

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

Civil Action No. 1:18-cv-02074-WYD-STV

MASTERPIECE CAKESHOP INCORPORATED,
a Colorado corporation; and
JACK PHILLIPS,

Plaintiffs,

v.

AUBREY ELENIS, Director of the Colorado Civil Rights Division, in her official and individual capacities;
ANTHONY ARAGON, as member of the Colorado Civil Rights Commission, in his official and individual capacities;
MIGUEL "MICHAEL" RENE ELIAS, as member of the Colorado Civil Rights Commission, in his official and individual capacities;
CAROL FABRIZIO, as member of the Colorado Civil Rights Commission, in her official and individual capacities;
CHARLES GARCIA, as member of the Colorado Civil Rights Commission, in his official and individual capacities;
RITA LEWIS, as member of the Colorado Civil Rights Commission, in her official and individual capacities;
JESSICA POCOCK, as member of the Colorado Civil Rights Commission, in her official and individual capacities;
AJAY MENON, as member of the Colorado Civil Rights Commission, in his official and individual capacities;
CYNTHIA H. COFFMAN, Colorado Attorney General, in her official capacity; and
JOHN HICKENLOOPER, Colorado Governor, in his official capacity,

Defendants.

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs Jack Phillips and Masterpiece Cakeshop (collectively, Phillips) move this Court pursuant to Federal Rule of Civil Procedure 65 for a preliminary injunction against Defendants (collectively, Colorado). As required by Local Rule 7.1(a), Phillips's counsel conferred via telephone with Colorado's counsel about this motion. Colorado's counsel indicated that her clients oppose the requested preliminary injunction.

1. Phillips is a cake artist who serves all people but whose religious beliefs prevent him from creating custom cakes that express messages in conflict with his conscience. Colorado, however, interprets the Colorado Anti-Discrimination Act (CADA), Colo. Rev. Stat. § 24-34-601(2)(a), to require that Phillips create custom cakes expressing messages contrary to his faith, including cakes with designs that represent and celebrate a gender transition and cakes with designs, themes, and images that express support for Satan or satanic beliefs. This violates the Free Exercise Clause of the First Amendment because, as the Supreme Court just held, Colorado acts with hostility toward Phillips's religious beliefs by, among other things, treating him worse than other cake artists who are allowed to decline requests for cakes expressing messages they find offensive. *Masterpiece Cakeshop, Ltd. v. Colo. Civil Rights Comm'n*, 138 S. Ct. 1719, 1729–31 (2018). Colorado's actions are also violating the Free Speech Clause of the First Amendment because, as the Supreme Court has long held, governments may not apply their laws—including public-accommodations laws like CADA—to force people to express messages they deem objectionable. *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp. of Bos.*, 515 U.S. 557, 572–73 (1995) (public-accommodation law cannot be used to compel speech). Based on these free-exercise and free-speech rights, Phillips seeks a preliminary injunction putting an end to

Colorado's ongoing efforts to force him to create custom cakes that convey messages in violation of his religious beliefs.

2. Not only does Colorado interpret CADA to compel Phillips to engage in expression, it also construes CADA's two publication bans, Colo. Rev. Stat. §§ 24-34-601(2)(a) & 24-34-701, to silence Phillips's speech. Under Colorado's view, those bans prohibit Phillips from informing the public about the kinds of messages that he cannot express through his custom cakes—such as messages celebrating Satan or the idea that sex can be changed—or the religious reasons why he cannot express those messages. This is an impermissible content- and viewpoint-based restriction on speech in violation of the Free Speech Clause. Phillips requests a preliminary injunction that prevents Colorado from applying that law against him under the circumstances of this case.

