controversy between the said parties so far as he should be interrogated concerning the same;

That the said deposition was recorded stenographically by me at the time and place aforesaid and thereafter transcribed under my direction;

That the foregoing is a true and correct transcript of the testimony given by the witness and the proceedings therein had;

That I am not attorney nor counsel, nor in any way connected with any attorney or counsel for any of the parties to said action, nor otherwise interested in the outcome of this action.

IN WITNESS WHEREOF, I have affixed my signature this 29th day of January 2014.

JOAN CASEY, CCR License 2238
Certified Court Reporter in and
for the State of Washington,
residing in the City of Kennewick.

EXHIBIT C

SUPERIOR COURT OF WASHINGTON
COUNTY OF BENTON

STATE OF WASHINGTON,

Plaintiff,

vs.

No. 13-2-00871-5
(Consolidated with
13-2-00953-3)

ARLENE'S FLOWERS, INC., d/b/a
ARLENE'S FLOWERS AND GIFTS,
and BARRONELLE STUTZMAN,

Defendants.

ROBERT INGERSOLL and CURT FREED,

Plaintiffs,

vs.

ARLENE'S FLOWERS, INC., d/b/a
ARLENE'S FLOWERS AND GIFTS,
and BARRONELLE STUTZMAN,

Defendants.

Deposition of: CURT A. FREED

Taken at: 7025 West Grandridge
Kennewick, Washington

Time: 1:30 p.m., Friday, January 24, 2014

Called By: Defendants

Before: JOAN CASEY
CCR 2238

Casey & Donley Court Reporters

509 783-7137

APPEARANCES

For Plaintiff State of Washington:

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15192 Rosewood Street
Leawood, Kansas 66224

ALSO PRESENT: BARRONELLE STUTZMAN

CURT A. FREED

1 A. Yes.

2 Q. And the Seattle Times?

3 A. I don't remember if there was a Seattle Times
4 person.

5 Q. Do you recall doing an interview with the Los
6 Angeles Times?

7 A. I do not.

8 Q. Do you feel that Barronelle's referral or refusal of
9 your wedding flower arrangements harmed you?

10 A. I do, in a variety of ways.

11 Q. Tell me how?

12 A. Well, to start with, the -- there was a fairly
13 significant setback in planning the wedding. It
14 took us off of our feet. We didn't expect it. We
15 never ever imagined that we would be faced with
16 being told somebody wouldn't do our flowers,
17 especially since we'd done business there for so
18 long, and --

19 I forgot your question, I'm sorry.

20 Q. I believe your testimony was that you feel that you
21 were harmed based on a variety of factors?

22 A. Yes.

23 Q. And I was just asking you what those factors are?

24 A. And then beyond that, the time and the energy and
25 effort that it took to do planning where we were in

1 fact afraid to take a step to have a similar kind of
 2 experience happen, and it has taken a tremendous
 3 emotional toll on me as well as Rob.

4 Q. Have you had to seek any counseling or professional
 5 help?

6 MR. SCOTT: As I informed counsel this morning,
 7 the plaintiffs in this case are not seeking monetary
 8 damages for emotional distress.

9 And I will instruct the witness not to disclose
 10 the contents of any communications you've had with
 11 physicians, which are protected by the privilege.
 12 To the extent you can answer the question without
 13 disclosing those communications, you may answer.

14 A. I talked with my doctor about --

15 MR. SCOTT: I'm going to stop you there if
 16 you're going into a conversation with a doctor.
 17 That is privileged.

18 Counsel, as I mentioned, we are not seeking
 19 damages; therefore, we are not waiving the
 20 physician/patient privilege.

21 So I'll direct the witness not to answer.

22 Q. Do you have any out-of-pocket expenses due to the
 23 referral?

24 A. I do. I don't know what those are. I have not
 25 tallied them.

Casey & Donley Court Reporters

509 783-7137

CERTIFICATE

I, Joan Casey, Certified Court Reporter in and for the State of Washington, do hereby certify that prior to the commencement of the examination the said CURT A. FREED was duly sworn to testify the truth in relation to the matters in controversy between the said parties so far as he should be interrogated concerning the same;

That the said deposition was recorded stenographically by me at the time and place aforesaid and thereafter transcribed under my direction;

That the foregoing is a true and correct transcript of the testimony given by the witness and the proceedings therein had;

That I am not attorney nor counsel, nor in any way connected with any attorney or counsel for any of the parties to said action, nor otherwise interested in the outcome of this action.

