

MAR 27 2015

FILED

The Honorable Judge Alex Ekstrom

STATE OF WASHINGTON
BENTON COUNTY SUPERIOR COURT

STATE OF WASHINGTON,
Plaintiff

v.

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

NO. 13-2-00871-5

JUDGMENT FOR PLAINTIFF STATE
OF WASHINGTON ON PLAINTIFF'S
MOTIONS FOR PARTIAL SUMMARY
JUDGMENT

(CLERK'S ACTION REQUIRED)

~~PROPOSED~~

JUDGMENT SUMMARY

Pursuant to RCW 4.64.030, the following information shall be entered in the Clerk's

Execution Docket:

- 1. Judgment Creditor: State of Washington
- 2. Attorneys for Judgment Creditor: Todd Bowers, Senior Counsel; Kimberlee Gunning, Assistant Attorney General; Noah Purcell, Solicitor General
- 3. Judgment Debtors: Arlene's Flowers d/b/a Arlene's Flowers and Gifts; Barronelle Stutzman
- 4. Attorneys for Judgment Debtor: Kristen K. Waggoner; Jonathan Scruggs, *pro hac vice*; Austin Nimocks, *pro hac vice*; Kellie Fiedorek, *pro hac vice*; Alicia M. Berry

- | | | | |
|---|----|--|--------------------|
| 1 | 5. | Principal Judgment Amount (Penalties): | \$ <u>1,000.00</u> |
| 2 | | Attorneys' Fees and Costs: | \$1.00 |
| 3 | | Total Judgment Amount: | \$ <u>1,001.00</u> |
| 4 | 6. | Amount of Interest Owed to Date of Judgment: | \$0.00 |
| 5 | 7. | Total of Taxable Costs and Attorneys Fees: | \$1.00 |

6 This matter came before the Court on Plaintiff State of Washington's presentation of a
7 judgment on the Court's orders of January 7, 2015 (Memorandum Decision and Order Granting
8 Plaintiff State of Washington's Motion for Partial Summary Judgment on Defendants' Non-
9 Constitutional Defenses) [Dkt. 205], and February 18, 2015 (Memorandum Decision and Order
10 Denying Defendants' Motion for Summary Judgment Based on Plaintiffs' Lack of Standing,
11 Granting Plaintiff State of Washington's Motion for Partial Summary Judgment on Liability and
12 Constitutional Defenses) [Dkt. 218]. These orders granted summary judgment to the Plaintiff
13 State of Washington on its Consumer Protection Act (CPA) claim against Defendants and denied
14 Defendants' motions for summary judgment.

15 The Court heard the argument of counsel for the Plaintiff State of Washington, Todd
16 Bowers, and Kristen K. Waggoner, counsel for Defendants. The Court considered its
17 aforementioned orders on the Plaintiff's motions for summary judgment, the parties' memoranda
18 regarding the imposition of penalties, as well as the pleadings and other papers filed in this matter.
19 Based on all of this and the argument of counsel, the Court hereby enters judgment as follows:

JUDGMENT

20 1. Pursuant to RCW 19.86.080(1) and CR 65, Defendants and their officers,
21 agents, servants, employees, and attorneys, and those persons in active concert or participation
22 with them who receive actual notice of the order by personal service or otherwise, are
23 permanently enjoined and restrained from violating RCW 19.86, the Consumer Protection Act,
24 by discriminating against any person because of their sexual orientation. The terms of this
25 permanent injunction include a prohibition against any disparate treatment in the offering or
26

1 sale of goods, merchandise, or services to any person because of their sexual orientation,
2 including but not limited to the offering or sale of goods, merchandise, or services to same-sex
3 couples. All goods, merchandise, and services offered or sold by Defendants shall be offered
4 or sold on the same terms to all customers without regard to sexual orientation. All goods,
5 merchandise and services offered or sold to opposite sex couples shall be offered or sold on the
6 same terms to same-sex couples, including but not limited to goods, merchandise and services
7 for weddings and commitment ceremonies. Defendants shall immediately inform all of their
8 officers, agents, servants, employees, and attorneys; and those persons in active concert or
9 participation with them of the terms and conditions of this judgment and permanent injunction.

10 2. Defendants shall pay \$1,000,00 to the Plaintiff State of Washington.
11 Defendants are jointly and severally liable for this amount, which is imposed as a civil penalty
12 pursuant to RCW 19.86.140. The parties agree and the Court orders that Defendants' payment
13 is due 60 days after any appeal in this cause becomes final. Payment shall be made via a valid
14 check paid to the order of the "Attorney General—State of Washington" and shall be due and
15 owing upon entry of this judgment and shall be sent to the Office of the Attorney General,
16 Attention: Cynthia Lockridge, Administrative Office Manager, 800 Fifth Avenue, Suite 2000,
17 Seattle, Washington, 98104-3188.

18 3. Plaintiff State of Washington is awarded costs and reasonable attorneys' fees of
19 \$1.00.

20 4. The Court retains continuing jurisdiction of this action to enforce the terms of
21 the permanent injunction.

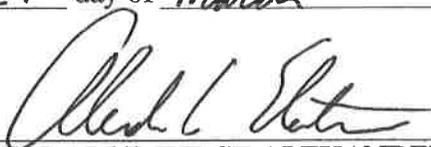
22 //

23 //

24 //

25 //

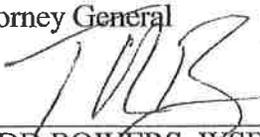
1 DONE IN OPEN COURT this 27th day of March, 2015.