3. The final clause in both of CADA's publication bans forbids Phillips and other owners of public accommodations from making any communication that, in Colorado's opinion, indicates that “an individual's patronage or presence . . . is unwelcome, objectionable, unacceptable, or undesirable because of” a protected status. Colo. Rev. Stat. § 24-34-601(2)(a); *see also* Colo. Rev. Stat. § 24-34-701 (forbidding any communication indicating that “the patronage” of “any person or class of persons belonging to” a protected class “is unwelcome or objectionable or not acceptable, desired, or solicited”). That clause in both publication bans is facially unconstitutional because it is vague and overbroad and affords unbridled discretion to enforcement officials in violation of the Free Speech Clause and the Due Process Clause of the Fourteenth Amendment. Phillips seeks to preliminarily enjoin it.

4. Despite the Supreme Court just finding that Colorado harbors “a clear and impermissible hostility toward [Phillips's] sincere religious beliefs,” *Masterpiece*, 138 S. Ct. at

1729, the Colorado Civil Rights Commission (Commission) has launched another administrative prosecution of him. That proceeding violates Phillips's rights under the Due Process Clause. Among many other due-process concerns highlighted in the accompanying memorandum of law, Colorado runs afoul of the Due Process Clause through the manner in which it applies the non-neutral selection criteria and non-neutral representational interests in Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(II) against Phillips. And Colorado violates the Due Process Clause by following the procedures in Colo. Rev. Stat. § 24-34-306 that require the same Commission members to approve a significant prosecutorial decision and to act in an adjudicative role against Phillips.

For the reasons mentioned above and explained in detail in the accompanying memorandum of law, Plaintiffs seek a preliminary injunction that provides as follows:

1. Defendants and their officers, agents, servants, and employees and any other person who is in active concert or participation with Defendants or their agents and who receives actual notice of this order are enjoined and restrained during the pendency of this lawsuit from enforcing Colo. Rev. Stat. § 24-34-601(2)(a) as applied against Jack Phillips and Masterpiece Cakeshop for declining to create custom cakes that through words, designs, symbols, themes, or images express messages that conflict with their religious beliefs, such as a custom cake with a blue exterior and pink interior communicating celebration for the idea that sex can be changed or chosen, or a custom cake celebrating or otherwise expressing support for Satan, Satanism, or satanic themes or beliefs;

2. Defendants and their officers, agents, servants, and employees and any other person who is in active concert or participation with Defendants or their agents and who receives actual notice of this order are enjoined and restrained during the pendency of this lawsuit from enforcing Colo. Rev. Stat. § 24-34-601(2)(a) or Colo. Rev. Stat. § 24-34-701 as applied against Jack Phillips

and Masterpiece Cakeshop for disclosing, as in Paragraph 270 of the First Amended Verified Complaint, the messages that they cannot express because of their religious beliefs—including the message that sex can be changed or chosen or messages celebrating or otherwise expressing support for Satan, Satanism, or satanic themes or beliefs—and for explaining the religious beliefs that cause them not to speak those messages;

3. Defendants and their officers, agents, servants, and employees and any other person who is in active concert or participation with Defendants or their agents and who receives actual notice of this order are enjoined and restrained during the pendency of this lawsuit from enforcing, either on its face or as applied to Jack Phillips and Masterpiece Cakeshop, the final clause in Colo. Rev. Stat. § 24-34-601(2)(a), which makes it unlawful for a person, “directly or indirectly, to publish, circulate, issue, display, post, or mail any written, electronic, or printed communication, notice, or advertisement that indicates . . . that an individual’s patronage or presence at a place of public accommodation is unwelcome, objectionable, unacceptable, or undesirable because of” a protected status like transgender status or creed, and the final clause in Colo. Rev. Stat. § 24-34-701, which makes it unlawful for a person to publish, distribute, or display any communication indicating that patronage “by any person or class of persons belonging to or purporting to be of any particular disability, race, creed, color, sex, sexual orientation, marital status, national origin, or ancestry is unwelcome or objectionable or not acceptable, desired, or solicited.”