IN WITNESS WHEREOF, I have affixed my signature this 30th day of January 2014.

JOAN CASEY, CCR License 2238
Certified Court Reporter in and
for the State of Washington,
residing in the City of Kennewick.

EXHIBIT D

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8 IN THE SUPERIOR COURT OF WASHINGTON FOR BENTON COUNTY
9 ROBERT INGERSOLL AND CURT FREED,
10 PLAINTIFFS,
11 V.
12 ARLENE'S FLOWERS, INC., D/B/A
13 ARLENE'S FLOWERS AND GIFTS; AND
14 BARRONELLE STUTZMAN,
15 DEFENDANTS.
16
17
18

No. 13-2-00953-3

**DEFENDANTS' THIRD SET OF
DISCOVERY REQUESTS TO
PLAINTIFF CURT FREED AND
RESPONSES THERETO**

19 To: Curt Freed and his counsel of record.

20 Arlene's Flowers request that Curt Freed fully answer the following interrogatories,
21 requests for production, and requests for admission within 30 days after service, as required
22 under the Civil Rules. CR 26, 33, and 34.

23 Defendants request that copies of documents be produced in electronic form and in
24 hard-copy form only where the document does not exist electronically. With respect to the
25 documents produced in the electronic form, please produce those documents in the native
26 format of the document, including all metadata (the form in which the document exists in the
27 software application in which it was created). If the native form of the document does not
28

1 **Interrogatory No. 34:** If you are claiming damages related to finding an alternative source of
2 flowers for your wedding, please identify the specific amount in damages including time and
3 expense that you claim were caused by Arlene's Flowers or Barronelle Stutzman.

4 **Answer:** The 2013 standard mileage rate for use of a car, as set by the U.S. Internal
5 Revenue Service ([http://www.irs.gov/uac/Newsroom/2013-Standard-Mileage-Rates-Up-1-](http://www.irs.gov/uac/Newsroom/2013-Standard-Mileage-Rates-Up-1-Cent-per-Mile-for-Business,-Medical-and-Moving)
6 [Cent-per-Mile-for-Business,-Medical-and-Moving](http://www.irs.gov/uac/Newsroom/2013-Standard-Mileage-Rates-Up-1-Cent-per-Mile-for-Business,-Medical-and-Moving)), was \$0.565 per mile driven. Robert
7 made three trips related to finding flowers for our wedding. The first was from his place of
8 employment in Pasco to Arlene's in Richland, and then home. The second was from his place
9 of employment to Arlene's, then back to work again. The third was from our home in
10 Kennewick to Carol Travis's home in Kennewick, then back again to our home. I took one
11 trip related to finding flowers for our wedding. I drove from our home in Kennewick to
12 Lucky Flowers and then home again. Only two of these trips would have been made had
13 Arlene's accepted our business: one trip to place an order, and one trip to pick flowers up
14 (which we probably would have done, even though we might have had the flowers delivered).
15 Our trips to Carol Travis's home and Lucky Flowers would therefore have been unnecessary.
16 The round trip distance from our home (3003 W. 47th Ave., Kennewick, WA) to Carol
17 Travis's home (3904 S. Vancouver St., Kennewick, WA) is approximately two miles. Two
18 miles, multiplied by \$0.565, equals \$1.13. The round trip distance from our home to Lucky
19 Flowers (6827 W. Clearwater Ave., Kennewick, WA) is approximately twelve miles. Twelve
20 miles, multiplied by \$0.565, equals \$6.78. Accordingly, we seek \$7.91 in out-of-pocket
21 monetary damages related to finding alternative sources of flowers for our wedding.

22 We also seek damages, in an amount to be determined by the Court or jury, relating to
23 the time and inconvenience associated with deciding on alternative sources of flowers for our
24 wedding.

25
26
27 **Interrogatory No. 35:** Are there any other damages not previously identified herein that you
28 attribute to the actions of Arlene's Flowers or Barronelle Stutzman? If so, please state for

1
2 **Request for Production No. 13:** Please produce all documents on which you rely in making
3 a claim for non-economic damages.

