

EXHIBIT 24



COLORADO

Department of
Regulatory Agencies

Colorado Civil Rights Division

1560 Broadway Street, Suite 1050
Denver, CO 80202

REQUEST FOR INFORMATION

Please submit the following specific, written information and/or documentation by the deadline indicated. Your failure to do so may result in our issuing a finding based on the available evidence.

Please be advised that you are expected to provide a complete response to each question. If you, or your representative, believe that a question is impermissible, is not relevant, or is overly broad in scope, do not simply object and/or decline to answer. Rather, contact the assigned investigator to discuss your concerns. Failure to do so will be viewed as a refusal to cooperate. The investigator is always willing to discuss the scope of the request, and in most instances, can narrow, modify and/or clarify it to ensure that only information essential to the specific facts and allegations of your case is required.

SUBPOENA POWER NOTICE: You should be aware that the State of Colorado's Anti-Discrimination statute grants the Director of the Colorado Civil Rights Division the authority to subpoena witnesses and to compel the production of books, papers and records relevant to the charge [C.R.S. 24-34-306(2)(a)]. Such subpoena is enforceable in the district court in which the alleged discriminatory practice occurred. Subpoena authority is exercised only when, in the judgment of the Director, the Respondent's failure to voluntarily cooperate makes it necessary.

1. Written Position Statement in response to the Charge of Discrimination to include:
 - a. a specific response to the action complained of and the specific and detailed sequence of events that led to the alleged denial of the goods, services, benefits, or privileges offered.
 - b. General nature of your business or organization and the service it provides.
 - c. Your response should contain the name, job/position title; the comparative protected class information (e.g. if the Charging Party is



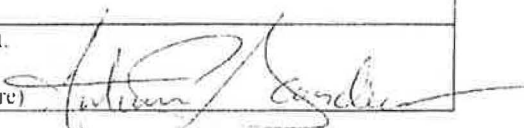
- alleging racial discrimination, indicate race) of the official(s) who made the business decision which is the basis of this complaint.
- d. Also, identify by job/position title and any other employee(s) who was/were involved in this business decision and provide the protected class information for these individuals.
 - e. Provide supporting documentation substantiating the reason(s) for the business decision.
2. Provide written statements from any individual who has personal, direct knowledge of either the issues raised in the administrative complaint; and/or the reason(s) for Charging Party's asserted denial of the goods, services, benefits or privileges offered. *For each witness*, give their full and complete name (correct spelling or more fully identify if needed), organization position/title, if applicable, mailing address, telephone number and protected class identification:
 - a. *If a person named above is no longer a member/employee*, provide the above requested identifying information, the affiliation separation date and a brief reason for the separation.
 3. Copies of any documents, records, reports, policies, etc. relied upon in making the decision(s) in question including, but not limited policies/procedures concerning the reason for allegedly denying the Charging Party goods, services, benefits or privileges offered. *If not available in written form*, please provide a written explanation of how such situations have been handled in the past.
 4. Provide any other information/documentation/witnesses you deem relevant to the merits of this complaint or which you believe will support your position.
 5. Note if the Charging Party is currently welcome at your place of business or to become affiliated with your organization? If not, why not? If yes, but only if certain conditions are met or only under certain conditions, what are those conditions?
 6. Provide a list of any individuals you have denied goods, services, benefits, or privileges to in the past. Provide the protected class information for the individuals listed and briefly state the reason for each denial.