4. Defendants and their officers, agents, servants, and employees and any other person who is in active concert or participation with Defendants or their agents and who receives actual notice of this order are enjoined and restrained during the pendency of this lawsuit from enforcing the non-neutral selection criteria and non-neutral representational interests in Colo. Rev. Stat.

§ 24-34-303(1)(b)(I)-(II) or the procedures in Colo. Rev. Stat. § 24-34-306 that require the same Commission members both to approve a significant prosecutorial decision and to act in an adjudicative role against Jack Phillips and Masterpiece Cakeshop.

Finally, Plaintiffs ask that the Court waive the security requirement for a preliminary injunction, *see* Fed. R. Civ. P. 65(c), because this case serves the public interest by vindicating First and Fourteenth Amendment rights. *See City of Atlanta v. Metro. Atlanta Rapid Transit Auth.*, 636 F.2d 1084, 1094 (5th Cir. 1981) (“courts have recognized an exception to the Rule 65 security requirement” for plaintiffs “engaged in public-interest litigation”). The constitutional rights “impinged by [Colorado’s] actions are of such gravity that protection of those rights should not be contingent upon an ability to pay.” *Doctor John’s, Inc. v. City of Sioux City*, 305 F. Supp. 2d 1022, 1043–44 (N.D. Iowa 2004); *see also Smith v. Bd. of Election Comm’rs for City of Chi.*, 591 F. Supp. 70, 72 (N.D. Ill. 1984) (declining “to order plaintiffs to post [a] bond” because “[t]o do so . . . would condition the exercise of plaintiffs’ constitutional rights upon their financial status”). Moreover, Colorado can show no financial harm to itself from the requested injunction because (1) it already allows other cake artists to decline to create custom cakes expressing messages that they deem offensive, *see Masterpiece*, 138 S. Ct. at 1730–31, (2) three of the four parts of the requested injunction apply only to Phillips and Masterpiece Cakeshop, and (3) the part of the injunction that facially enjoins one provision in the publication bans leaves the two remaining clauses in each of those bans enforceable as applied to anyone other than Phillips and Masterpiece Cakeshop. *See Coquina Oil Corp. v. Transwestern Pipeline Co.*, 825 F.2d 1461, 1462 (10th Cir. 1987) (“[A] trial court may . . . determine a bond is unnecessary to secure a preliminary injunction if there is an absence of proof showing a likelihood of harm.”) (quotation marks omitted).

Accordingly, Plaintiffs respectfully request that the Court enter the above-described preliminary injunction and that it do so without requiring a security bond.

Respectfully submitted this 23rd day of October, 2018.

Attorneys for Plaintiffs:

s/ James A. Campbell

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CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2018, the foregoing and all documents attached to it were 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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James A. Campbell

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CYNTHIA H. COFFMAN, Colorado Attorney General, in her official capacity; and
JOHN HICKENLOOPER, Colorado Governor, in his official capacity,

Defendants.

**DECLARATION OF JACK PHILLIPS IN SUPPORT OF
PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

I, JACK PHILLIPS, hereby declare as follows:

1. I am competent to testify and, in addition to my sworn testimony in the First Amended Verified Complaint, make this declaration based on my personal knowledge.
2. As a cake artist, I use artistic skills such as designing, painting, sculpting, and decorating to create expressive cakes.
3. My work as a cake artist is akin to the work of a painter or sculptor, except that instead of working with canvas or clay, I create art with edible materials like icing and fondant.
4. When customers ask me to create a custom cake, I collaborate with them on ways to improve any messages that they want the cake to communicate or any design or image that they want the cake to contain.
5. One of the key parts of my job as a cake artist is to act as a design consultant who improves on the ideas for cakes that my customers bring me.
6. During conversations with customers, I often educate them about what designs will look good, offer suggestions about how to express a particular idea or improve the look of the cake, provide advice about what words, designs, symbols, themes, or images to include, and give ideas on what the requested cake should look like or what messages it should communicate.
7. Even when customers have a general idea of what they want a cake to look like or the messages that they want it to communicate, they typically rely on my input and suggestions, which are based on decades spent creating cake art.
8. When discussing a custom cake request with a customer, I retain complete freedom, discretion, and control over the artistic details of the cake and the process of creating that

cake, and I reserve the right to decline any suggestion, demand, or request that a customer makes.