4 **Response:** None exist.
5
6
7

8 SUBMITTED this 14th day of March, 2014.
9

s/ Kristen K. Waggoner

10 Kristen K. Waggoner, WSBA #27790
11 Alliance Defending Freedom
12 14241 N.E. Woodinville-Duvall Rd., #480
13 Woodinville, WA 98072
14 kwaggoner@alliancedefendingfreedom.org

Attorneys for Defendant
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28

1 I certify that plaintiffs' responses and objections to these discovery requests comply
2 with the requirements of Civil Rule 26(g).

3 RESPONSES DATED this 14th day of April, 2014.

4 HILLIS CLARK MARTIN & PETERSON P.S.

5
6
7 By 

8 Michael R. Scott, WSBA #12822

9 Amit D. Ranade, WSBA #34878

10 Jake Ewart, WSBA #38655

11 AMERICAN CIVIL LIBERTIES UNION OF
12 WASHINGTON FOUNDATION

13 Sarah A. Dunne, WSBA #34869

14 Margaret Chen, WSBA #46156

15 AMERICAN CIVIL LIBERTIES UNION FOUNDATION

16 Elizabeth Gill (Admitted *pro hac vice*)

17 ACLU Foundation

18 LGBT & AIDS Project

19 Attorneys for Plaintiffs

20 Robert Ingersoll and Curt Freed

1 VERIFICATION

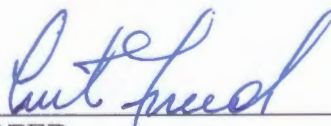
2
3 STATE OF WASHINGTON }

4 ss.

5 COUNTY OF BENTON

6 I, **Curt Freed**, certify under penalty of perjury under the laws of the State of
7 Washington that I am the plaintiff in the above-entitled action, have reviewed the foregoing
8 answers and responses to Defendants' Third Set of Discovery Requests to Plaintiff Curt Freed
9 and swear that they are true and correct.

10 DATED this 14 day of April, 2014.

11
12 

13 CURT FREED

14 ND: 99994.022 4831-9663-9257v1

EXHIBIT E

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7
8 IN THE SUPERIOR COURT OF WASHINGTON FOR BENTON COUNTY

9 ROBERT INGERSOLL and CURT FREED,

10 PLAINTIFFS,

11 V.

12 ARLENE'S FLOWERS, INC., d/b/a
13 ARLENE'S FLOWERS AND GIFTS; and
14 BARRONELLE STUTZMAN,

15 DEFENDANTS.
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No. 13-2-00953-3)

**DEFENDANTS' THIRD SET OF
DISCOVERY REQUESTS TO
PLAINTIFF ROBERT INGERSOLL AND
RESPONSES THERETO**

21 To: Plaintiff Robert Ingersoll and his counsel of record

22 Arlene's Flowers request that Robert Ingersoll fully answer the following
23 interrogatories, requests for production, and requests for admission within 30 days after
24 service, as required under the Civil Rules. CR 26, 33, and 34.

25 Defendants request that copies of documents be produced in electronic form and in
26 hard-copy form only where the document does not exist electronically. With respect to the
27 documents produced in the electronic form, please produce those documents in the native
28 format of the document, including all metadata (the form in which the document exists in the

*Defendants' Third Set of Discovery Requests to
Plaintiff Robert Ingersoll and Responses Thereto*

- 1

HILLIS CLARK MARTIN & PETERSON P.S.
1221 Second Avenue, Suite 500
Seattle, Washington 98101-2925
Telephone: (206) 623-1745
Facsimile: (206) 623-7789

1 amount in damages you seek for the injury, and the name, address, and telephone number of
2 anyone with information related to the injury.

3 **Answer:** Although I was injured in many ways by the discrimination we encountered
4 at Arlene's Flowers, I understand this Interrogatory to seek information about money
5 damages, and I am not seeking money damages for any physical, mental, or emotional
6 injuries.

7
8 **Interrogatory No. 37:** If you are claiming damages related to finding an alternative source of
9 flowers for your wedding, please identify the specific amount in damages including time and
10 expense that you claim were caused by Arlene's Flowers or Barronelle Stutzman.