2
3 

4 HONORABLE JUDGE ALEXANDER EKSTROM
Judge of the Superior Court

5
6 Presented by:

7 ROBERT W. FERGUSON
8 Attorney General

9 

10 TODD BOWERS, WSBA #25274
Senior Counsel
11 KIMBERLEE GUNNING, WSBA #35366
Assistant Attorney General
12 Attorneys for Plaintiff
State of Washington

Approved to Form:
Notice of Presentation Waived:

ALLIANCE DEFENDING FREEDOM

13
14
15
16
17
18
19
20
21
22
23
24
25
26
KRISTEN K. WAGGONER, WSBA #27790
Attorney for Defendants

MAR 27 2015

FILED

THE HONORABLE ALEXANDER C. EKSTROM

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
27
28

IN THE SUPERIOR COURT OF WASHINGTON FOR BENTON COUNTY

ROBERT INGERSOLL AND CURT FREED,

No. 13-2-00953-3

Plaintiffs,

**JUDGMENT AND ORDER OF
PERMANENT INJUNCTION**

V.

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

Defendants.

THIS MATTER comes before the Court on Plaintiffs' Motion for Partial Summary Judgment and other motions for summary judgment as fully described in this Court's Memorandum Decision and Order Granting Plaintiff State of Washington's Motion for Partial Summary Judgment on Defendants' Non-Constitutional Defenses; Denying Defendants' First Motion for Summary Judgment Against Plaintiff State of Washington, and Denying in Part and Granting in Part Defendants' Motion for Partial Summary Judgment on Plaintiffs' Claims Against Barronelle Stutzman in Her Personal Capacity, entered on January 7, 2015 (Dkt. 205), and its Memorandum Decision and Order Denying Defendants' Motion for Summary Judgment Based on Plaintiffs' Lack of Standing, Granting Plaintiff State of Washington's

1 Motion for Partial Summary Judgment on Liability and Constitutional Defenses, and Granting
2 Plaintiffs Ingersoll and Freed's Motion for Partial Summary Judgment, entered on
3 February 18, 2015 (Dkt. 220).
4

5 As explained in detail in the Memorandum Decisions and Orders described above, the
6 Court finds and concludes that, by refusing to "do the flowers" for Ingersoll's and Freed's
7 wedding, Defendants Barronelle Stutzman and Arlene's Flowers, Inc. violated the
8 Washington Law Against Discrimination, RCW 49.60.010, *et seq.*, and the Washington
9 Consumer Protection Act, RCW 19.86.010, *et seq.*
10

11 Accordingly, IT IS ORDERED, ADJUDGED, AND DECREED as follows:

12 1. Defendants and their officers, agents, servants, employees, and attorneys, and
13 those persons in active concert or participation with them who receive actual notice of the
14 order by personal service or otherwise, are permanently enjoined and restrained from
15 violating the Washington Law Against Discrimination, RCW ch. 49.60, and the Consumer
16 Protection Act, RCW ch. 19.86, by discriminating against any person because of their sexual
17 orientation. The terms of this permanent injunction include a prohibition against any disparate
18 treatment in the offering or sale of goods, merchandise, or services to any person because of
19 their sexual orientation, including but not limited to the offering or sale of goods,
20 merchandise, or services to same-sex couples. All goods, merchandise, and services offered or
21 sold by Defendants shall be offered and sold on the same terms to all customers without
22 regard to sexual orientation. All goods, merchandise, and services offered ^{or} ~~and~~ sold to opposite
23 sex couples shall be offered ^{or} ~~and~~ sold on the same terms to same-sex couples. Defendants shall
24 *including but not limited to goods, merchandise and services for weddings & commitment*
25 immediately inform all of their officers, agents, servants, employees, and attorneys, and those
26 *ceremonies*
27
28

1 persons in active concert or participation with them, of the terms and conditions of this
2 Judgment and Permanent Injunction.

3
4 2. Plaintiffs Robert Ingersoll and Curt Freed are entitled to an award of actual
5 damages from Defendants, jointly and severally, under RCW 49.60.030 and RCW 19.86.090.
6 The Court reserves determination of the amount of actual damages until after any appeal of
7 this Judgment and Permanent Injunction has been exhausted.

8
9 3. Plaintiffs are entitled to an award of costs of suit, including reasonable
10 attorneys' fees, pursuant to RCW 49.60.030 and RCW 19.86.090. The Court reserves
11 determination of the amount of costs and fees to be awarded until after any appeal of this
12 Judgment and Permanent Injunction has been exhausted.

13
14 4. The Court finds that there is no just reason for delay, and directs the entry of
15 this Judgment and Permanent Injunction as a final judgment pursuant to Civil Rule 54(b).

16
17 5. The Court retains continuing jurisdiction of this action to enforce the terms of
18 the Permanent Injunction.

19 DATED this 27th day of March, 2015.

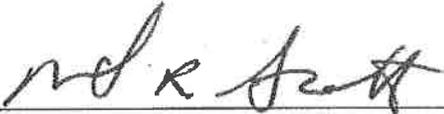
20
21 

22 THE HONORABLE ALEXANDER C. EKSTROM
23 BENTON COUNTY SUPERIOR COURT JUDGE

1 Presented by:

2 HILLIS CLARK MARTIN & PETERSON P.S.

3
4
5 By


Michael R. Scott, WSBA #12822
Amit D. Ranade, WSBA #34878
Jake Ewart, WSBA #38655

6
7
8 AMERICAN CIVIL LIBERTIES UNION OF
9 WASHINGTON FOUNDATION
Margaret Chen, WSBA #46156

10 AMERICAN CIVIL LIBERTIES UNION FOUNDATION
11 Elizabeth Gill (Admitted *pro hac vice*)
12 ACLU Foundation
13 LGBT & AIDS Project
Attorneys for Plaintiffs
14 Robert Ingersoll and Curt Freed

15 ND: 99994.022 4837-9881-8594v1
16
17
18
19
20
21
22
23
24
25
26
27
28