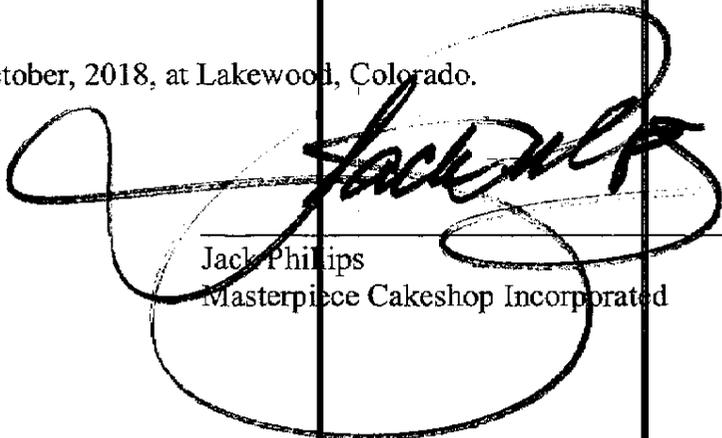
9. My role as a cake artist includes taking my customer's idea, consulting on essential details like the cake's design, shape, wording, message, and overall appearance, and using my artistic skills like sketching, designing, painting, and sculpting to bring it to life.
10. When I craft a custom expressive cake, I intend to and do in fact communicate through that cake. That is why I decline to create custom cakes that convey messages in conflict with my faith.
11. In 2012, two customers asked me to create a wedding cake celebrating a same-sex marriage. I declined because the message that the cake would have communicated was in conflict with my religious beliefs about marriage, which I believe to be a sacred union between a man and a woman. But I offered to sell the customers other items in my shop, such as cookies or brownies, or to create a different custom cake for them, like one celebrating their birthdays.
12. Those two men later filed a charge of discrimination against my shop with the Colorado Civil Rights Division. After the Division's investigation, the Colorado Civil Rights Commission filed a formal complaint against me and my shop, and after administrative proceedings, it issued an order punishing us.
13. Since I declined that request, I have endured countless hateful phone calls and multiple death threats directed at me and my family because of my decision not to create a wedding cake celebrating a same-sex marriage.

14. Since I declined that request, I have had countless people come into my shop who have told me that they are gay and that they support my freedom to decline to create cakes that express messages in violation of my faith.
15. On June 26, 2017, my shop was contacted by someone who requested a special cake designed pink on the inside and blue on the outside to celebrate a gender transition. The caller told us that the design was a reflection of the fact that the caller transitioned from male to female and that the cake was to celebrate that transition.
16. We declined that request because its design communicated that sex can be changed, can be chosen, and is determined by perceptions or feelings rather than biology. The cake also expressed celebration for those ideas. All of those messages conflict with my religious beliefs because I believe that sex is given by God, is biologically determined, and cannot be chosen or changed.
17. Masterpiece Cakeshop continues to regularly get requests for custom cakes that express through words, designs, symbols, themes, or images messages that conflict with my religious beliefs. At times when the media discusses me or my cases a lot, I receive those kinds of requests daily. At other times, when the media isn't discussing me or my cases as much, I still typically get those kinds of requests once every two to three weeks. It is my impression that a number of those requests are seeking to harass us at Masterpiece Cakeshop and to get us to do something that the state of Colorado considers a violation of the Colorado Anti-Discrimination Act.

DECLARATION UNDER PENALTY OF PERJURY

I, JACK PHILLIPS, a citizen of the United States and a resident of the State of Colorado, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 22nd day of October, 2018, at Lakewood, Colorado.