11 **Answer:** The 2013 standard mileage rate for use of a car, as set by the U.S. Internal
12 Revenue Service ([http://www.irs.gov/uac/Newsroom/2013-Standard-Mileage-Rates-Up-1-](http://www.irs.gov/uac/Newsroom/2013-Standard-Mileage-Rates-Up-1-Cent-per-Mile-for-Business,-Medical-and-Moving)
13 [Cent-per-Mile-for-Business,-Medical-and-Moving](http://www.irs.gov/uac/Newsroom/2013-Standard-Mileage-Rates-Up-1-Cent-per-Mile-for-Business,-Medical-and-Moving)), was \$0.565 per mile driven. I made three
14 trips related to finding flowers for my wedding to Curt Freed. The first was from my place of
15 employment in Pasco to Arlene's in Richland, and then home. The second was from my
16 place of employment to Arlene's, then back to work again. The third was from my home in
17 Kennewick to Carol Travis's home in Kennewick, then back again to my home. Curt Freed
18 took one trip related to finding flowers for our wedding. He drove from our home in
19 Kennewick to Lucky Flowers and then home again. Only two of these trips would have been
20 made had Arlene's accepted our business: one trip to place an order, and one trip to pick
21 flowers up (which we probably would have done, even though we might have had the flowers
22 delivered). Our trips to Carol Travis's home and Lucky Flowers would therefore have been
23 unnecessary. The round trip distance from our home (3003 W. 47th Ave., Kennewick, WA)
24 to Carol Travis's home (3904 S. Vancouver St., Kennewick, WA) is approximately two miles.
25 Two miles, multiplied by \$0.565, equals \$1.13. The round trip distance from our home to
26 Lucky Flowers (6827 W. Clearwater Ave., Kennewick, WA) is approximately twelve miles.
27 Twelve miles, multiplied by \$0.565, equals \$6.78. Accordingly, we seek \$7.91 in out-of-
28 pocket monetary damages related to finding alternative sources of flowers for our wedding.

1 We also seek damages, in an amount to be determined by the Court or jury, relating to
2 the time and inconvenience associated with deciding on alternative sources of flowers for our
3 wedding.

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6 **Interrogatory No. 38:** Are there any other damages not previously identified herein that you
7 attribute to the actions of Arlene's Flowers or Barronelle Stutzman? If so, please state for each
8 item the nature, the date it occurred, the amount, and the name, address, and telephone
9 number of each person with knowledge of the claimed damage.

10 **Answer:** Although I was injured in many ways by the discrimination we encountered
11 at Arlene's Flowers, I understand this Interrogatory to seek information about money
12 damages, and I am not seeking money damages for any injuries other than what is described
13 in my response to Interrogatory 37.

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16 **Requests for Production of Documents**

17 **Request for Production No. 10:** Please produce all documents which you referenced or
18 relied on in any way to prepare your answers to the above interrogatories.

19 **Response:** I relied only on the Internal Revenue Service information to which a link
20 is provided above.

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23 **Request for Production No. 11:** Please produce all documents on which you rely in making
24 a claim for economic damages.

25 **Response:** I relied only on the Internal Revenue Service information to which a link
26 is provided above.

1 **Request for Production No. 12:** Please produce all documents on which you rely in making
2 a claim for non-economic damages.

3 **Response:** None exist.
4
5

6 SUBMITTED this 14th day of March, 2014.
7

8 s/ Kristen K. Waggoner

9 Kristen K. Waggoner, WSBA #27790

10 Alliance Defending Freedom

11 14241 N.E. Woodinville-Duvall Rd., #480

12 Woodinville, WA 98072

13 kwaggoner@alliancedefendingfreedom.org

14 Attorneys for Defendant
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1 I certify that plaintiffs' responses and objections to these discovery requests comply
2 with the requirements of Civil Rule 26(g).

3 RESPONSES DATED this 14th day of April, 2014.

4 HILLIS CLARK MARTIN & PETERSON P.S.

5
6
7 By 

8 Michael R. Scott, WSBA #12822

9 Amit D. Ranade, WSBA #34878

10 Jake Ewart, WSBA #38655

11 AMERICAN CIVIL LIBERTIES UNION OF
12 WASHINGTON FOUNDATION

13 Sarah A. Dunne, WSBA #34869

14 Margaret Chen, WSBA #46156

15 AMERICAN CIVIL LIBERTIES UNION FOUNDATION

16 Elizabeth Gill (Admitted *pro hac vice*)

17 ACLU Foundation

18 LGBT & AIDS Project

19 Attorneys for Plaintiffs

20 Robert Ingersoll and Curt Freed

VERIFICATION

STATE OF WASHINGTON

COUNTY OF BENTON

ss.

I, **Robert Ingersoll**, certify under penalty of perjury under the laws of the State of Washington that I am the plaintiff in the above-entitled action, have reviewed the foregoing answers and responses to Defendants' Third Set of Discovery Requests to Plaintiff Robert Ingersoll and swear that they are true and correct.