COLORADO DIVISION

JUL 20 2017

OF CIVIL RIGHTS

CHARGE OF DISCRIMINATION		CCRD Charge No. CP2018011310
The Privacy Act of 1974 affects this form. See Privacy Act Statement before completing this form.		
COLORADO CIVIL RIGHTS DIVISION		
Name <i>(Charging Party)</i> Autumn Scardina		(Area Code) Telephone (818) 205-5560
Street Address 7779 Everett Way	City, State, and Zip Code Arvada, CO 80005	County Jefferson
Name of Place of Public Accommodation <i>(Respondent)</i> Masterpiece Cakeshop Incorporated		(Area Code) Telephone (303) 763-5754
Street Address 3355 S. Wadsworth Blvd	City, State, and Zip Code Lakewood, CO 80227	County Jefferson
Discrimination Based on: Sex (Female); Transgender (Gender Identity)	Date Most Recent Discrimination Occurred June 26, 2017	
<p>I. Jurisdiction: The Colorado Civil Rights Division has jurisdiction over the subject matter of this charge; that each named Respondent is subject to the jurisdiction of the Colorado Civil Rights Division and is covered by the provisions of the Colorado Revised Statutes (C.R.S. 1973, 24-34-301, et. seq.), as reenacted.</p> <p>II. Personal Harm: That on or about June 26, 2017, I was denied full and equal enjoyment of a place of public accommodation based on my sex (female) and/or transgender (gender identity).</p> <p>III. Respondent's Position: N/A</p> <p>IV. Discrimination Statement: I believe I was unlawfully discriminated against because: of my protected class (es) in violation of the Colorado Anti-Discrimination Act (CADA). 1.) On or about June 26, 2017, I was denied full and equal enjoyment of a place of public accommodation. Specifically, the Respondent refused to prepare my order for a cake with pink interior and blue exterior, which I disclosed was intended for the celebration of my transition from male to female. Furthermore, the Respondent indicated to me that to prepare such a cake would be against their religious beliefs. 2.) I believe I was discriminated against because of my protected class (es).</p> <p>V. WHEREFORE: The Charging Party prays that the Colorado Civil Rights Division grant such relief as may exist within the Division's power and which the Division may deem necessary and proper.</p>		
I declare under penalty of perjury that the foregoing is true and correct.		
Date 7/20/17	Charging Party/Complainant (Signature) 	

Statement of Discrimination

First Date of Occurrence

Why you think the incident or action taken was discriminatory (e.g. "This incident shows that I was denied service because of my age").

On June 26, 2017, I contacted Masterpiece Cakeshop to request that they prepare a birthday cake to celebrate my upcoming birthday. They asked what I wanted the cake to look like, and I explained I was celebrating my birthday on July 6, 2017 and that it would also be the 7th year anniversary of my transition from male to female. When I explained I am a transexual and that I wanted my birthday cake to celebrate my transition by having a blue exterior and a pink interior, they told me they will not make the cake based on their religious beliefs. I was stunned and asked for the woman's name. The phone was disconnected. I called back and explained we got disconnected and believe I was hung up on. I called again and asked that they give me the employees name, and I was hung up on again.

Was anyone treated more favorably than you? Who? Provide information related to their protected classes (e.g., if you are alleging race discrimination, what is the person's race? If age discrimination, what was the person's age?)

I believe so. I cannot be sure because I am not a part of all their sales, but the woman on the phone did not object to my request for a birthday cake until I told her I was celebrating my transition from male to female. I believe that other people who request birthday cakes get to select the color and theme of the cake. I believe that I was not allowed to order a birthday cake because I requested that its color and theme celebrate my transition from male to female. The woman on the phone told me they do not make cakes celebrating gender changes.

EXHIBIT 25



September 19, 2017

Ms. Aubrey Elenis
Colorado Civil Rights Division
1560 Broadway Street, Suite 1050
Denver, CO 80202

Case Number: CP2018011310

Re: Response to Request for Information

Dear Ms. Elenis,

Respondent, Masterpiece Cakeshop, Ltd., submits the following response to your Request for Information:

1. Written Position Statement in response to the Charge of Discrimination.

Nature of Respondent's Business

Respondent is a small cake shop in Lakewood, Colorado, owned and operated by Jack Phillips ("Jack"). Jack's love for art and design began at an early age. Discovering that he could blend his skills as a pastry chef, sculptor, and painter, he spent nearly two decades in bakeries owned by others before opening Masterpiece Cakeshop twenty-four years ago. He carefully chose Masterpiece's name: it would not be just a bakery, but an art gallery of cakes.¹ With this in mind, Jack created a Masterpiece logo depicting an artist's paint palette with a paintbrush and whisk. And for over a decade, a large picture has hung in the shop depicting Jack painting at an easel. Since long before this Charge was filed, Jack has been an artist using cake as his canvas with Masterpiece as his studio.

Jack is also a man of deep faith who strives to honor God in all aspects of his life, including how he treats people and runs his business. Jack welcomes homeless people into his store, offers them refreshments, and develops friendships with them. He provides a safe place at the cake shop for drug and alcohol abusers to share a cup of coffee, discuss their problems, and receive encouragement to change.² He hosts Bible studies there. And because of his faith, Jack pays his employees above the market rate and helps them with financial and personal needs outside of work. He even closes the cake shop on Sundays so that he and his employees can attend religious services. These decisions make little financial sense, but Jack's bottom line has never been just about dollars and cents. He aims to love God and love other people through his work.

