



STATE OF MINNESOTA

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June 8, 2018

VIA CM/ECF

Mr. Michael E. Gans
Clerk, Eighth Circuit Court of Appeals
Thomas F. Eagleton Courthouse
Room 24.329
111 South Tenth Street
St. Louis, MO 63102

**Re: *Telescope Media Group, et al v. Lindsey, et al*
Eighth Circuit Court File No. 17-3352**

Dear Mr. Gans:

Pursuant to Fed. R. App. P. 28(j), I write to notify the Court of supplemental authority issued by the United State Supreme Court on June 4, 2018. In *Masterpeice Cakeshop Ltd. v. Colorado Civil Rights Commission*, --- S.Ct. ---, 2018 WL 2465172, a cake baker claimed that because Colorado's anti-discrimination law outlawed his ability to decline to sell wedding cakes for a same-sex wedding, the law violated his First Amendment rights. *Id.* at *3-*4.

The Supreme Court stated that "[i]t is unexceptional that Colorado law can protect gay persons, just as it can protect other classes of individuals, in acquiring whatever products and services they choose on the same terms and conditions as are offered to other members of the public." *Id.* at *8. The Court further explained that if such a law is not applied, "a long list of persons who provide goods and services for marriages and weddings might refuse to do so for gay persons, thus resulting in a community-wide stigma inconsistent with the history and dynamics of civil rights law that ensure equal access to goods, services, and public accommodations." *Id.* at *7.

It was unnecessary for the Supreme Court to actually rule on the constitutionality of Colorado's anti-discrimination law because the Court concluded, based on certain comments and inconsistent enforcement by the Colorado Civil Rights Commission, that their law was not enforced in a neutral manner in that case. *Id.* at *9-*13. By contrast, this case is brought as a pre-enforcement challenge and so does not present similar facts.

Sincerely,
s/ **Alethea M. Huyser**

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Certificate of Service

I hereby certify that on June 8, 2018, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ Alethea M. Huyser

ALETHEA HUYSER