DATED this 14 day of April, 2014.



ROBERT INGERSOLL

ND: 99994.022 4812-1699-3305v1

Exhibit F

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8 IN THE SUPERIOR COURT OF WASHINGTON FOR BENTON COUNTY
9 STATE OF WASHINGTON,

10 Plaintiff,

11 v.

12 ARLENE'S FLOWERS, INC., d/b/a
13 ARLENE'S FLOWERS AND GIFTS; and
14 BARRONELLE STUTZMAN,

15 Defendants.

16 ROBERT INGERSOLL AND CURT FREED,

17 Plaintiffs,

18 V.
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20 ARLENE'S FLOWERS, INC., D/B/A
21 ARLENE'S FLOWERS AND GIFTS; AND
22 BARRONELLE STUTZMAN,

23 Defendants.

No. 13-2-00871-5

(Consolidated with No. 13-2-00953-3)

**DECLARATION OF
ROBERT INGERSOLL IN SUPPORT OF
OPPOSITION TO DEFENDANTS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT ON CPA CLAIM BY
INGERSOLL AND FREED**

24 Pursuant to RCW 9A.72.085, the undersigned hereby declares that:

25 1. I am one of the plaintiffs in this action. I have personal knowledge of the facts
26 set forth in this declaration and am fully competent to testify in this matter.
27
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Declaration of Robert Ingersoll - 1

HILLIS CLARK MARTIN & PETERSON P.S.
1221 Second Avenue, Suite 500
Seattle, Washington 98101-2925
Telephone: (206) 623-1745
Facsimile: (206) 623-7789

1 2. I am presently employed as Operations Manager at Goodwill Industries of the
2 Columbia, Inc. in Kennewick, Washington. I work at a Goodwill warehouse in Pasco.

3 3. I am a gay man, and I have been in a romantic relationship with plaintiff Curt
4 Freed since 2004.

5 4. Curt proposed marriage to me in December 2012 and we made plans to marry
6 on our anniversary in September 2013.

7 5. We were excited about organizing our wedding and planned to buy flowers for
8 the wedding from Arlene's Flowers. We had purchased flowers from Arlene's Flowers many
9 times over the years, and we considered Arlene's Flowers to be our florist. In the last five
10 years, I can recall making only one or two floral purchases from other sources.

11 6. After work on February 28, 2013, I drove in my car to Arlene's Flowers from
12 my workplace in downtown Pasco to speak to someone about floral arrangements for our
13 wedding. I told Janell Becker that Curt and I were getting married and that we wanted
14 Arlene's to do the flowers. Ms. Becker informed me that I would have to speak to the owner,
15 Barronelle Stutzman. I asked for Ms. Stutzman's schedule, which Ms. Becker wrote on a
16 scrap of paper.

17 7. During my lunch hour on March 1, 2013, I drove in my car to Arlene's
18 Flowers to speak with Barronelle Stutzman about ordering flowers for my wedding to Curt. I
19 had ordered flowers from Ms. Stutzman many times, including flowers for Curt's birthday
20 and our anniversary.

21 8. I told Ms. Stutzman that Curt and I were getting married and that we would
22 like Arlene's to do the flowers. Ms. Stutzman took my hand and said that she could not do
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1 the flowers because of her relationship with Jesus Christ. I was in complete and utter shock
2 by what she said, but to be polite, I asked whether she knew any florists who would do our
3 flowers. Ms. Stutzman gave me the names of three other florists in the area.
4

5 9. After my conversation with Ms. Stutzman, I left Arlene's Flowers, returned to
6 my car, and drove back to my work, and eventually my home in Kennewick, empty handed.
7

8 10. I own my car and buy the gas that is consumed by driving my car.
9

10 11. The refusal sent Curt and me reeling. We stopped planning for a wedding in
11 September 2013 because we feared being denied service by other wedding vendors. We were
12 shocked and saddened by the refusal and took some time to decide how to respond.
13

14 12. Curt and I felt that our friends and family should know about the refusal and
15 we shared our story on Facebook. Word of the refusal spread widely. Friends and strangers
16 contacted us with florist recommendations, referrals, and offers.
17

18 13. Curt and I gave much heartwrenching thought to whether we should do
19 something in response to the discrimination we encountered at Arlene's Flowers. We
20 ultimately decided to contact attorneys and inquire about commencing a legal action.
21

22 14. Also, we obviously needed to make alternative arrangements to buy flowers
23 for our wedding. After taking time to consider our options, we decided to buy flowers from
24 two other sources: Carol Travis and Lucky Flowers in Kennewick. Carol had offered her
25 floral services to us after learning of the refusal and was supportive of our relationship. I
26 made the arrangements with Carol by phone and text message and drove my car to Carol's
27 home in Kennewick to pick up the boutonnieres and corsages we purchased from her. Curt
28 bought an arrangement from Lucky Flowers.