¹ See Attachment A (collage of Jack's artistic cakes).

² Jack declines to serve baked goods containing alcohol for this reason in part.

His Christian faith also teaches him to serve everyone, and he does. Jack welcomes people from all walks of life, including individuals of all races, faiths, gender identities, and sexual orientations and offers his artistic talent to create elaborately designed custom cakes for anyone. He eagerly seeks to serve people who are different from him. But Jack cannot design custom cakes that express ideas or celebrate events at odds with his religious beliefs for any customer. In other words, his decisions on whether to design a specific custom cake never focus on *who* the customer is, but on *what* the custom cake will express or celebrate. These limitations on Jack's custom work have no bearing on his premade baked items, which he sells to everyone, no questions asked.³

There are many custom cakes that Jack will not create. For example, he will not design cakes that celebrate Halloween; express anti-family themes (such as a cake glorifying divorce); contain hateful, vulgar, or profane messages (such as a cake disparaging gays, lesbians, or transsexuals); or promote atheism, racism, indecency, or any other message that violates his religious beliefs. Jack also declines to speak on some subjects altogether—like sex-changes or gender transitions, as relevant here. Jack has chosen not to address this subject for a number of reasons: (1) Jack cannot promote particular viewpoints on this subject due to his religious beliefs;⁴ (2) Jack finds particular viewpoints on the subject offensive and objectionable;⁵ and (3) Jack seeks to avoid creating artistic expression concerning controversial subjects because they pose distractions and may alienate segments of his diverse clientele. So for all these reasons, he has decided not to create any custom cakes that address the topic of sex-changes or gender transitions.

Response to the Charge

As you are aware, Respondent and the Colorado Civil Rights Commission are involved in ongoing litigation before the United States Supreme Court. Specifically, on June 26, 2017, the Court granted Respondent's petition for a writ of certiorari to answer an important question: whether applying the Colorado Anti-Discrimination Act ("CADA") to compel a cake artist to create objectionable expression violates the Free Speech or Free Exercise Clauses of the First Amendment. *See Craig v. Masterpiece Cakeshop, Inc.*, 370 P.3d 272 (Colo. App. 2015), *cert. granted*, 85 U.S.L.W. 3593 (U.S. Jun. 26, 2017) (No. 16-111).

On that same day, the cake shop was flooded with telephone calls in response to the Court's decision to hear Jack's case. Some came from members of the press and others came from people wishing to comment on the day's news, both supporters and detractors. In the same way that calls from commenters ranged in viewpoint and tone, calls from prospective customers—the Charging Party's among them—ranged in content and sincerity.

Ordinarily, Jack answers the telephone because he has received numerous hateful calls—including death threats—and prank custom cake requests in the last few years since news of his court case spread. He does this because he wants to protect his family from hearing hateful

³ Jack also creates and sells pre-made cupcakes, cookies, brownies, cakes, candles, and coffee.

⁴ For example, because of his religious beliefs, Jack cannot create custom cakes promoting the idea that a person's sex is anything other than an immutable God-given biological reality. At the same time, due to those same beliefs, he cannot create custom cakes denigrating a person for any reason, including because of their professed gender identity.

⁵ See *supra* Note 4.

comments and to prevent them from having to deal with phony custom cake requests. But on the day that the Supreme Court decided to hear Jack’s case, Jack needed help.

In the hours after the press reported that the Supreme Court had decided to hear Jack’s case, the Charging Party, who appears to be a Denver-based attorney⁶ involved in LGBT advocacy,⁷ called the cake shop to request a custom cake. Debra Phillips (“Debi”), Jack’s wife, answered the telephone. Once Debi learned that the Charging Party was requesting a custom cake, she solicited some essential details, as the cake shop does for every customer that requests a custom cake. For example, Debi asked about when the cake was needed, the requested size, flavors, and other essential details. At no time, however, did Debi ask about any personal characteristic of the Charging Party.