Jack Phillips
Masterpiece Cakeshop Incorporated

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MASTERPIECE CAKESHOP INCORPORATED,
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AJAY MENON, as member of the Colorado Civil Rights Commission, in his official and individual capacities;
CYNTHIA H. COFFMAN, Colorado Attorney General, in her official capacity; and
JOHN HICKENLOOPER, Colorado Governor, in his official capacity,

Defendants.

**DECLARATION OF JACOB P. WARNER IN SUPPORT OF
PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

I, JACOB P. WARNER, hereby declare:

1. I am over the age of eighteen and competent to testify, and I make this declaration based on my personal knowledge.

2. I am one of the attorneys representing Plaintiffs Masterpiece Cakeshop Incorporated and Jack Phillips in this litigation.

3. Attached as Exhibit 1 is a true and accurate copy of the Colorado Department of Regulatory Agencies webpage describing the Colorado Civil Rights Commission's current membership. This webpage is found at <https://www.colorado.gov/pacific/dora/civil-rights/commission>. I last accessed this webpage on October 18, 2018.

4. Attached as Exhibit 2 is a true and accurate copy of a La Voz webpage about Anthony Aragon. This webpage is found at <http://www.lavozcolorado.com/detail.php?id=5052>. I last accessed this webpage on October 18, 2018.

5. Attached as Exhibit 3 is a true and accurate copy of a National LGBTQ Task Force webpage that contains a biography of Anthony Aragon. This webpage is found at <http://www.thetaskforce.org/nac-bio-anthony-aragon/>. I last accessed this webpage on October 18, 2018.

6. Attached as Exhibit 4 is a true and accurate copy of an amicus brief, "Brief for National LGBTQ Task Force, et al. as Amici Curiae Supporting Respondents," that was filed in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 138 S. Ct. 1719 (2018).

7. Attached as Exhibit 5 is a true and accurate copy of a webpage of the group One Colorado that lists the organization's board members. This webpage is found at <https://one-colorado.org/board-of-directors/>. I last accessed this webpage on October 18, 2018.

8. Attached as Exhibit 6 is a true and accurate copy of an amicus brief, “Brief of Amici Curiae Colorado Organizations and Individuals in Support of Respondents,” that was filed in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 138 S. Ct. 1719 (2018). This brief names One Colorado in its list of amici curiae.

9. Attached as Exhibit 7 is a true and accurate copy of an amicus brief, “Brief Amici Curiae of Lambda Legal Defense and Education Fund, Inc., One Colorado and One Colorado Educational Fund in Support of Appellees,” that was filed in *Craig v. Masterpiece Cakeshop, Ltd.*, 370 P.3d 272 (Colo. App. 2015). This brief names One Colorado in its list of amici curiae.

10. Attached as Exhibit 8 is a true and accurate copy of a Westworld article about Anthony Aragon. This article is found at <https://www.westworld.com/news/public-servant-anthony-aragon-runs-for-office-in-the-imperial-court-5118948>. I last accessed this webpage on October 18, 2018.

11. Attached as Exhibit 9 is a true and accurate copy of a City of Denver webpage about Human Rights and Community Partnerships that lists Anthony Aragon as a staff member and describes his work. This webpage is found at <https://www.denvergov.org/content/denvergov/en/human-rights-and-community-partnerships/about-us.html>. I last accessed this webpage on October 18, 2018.

12. Attached as Exhibit 10 are true and accurate screenshots of a Facebook webpage that belongs to a person identified as Anthony Aragon. These screenshots were taken from a webpage found at <https://www.facebook.com/anthony.aragon.50>. I last accessed this webpage on October 18, 2018. It includes a post that is dated December 5, 2017—the day that the Supreme Court held oral argument in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*,

138 S. Ct. 1719 (2018)—which includes an image of the White House illuminated with a rainbow-themed exterior display, and states in part: “Hello Tuesday!! Today’s an important day in our Nation’s Capital. Sharing this holiday visual of a time when life was better.”