15. Curt and I were married in a small ceremony at our home on July 21, 2013.

I hereby declare, under penalty of perjury under the laws of the State of Washington,
that the foregoing is true and correct.

DATED this 23rd day of September, 2013 at Kennewick, Washington.

Robert G. Ingersoll
ROBERT INGERSOLL

ND: 99994.022 4820-9277-4677v1

EXHIBIT G

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**STATE OF WASHINGTON
BENTON COUNTY SUPERIOR COURT**

ROBERT INGERSOLL and CURT FREED,

Plaintiffs,

v.

ARLENE'S FLOWERS, INC., d/b/a
ARLENE'S FLOWERS AND GIFTS, and
BARRONELLE STUTZMAN,

Defendants.

NO. 13-2-00953-3

Defendant Arlene's Flowers' Response to
Plaintiff's First Set of Discovery Requests.

General Objections and Responses

These objections and responses are incorporated in each of Arlene's Flowers
specific responses as set forth in full even if not repeated therein:

1. Defendant objects to the discovery requests to the extent that they call for
disclosure of information protected by the attorney client privilege, work product
doctrine, or other privilege. Privileged information will not be provided. To the extent

1	Sherri Stevens	6/25/10	Delivered
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3 **Interrogatory No. 13:** Have you ever declined to serve a couple in connection with a

4 Marriage Ceremony, other than the plaintiffs in this case? If your answer is anything

5 other than an unqualified "no," state the following for each couple you personally

6 declined to serve between January 1, 2010 and present:

7

- 8 (a) Identity of each person comprising the couple;
- 9 (b) Gender, race, and religion of each person comprising the couple;
- 10 (c) Date of Marriage Ceremony;
- 11 (d) Reason you declined to serve the couple; and
- 12 (e) Whether any other employee of Arlene's Flowers served the couple, and if so, the
- 13 identity of the employees who did so.

14 **Answer:** Defendant has declined to serve a couple in connection with a wedding in the

15 past when the wedding was scheduled close to or on a holiday. Otherwise, Defendant

16 does not recall declining to create floral arrangements for any other wedding.

17 **Interrogatory No. 14:** For each instance in which you declined to serve a couple in

18 connection with a Marriage Ceremony, identify each person who played a role in your

19 decision to decline service. For each person, describe his or her role.

20

21 **Answer:** Objection: vague as to what "played a roll" means. See answer to interrogatory

22 No. 13. Barronelle Stutzman and store manager Janell Becker would determine if the

23 store could not create floral arrangements for a wedding because the wedding was

24

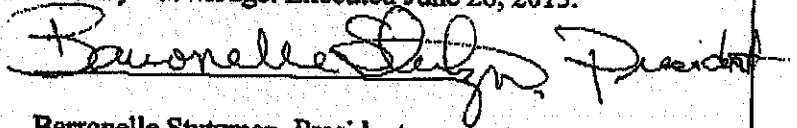
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2 As to Answers:

3 I declare under the penalty of perjury that the foregoing answers to Plaintiffs' discovery
4 requests are true and correct to the best of my knowledge. Executed June 26, 2013.
5

6 

7 Barronelle Stutzman, President

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9 As to objections:

10 
11 Dale Schowengerdt, admitted *pro hac vice*
12 Alliance Defending Freedom
13 15100 N. 90th Street
14 Scottsdale, AZ 85260
15 (480) 444-0020
16 dale@alliancedefendingfreedom.org

17 Attorney for Defendants

18 **CERTIFICATE OF SERVICE**

19 I certify that I caused to be served by U.S. Mail and email,
20 To: Attorney for Plaintiff: Michael Scott, Hillis Clark Martin & Peterson
21 1221 Second Ave. Suite 500, Seattle, WA 98101, mrs@hcmp.com
22 postage pre-paid on June 26, 2013.

23 
24 Dale Schowengerdt
25
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