As the Charging Party admits, the Party requested that the cake be designed with a blue exterior with a pink interior to celebrate a sex-change from male to female.⁸ But because of Jack’s unwillingness to create artistic expression that addresses or promotes messages and viewpoints on the subject of sex-changes or gender transitions—whether celebrating or denigrating them—for any customer, Debi politely told the Charging Party that the cake shop could not fulfill the request. When the Charging Party pressed further, asking Debi to repeat her response so that someone else could hear, Debi asked that the Charging Party hold on the line while she went to get Jack. Debi did not know that someone else was on the telephone line. When Jack came to the telephone, the line was disconnected.

The Charging Party immediately called back. This time Jack’s daughter, Lisa Eldfrick (“Lisa”), answered the telephone. Like her mom, Lisa came to understand that the Charging Party was requesting a custom cake concerning a sex-change or gender transition. But Lisa knew that the cake shop does not create artistic expression addressing that subject for any customer. So she politely indicated that, although the Charging Party is welcome to purchase any of the cake shop’s premade items or obtain a different custom cake, the cake shop could not fulfill this particular custom cake request. Not satisfied, the Charging Party pressed further. Lisa then politely repeated the cake shop’s position and asked if the Charging Party had any further requests. The Charging Party—now miffed and derisive—pressed even more. Once Lisa realized that the Charging Party would not accept her answer and only sought to continue criticizing the cake shop’s policy, she politely ended the telephone call. Like her mom, Lisa never asked about any personal characteristic of the Charging Party.

During all the telephone interactions between Debi, Lisa, and the Charging Party, neither Debi nor Lisa asked the Charging Party about or discussed the Party’s sex or gender identity. Debi and Lisa never saw the Charging Party or did any research about the Charging Party; Debi and Lisa only spoke to the Charging Party over the telephone. In making its decision to decline Charging Party’s request, Respondent never made any decision based on the Charging Party’s sex or gender identity.

⁶ <http://www.scardinalaw.com/About/Autumn-Scardina.shtml>

⁷ <http://www.scardinalaw.com/Employment-Disputes.shtml>

⁸ Charging Party Statement; *see* Attachment B (witness statement of Debra Phillips).

About a month later, the cake shop received the Charge (Case No. CP2018011310) in the mail. Jack, Debi, and Lisa then learned that the Charging Party believed the custom cake request to be connected to the Charging Party's birthday. This, however, was not clear to Debi and Lisa on the phone calls. Both Debi and Lisa understood that the caller was requesting a custom cake to celebrate a sex-change or gender transition. And if the Charging Party was, in fact, requesting a cake concerning a sex-change or gender transition, regardless of the event it was connected to, the cake shop cannot fulfill that request because it does not create artistic expression that addresses that subject for any customer.

Employment & Protected Class Information

- Jack is a heterosexual male and a Christian. He is a co-owner of Masterpiece Cakeshop, Ltd. Jack is the primary cake artist and makes the final business decisions and policies for the cake shop.
- Debi is a heterosexual female and a Christian. She is a co-owner of Masterpiece Cakeshop, Ltd. and serves as a secretary and service representative for the cake shop.
- Lisa is a heterosexual female and a Christian. She is a service representative for Masterpiece Cakeshop, Ltd.

Supporting Documents

Respondent does not maintain written documents or records that detail the policies concerning the decisions described herein.

2. Written Statements

See Attachments B, C, & D.

3. Copies of Documents

Respondent does not maintain written documents or records that detail the policies concerning the decisions described herein.

4. Other Information

Respondent and its agents did not treat the Charging Party differently from how it treats other customers. Thus Respondent did not violate CADA. Respondent offered the Charging Party the same artistic services that it offers to every other customer. Respondent did not inquire about the Charging Party's sex or gender identity and never made any decision based off of that sex or gender identity. Once Respondent learned that the Charging Party was requesting a custom cake that it will not create for any customer, Respondent politely told the Charging Party that it could not fulfill the request. Respondent then reaffirmed its willingness to provide the Charging Party

any goods or artistic services it offers to other customers. This is how Respondent always treats customers who request a custom cake that it does not create.

Not satisfied with equal treatment, the Charging Party requests better treatment and access to more goods and artistic services than any other customer receives. Yet Respondent cannot give the Charging Party preferred treatment; otherwise, it would risk opening itself up to a CADA violation.

