

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**STATE OF WASHINGTON  
BENTON COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,  
  
Plaintiff,

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

v.

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

DECLARATION OF KRISTEN K.  
WAGGONER

ROBERT INGERSOLL and CURT FREED,  
  
Plaintiffs,

v.

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

I, Kristen K. Waggoner, declare as follows:

1. I serve as counsel for Plaintiffs Arlene's Flowers, Inc. and Barronelle  
Stutzman.

1           2.     The items listed as Exhibits 1 through \_\_ are referenced in Defendants'  
2 Responses to Plaintiffs' Two Motions for Partial Summary Judgment on Liability.

3           3.     Attached as Exhibit 1 is a true and correct copy of Curt Freed's Facebook  
4 post time-stamped March 2, 2013 at 7:23 pm PST, submitted as Exhibit 2 to Robert  
5 Ingersoll's deposition taken on January 24, 2014 and bates stamped I&F00001019.

6           4.     Attached as Exhibit 2 is a true and correct copy of the news article titled  
7 *Richland Flower Shop Turns Away Gay Couple*, by Michelle Dupler and published in the  
8 Tri-City Herald on March 6, 2013. A copy of the article was obtained and printed from  
9 the Tri-CityHerald.com on August 8, 2014.

10          5.     Attached as Exhibit 3 is a true and correct copy of the news article titled  
11 *How Plans for Simple Gay Wedding Is Shaking up Lives, State*, by Lornet Turnbull and  
12 published in the Seattle Times on April 18, 2013. A copy of the article was obtained from  
13 the seattletimes.com on August 8, 2014.

14          6.     Attached as Exhibit 4 is a true and correct copy of Curt Freed's email  
15 dated March 9, 2013, submitted as Exhibit 12 to Curt Freed's deposition taken on January  
16 24, 2014 and bates stamped I&F00000582 during discovery in the state cases.

17          7.     Attached as Exhibit 5 is a true and correct copy of "Flower Color  
18 Symbolism," a resource from Flowerpedia obtained from  
19 [www.flowershopping.com/shop-by-color/flowercolorsymbolism/](http://www.flowershopping.com/shop-by-color/flowercolorsymbolism/) on August 20, 2014.

20          8.     Attached as Exhibit 6 is a true and correct copy of "Rose Colors &  
21 Meanings," a resource originally posted on August 23, 2012 to a blog maintained by  
22

1 Profowers.com. A copy of the blog post was obtained on August 20, 2014 from  
2 [www.proflowers.com/blog/rose-colors-and-meanings](http://www.proflowers.com/blog/rose-colors-and-meanings).

3 9. Attached as Exhibit 7 is true and correct copy of Arlene's Flowers web  
4 page from April 14, 2013. This webpage can be found at  
5 <https://web.archive.org/web/20130415012254/http://www.arlenesflowers.net/wedding->  
6 [flowers](http://www.arlenesflowers.net/wedding-flowers).

8 10. Attached as Exhibit 8 is a true and correct copy of an excerpt from the  
9 "Tri-City Herald's People's Choice Awards 2014" dated May 16, 2014, showcasing  
10 Arlene's Flowers and Gifts as the "#1 Florist. "

11 11. Attached as Exhibit 9 is a true and correct copy of Defendants' First Set of  
12 Discovery Requests to the State and Objections and Answers Thereto served on July 30,  
13 2014.

15 12. Attached as Exhibit 10 is a true and correct copy of selected  
16 communications produced by Arlene's Flowers in response to Plaintiffs Ingersoll's  
17 Request for Production served on August 21, 2014.

18 13. Attached as Exhibit 11 is a true and correct copy of a letter sent by Sarah  
19 A. Shifley, Washington State Assistant Attorney General, dated March 28, 2013. This  
20 letter was produced by the Attorney General's office on July 3, 2013 and bate stamped  
21 AFI 00001 to 00005.  
22

1           14. Attached as Exhibit 12 is a true and correct copy Defendant Arlene's  
2 Flowers' Response to Plaintiff's First Set of Discovery Requests served on June 26,  
3 2013.

4           15. Attached as Exhibit 13 is a true and correct copy of the letter sent by Sarah  
5 A. Shifley, Washington State Assistant Attorney General, dated April 8, 2013. This letter  
6 was produced by the Attorney General's office on July 3, 2013 and bate stamped AFI  
7 00006.