13. Available at this link—<https://www.youtube.com/watch?v=94DRQgA7yys>—is a true and accurate copy of a YouTube video titled “Anthony Aragon – Susan J. Hyde Award for Longevity in the Movement.” I last accessed that link on October 18, 2018. In the video, a person identified as Anthony Aragon says: “I’ve been an LGBT activist, fundraiser, organizer, event planner for over 25 years.”

14. Attached as Exhibit 11 is a true and accurate copy of a Colorado Springs Independent article titled “Lottie Prize winner: Jessie Pocock.” This article is found at <https://www.csindy.com/coloradosprings/lottie-prize-winner-jessie-pocock/Content?oid=2962716>. I last accessed this webpage on October 18, 2018.

15. Attached as Exhibit 12 are true and accurate screenshots taken from a Twitter page that belongs to a person identified as Jessie Pocock. These screenshots were taken from a webpage found at https://twitter.com/jessie_pocock. I last accessed this webpage on October 18, 2018.

16. Attached as Exhibit 13 is a true and accurate copy of an Inside Out Youth Services webpage. This webpage is found at <https://www.insideoutys.org/about/>. I last accessed this webpage on October 18, 2018.

17. Attached as Exhibit 14 are true and accurate screenshots of a Facebook webpage that belongs to a person identified as Jessie Pocock. These screenshots were taken from a webpage found at <https://www.facebook.com/jessie.pocock>. I last accessed this webpage on October 18, 2018.

18. Attached as Exhibit 15 is a true and accurate copy of a One Colorado webpage titled “Heidi Jeanne Hess.” This webpage is found at <https://one-colorado.org/our-team/heidi-jeanne-hess/>. I last accessed this webpage on October 18, 2018.

19. Attached as Exhibit 16 are true and accurate screenshots of a Twitter webpage that belongs to a person identified as Heidi J Hess. These screenshots were taken from a webpage found at <https://twitter.com/hjhess3?lang=en>. I last accessed this webpage on October 18, 2018.

20. Attached as Exhibit 17 is a true and accurate copy of public session minutes from a Colorado Civil Rights Commission meeting held May 30, 2014. This document is found at <https://drive.google.com/file/d/0B83TDPp7IaM2T21pZGIONG1nM0kwaHIEQzNaYVM4RUM0RWIB/view>. I last accessed this webpage on October 18, 2018.

21. Attached as Exhibit 18 is a true and accurate copy of the transcript of the Colorado Civil Rights Commission meeting held May 30, 2014. The transcript was part of the record in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 138 S. Ct. 1719 (2018).

22. Attached as Exhibit 19 is a true and accurate copy of public session minutes from a Colorado Civil Rights Commission meeting held July 25, 2014. This document is found at <https://drive.google.com/file/d/0B83TDPp7IaM2bUk3NVBOOEhqX2dzUkRqZzdldUVkVy12WFpN/view>. I last accessed this webpage on October 18, 2018.

23. Attached as Exhibit 20 is a true and accurate copy of the transcript of the Colorado Civil Rights Commission meeting held July 25, 2014. The transcript was part of the record in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 138 S. Ct. 1719 (2018).

24. Attached as Exhibit 21 is a true and accurate copy of a Colorado Public Radio article titled “Former Civil Rights Commissioner Diann Rice Speaks Out: ‘I Don’t Have Any

Regrets.’’ This article is found at <http://www.cpr.org/news/story/former-civil-rights-commissioner-diann-rice-responds-i-have-no-religious-bias>. I last accessed this webpage on October 18, 2018.