The Division has already affirmed that CADA permits other cake artists to decline to create cakes that convey messages that the cake artist deems offensive or objectionable. *See, e.g., Jack v. Le Bakery Sensual, Inc.*, No. P20140070X (Colo. Div. of Civ. Rights Mar. 24, 2015) (finding no probable cause where a cake artist declined to create a cake with a religious message that the cake artist deemed offensive); *Jack v. Gateaux, Ltd.*, No. P20140071X (Colo. Div. of Civ. Rights Mar. 24, 2015) (same); *Jack v. Azucar Bakery*, No. P20140069X (Colo. Div. of Civ. Rights Mar. 24, 2015) (same). The message that the Charging Party's requested cake would communicate is a message that Jack considers objectionable. Thus, consistent with the Division's own precedent, Respondent did not violate CADA.

On top of that, the Constitution protects Respondent's right to control the content of its artistic expression. *See Turner Broad. Sys., Inc. v. FCC*, 522 U.S. 622, 641 (1994) (plurality opinion) (explaining that individuals and businesses have the right to determine for themselves "the ideas and beliefs deserving of expression, consideration, and adherence"); *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp. of Bos.*, 515 U.S. 557, 576 (1995) (discussing principles of expressive autonomy); *Wooley v. Maynard*, 430 U.S. 705, 715 (1977) ("The First Amendment protects the right of individuals to hold a point of view different from the majority and to refuse to foster ... an idea they find morally objectionable."). This right applies both to individuals and "business corporations generally." *Hurley*, 515 U.S. at 574. Thus, a cake artist who serves all people, like Jack does, cannot be forced to create objectionable artistic expression.

If that were not enough, the Constitution also protects Respondent's and its owners' right to freely exercise their religion. Indeed, the scope of protected religious exercise extends beyond "belief and profession" to "the performance of (or abstention from) physical acts' that are 'engaged in for religious reasons'" and even to "[b]usiness practices" that are "compelled or limited by the tenets of a religious doctrine." *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751, 2770 (2014) (quoting *Emp't Div. Dep't of Human Res. v. Smith*, 494 U.S. 872, 877 (1990)). Respondent cannot create custom cakes that celebrate or promote the idea that biological sex is anything other than an immutable God-given biological reality. Communicating that message would violate Respondent's religious beliefs. Applying CADA to force Respondent to create religiously objectionable artistic expression, then, would violate Respondent's and its owners' free exercise rights.

As discussed above, the Division has already recognized that a cake artist does not violate CADA when the cake artist declines to create a cake with a message that he or she considers offensive or objectionable. When the government denies that same protection to a cake artist who has a religious reason for his conduct, its actions must overcome strict scrutiny. *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 537 (1993). Here, however, the

government cannot show a narrowly tailored compelling interest in forcing Respondent and its owners to violate their sincerely held religious beliefs by creating objectionable artistic expression.

5. The Charging Party is Welcome at Masterpiece Cakeshop

The Charging Party remains welcome in Respondent's store and to all goods and artistic services that Respondent offers. Indeed, the Charging Party will receive the same treatment as every other customer who telephones Respondent or comes through its door.

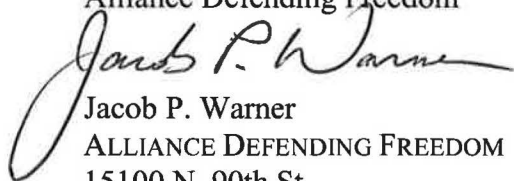
6. List of Individuals for whom Respondent Could Not Fulfill Custom Cake Requests in the Past

- Respondent declines to create approximately 2 to 5 custom cakes per week because it cannot fulfill the request within the time provided. Respondent has no information concerning the protected characteristics of these requestors.
- In the past year, Respondent has declined to create a cake promoting white supremacy because the cake would promote an objectionable message. Respondent has no information concerning the protected characteristics of this requestor.
- In the past couple years, Respondent has declined to create multiple cakes denigrating gays and lesbians because the cakes would promote an objectionable message. Respondent has no information concerning the protected characteristics of these requestors.
- During the past few years, Respondent has declined to create custom wedding cakes for all requestors because of its unwillingness to create artistic expression that celebrates conceptions of marriage that violate Respondent's sincerely held religious beliefs. Respondent has no information concerning the protected characteristics of these requestors.
- In 2012, before Respondent stopped offering to create custom wedding cakes, it declined to create a custom wedding cake to celebrate a same-sex wedding for Charlie Craig and David Mullins. Respondent could not create custom artistic expression to celebrate a conception of marriage that violates its religious beliefs. At that time, same-sex marriage was illegal in Colorado. Craig and Mullins are homosexual males.
- Before withdrawing from the wedding cake industry, Respondent also declined to create custom wedding cakes for other same-sex weddings. Respondent has no information concerning the protected characteristics of these requestors.
- In the more distant past, Respondent declined to create a divorce cake because of its objectionable anti-family theme. Respondent has no information concerning the protected characteristics of this requestor.

