

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:16-cv-02372-MSK-CBS

303 CREATIVE LLC, a limited liability company; and  
LORIE SMITH,

*Plaintiffs,*

vs.

AUBREY ELENIS, Director of the Colorado Civil Rights  
Division, in her official capacity;  
ANTHONY ARAGON,  
ULYSSES J. CHANEY,  
MIGUEL “MICHAEL” RENE ELIAS,  
CAROL FABRIZIO,  
HEIDI HESS,  
RITA LEWIS, and  
JESSICA POCOCK, as members of the Colorado Civil Rights  
Commission, in their official capacities; and  
CYNTHIA H. COFFMAN, Colorado Attorney General,  
in her official capacity;

*Defendants.*

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**NOTICE TO THE COURT AFTER U.S. SUPREME COURT RULING IN  
MASTERPIECE CAKESHOP, LTD. V. COLORADO CIVIL RIGHTS COMMISSION**

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Pursuant to this Court’s September 1, 2017 ruling, Plaintiffs hereby give the Court the following notice as to how Plaintiffs desire to proceed in the above captioned case:

On September 1, 2017, this Court stayed Plaintiffs’ case pending a ruling from the U.S. Supreme Court in *Masterpiece Cakeshop, Ltd. v. Colo. Civil Rights Comm’n*, 16-111 (U.S. filed July 22, 2016). This Court instructed each party to file a notice within 14 days after a *Masterpiece* ruling informing the Court how they want to proceed with this case. However, since September

2017 the U.S. Supreme Court heard two additional cases that may also affect Plaintiffs' remaining claims. Plaintiffs respectfully ask the Court for a brief extension of the 14-day deadline to after the U.S. Supreme Court rules in *Nat'l Inst. of Family Life Advocates v. Becerra*, ("NIFLA") No. 16-1140 (U.S., argued Mar. 20, 2018) and *Janus v. Am. Fed'n of State, Cty., & Mun. Emps., Council 31*, No. 16-1466 (U.S., argued Feb. 26, 2018). Both rulings are expected this month.

As this Court is aware, Plaintiffs' challenged Colorado's application of its public accommodation law on free speech and free exercise grounds (among others). The U.S. Supreme Court's decision in *Masterpiece* will provide this Court guidance on Plaintiffs' free speech and free exercise claims. Similarly, *NIFLA*, a case involving a religiously-motivated organization's challenge to a state law that compels speech, will likely inform this Court's compelled speech analysis. In addition, the U.S. Supreme Court's decision considered in *Janus* compelled association and speech claims made by an employee who objected to subsidizing a union's speech that he did not support. That ruling will also likely impact this Court's compelled association and speech claims.

The U.S. Supreme Court will decide *NIFLA* and *Janus* by the end of this month. The interests of justice and judicial economy favor waiting for all three decisions so that the Court and parties have an opportunity to consider the likely impact of all three cases on Plaintiffs' case.

Therefore, Plaintiffs' respectfully ask the Court to extend the deadline for the parties to notify the Court as to how the parties desire to proceed with this case to 7 days after the final day of the U.S. Supreme Court's present term (October 2017 term).

Respectfully submitted this 15th day of June, 2018.

*s/ Jonathan A. Scruggs*

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 15, 2018, the foregoing was filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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