25. Attached as Exhibit 22 is a true and accurate copy of a Colorado Public Radio article titled ‘‘Gov. Hickenlooper On New Cakeshop Lawsuit: ‘There Shouldn’t Be Bias In Who You Serve.’’’ This article is found at <https://www.cpr.org/news/story/gov-hickenlooper-opposes-both-oil-and-gas-measures-proposed-for-the-ballot>. I last accessed this webpage on October 18, 2018.

26. Attached as Exhibit 23 is a true and accurate copy of a CBS Denver news article titled ‘‘Supporters Rally for Gay Couple After Wedding Cake Ruling.’’ This article is found at <https://denver.cbslocal.com/2018/06/05/gay-wedding-cake-lakewood-masterpiece-supreme-court/>. I last accessed this webpage on October 18, 2018.

27. Attached as Exhibit 24 is a true and accurate copy of a ‘‘Charge of Discrimination’’ (‘‘CCRD Charge No. CP2018011310’’) that Autumn Scardina filed with the Colorado Civil Rights Division on July 20, 2017.

28. Attached as Exhibit 25 is a true and accurate copy of a ‘‘Response to Request for Information’’ that was filed on behalf Masterpiece Cakeshop with the Colorado Civil Rights Division on September 19, 2017.

29. Attached as Exhibit 26 is a true and accurate copy of a ‘‘Rebuttal to Written Position Statement in Response to the Charge of Discrimination’’ that Autumn Scardina filed with the Colorado Civil Rights Division on November 7, 2017.

30. Attached as Exhibit 27 is a true and accurate copy of the “Determination” in Charge No. CP2018011310, listing Autumn Scardina as the Complainant and Masterpiece Cakeshop Incorporated as the Respondent, and signed on behalf of the Colorado Civil Rights Division by “Aubrey Elenis, Director Or Authorized Designee.” It is dated June 28, 2018.

31. Attached as Exhibit 28 is a true and accurate copy of the “Notice of Hearing and Formal Complaint” that the Colorado Civil Rights Commission filed in *Scardina v. Masterpiece Cakeshop Incorporated* on October 9, 2018.

32. Attached as Exhibit 29 is a true and accurate copy of the 2017 Annual Report for the Colorado Civil Rights Commission and Colorado Civil Rights Division. This report is found at <https://drive.google.com/file/d/1fiffF5G4WWbqAVxu1wgh3Y0KnJhrHEt/view>. I last accessed this webpage on October 18, 2018.

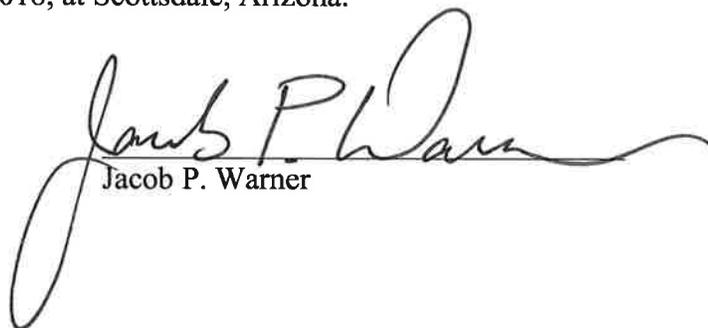
33. Attached as Exhibit 30 are true and accurate copies of “Determinations” in three discrimination complaints (“Charge No. P20140069X,” “Charge No. P20140070X,” and “Charge No. P20140071X”) that William Jack filed with the Colorado Civil Rights Division, and three letters from the Commission affirming those determinations. These documents were part of the record in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 138 S. Ct. 1719 (2018).

34. Attached as Exhibit 31 is a true and accurate copy of the merits brief that the Colorado Civil Rights Commission filed in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 138 S. Ct. 1719 (2018).

DECLARATION UNDER PENALTY OF PERJURY

I, Jacob P. Warner, a citizen of the United States and a resident of the State of Arizona, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 23rd day of October, 2018, at Scottsdale, Arizona.



Jacob P. Warner