8           16. Attached as Exhibit 14 is a true and correct copy of a resource titled *The*  
9 *Symbolism of Flowers is Steeped in Tradition* provided by Teleflora. This document was  
10 obtained on August 22, 2014 at [www.teleflora.com/flowercolors.asp](http://www.teleflora.com/flowercolors.asp).  
11

12           17. Attached as Exhibit 15 is a true and correct copy of pictures of paintings  
13 of floral arrangements by various artists. These paintings were obtained on August 21,  
14 2014 from [www.fineartarmerica.com](http://www.fineartarmerica.com).  
15

16           18. Attached as Exhibit 16 is a true and correct copy of the following articles  
17 published by the Wall Street Journal: *A Flower Arrangement Inspired by a Gauguin*  
18 *Painting* (July 19, 2013); *Smear Genius* (November 8, 2013); *Poppy Art* (April 12,  
19 2013); *A Flower Arrangement Inspired by a Bonnard Painting* (May 10, 2013); *A*  
20 *Rothko-Inspired Flower Arrangement* (August 16, 2013); *A Flower Arrangement*  
21 *Inspired by Balthus* (October 18, 2013); *Autumnal Arrangement* (October 30, 2010);  
22 *Flower School: An Artful Arrangement* (June 14, 2013); *Herb-and-Flower Arrangement*  
23 (September 10, 2011). These articles were obtained from <http://online.wsj.com> on  
24  
25  
26

1 January 7, 2014.

2  
3 19. Attached as Exhibit 17 is a true and correct copy of *Gay Rights: Can*  
4 *Discrimination Be Legal?* This article was written by The Times editorial board of the  
5 LA Times and published on December 12, 2013. This article was obtained on August 21,  
6 2013.

7  
8 20. Attached as Exhibit 18 is a true and correct copy of the Defendants' First  
9 Set of Requests of Admission to Plaintiff Robert Ingersoll and Responses Thereto served  
10 on September 3, 2013.

11 21. Attached as Exhibit 19 is a true and correct copy of the Defendants' Third  
12 Set of Discovery Requests to Plaintiff Robert Ingersoll and Responses Thereto served on  
13 April 14, 2014.

14  
15 22. Attached as Exhibit 20 is a true and correct copy of Defendants' First Set  
16 of Discovery Requests to Plaintiff Curt Freed and Responses Thereto served on  
17 September 3, 2013.

18 23. Attached as Exhibit 21 is a true and correct copy of Defendants Second  
19 Set of Discovery Requests to Plaintiff Curt Freed and Responses Thereto served on  
20 January 22, 2014.

21  
22 24. Attached as Exhibit 22 is a true and correct copy of the Defendants' First  
23 Set of Requests of Admission to State and Objections and Answers Thereto served on  
24 July 29, 2014.

1           25. Attached as Exhibit 23 is a true and accurate copy of documents produced  
2 by the Human Rights Commission on January 28, 2014 including prints of two  
3 spreadsheets originally titled: "Public Accommodation 2006-2013" and "Sexual  
4 Orientation 2006-2013". Additionally, the HRC included a document titled "Issue  
5 Codes".  
6

7           26. Attached as Exhibit 24 is a true and correct copy of the transcript of  
8 Barronelle Stutzman's deposition taken on October 3, 2013.

9           27. Attached as Exhibit 25 is a true and correct copy of the transcript of Janell  
10 Becker's deposition taken on October 4, 2013.

11           28. Attached as Exhibit 26 is a true and correct copy of the transcript of  
12 Robert Ingersoll's deposition taken on January 24, 2014.

13           29. Attached as Exhibit 27 is a true and correct copy of the transcript of Curt  
14 Freed's deposition taken on January 24, 2014.

15           30. Attached as Exhibit 28 is a true and correct copy of the transcript of  
16 Jennifer Robbins' deposition taken on April 30, 2014.  
17  
18

19 //  
20  
21  
22  
23  
24  
25  
26

1 I declare under the penalty of perjury that the foregoing is true and correct to the  
2 best of my knowledge.

3 Executed December 8, 2014.  
4

5 Kristen K. Waggoner

6 Kristen K. Waggoner, WSBA NO. 27790

7 Alliance Defending Freedom

8 15100 North 90th Street

9 Scottsdale, AZ 85260

10 Telephone: (480) 444-0020

11 Fax: (480) 444-0028

12 Email: kwaggoner@alliancedefendingfreedom.org  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26