- Respondent cannot remember every custom cake request it has declined to create since 1993. Respondent has no information concerning the protected characteristics, or identities, of requestors not previously mentioned who have requested objectionable custom cakes during this time.

Respectfully submitted this 19th day of September, 2017.

Alliance Defending Freedom



Jacob P. Warner

ALLIANCE DEFENDING FREEDOM

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Counsel for Respondent

Attachment A – Collage of Jack’s Custom Cakes













Attachment B – Witness Statement of Debra Phillips

Date: 09/19/2017

I am Debra Phillips, a co-owner of Masterpiece Cakeshop, Ltd. I also serve as a secretary and service representative at the cake shop. This statement reflects my best recollection of the circumstances referred to in the Charge.

On June 26, 2017, the cake shop received an unusually large number of phone calls in response to the U.S. Supreme Court’s decision to review a high-profile case involving the cake shop. *See Craig v. Masterpiece Cakeshop, Inc.*, 370 P.3d 272 (Colo. App. 2015), *cert. granted*, 85 U.S.L.W. 3593 (U.S. Jun. 26, 2017) (No. 16-111). Some calls came from members of the press and others came from people wishing to comment on the day’s news, both supporters and detractors. In the same way that calls from commenters ranged in viewpoint and tone, calls from prospective customers—the Charging Party’s among them—ranged in content and sincerity.

Ordinarily my husband, Jack Phillips, answers the telephone calls because the cake shop has received numerous hateful calls—including death threats—and prank requests for custom cakes in the last few years after news of Jack’s court case spread. But he needed my help on that day due to the large volume of calls in response to the Supreme Court’s decision to hear our case. In the hours after news of the Supreme Court’s decision broke, I received a telephone call from a person—whom I believe to be the Charging Party—asking for a custom cake. I asked the person to give some details about the cake (e.g., when the cake was needed, the requested size, flavors, and other essential details), as we do whenever someone expresses interest in ordering a custom cake.

The person indicated that the requested cake would need to be designed to celebrate a sex-change or gender transition. Specifically, as best I can recall, I think that the person requested a custom cake with a blue exterior and pink interior to celebrate a sex-change from male to female. But I knew that the cake shop does not create artistic expression that addresses or promotes messages and viewpoints on the subject of sex-changes or gender transitions for any customer. So I politely told the person that the cake shop could not fulfill the request. The person pressed further, asking that I repeat the cake shop’s position for someone else to hear, at which time I asked the person to hold on the line while I went to get Jack. I did not know that someone else was on the telephone line. Jack came to the telephone, but the phone was disconnected.

I did not hang up the telephone while the person was on the line. I never asked about any of the person’s personal characteristics. Nor were the person’s personal characteristics considered when I disclosed the cake shop’s policy. I also did not ask what the cake was for. I treated the person just like every other person who calls and requests a custom cake.

/s/ Debra Phillips

Debra Phillips
Masterpiece Cakeshop, Ltd.
3355 S. Wadsworth Blvd., H-117
Lakewood, CO 80227
(303) 763-5754

Attachment C – Witness Statement of Lisa Eldfrick

Date: 09/19/2017

I am Lisa Eldfrick and serve as a service representative at Masterpiece Cakeshop Ltd. This statement reflects my best recollection of the circumstances referred to in the Charge.

On June 26, 2017, the cake shop received an unusually large number of phone calls in response to the U.S. Supreme Court's decision to review a high-profile case involving the cake shop. *See Craig v. Masterpiece Cakeshop, Inc.*, 370 P.3d 272 (Colo. App. 2015), *cert. granted*, 85 U.S.L.W. 3593 (U.S. Jun. 26, 2017) (No. 16-111). Some calls came from members of the press and others came from people wishing to comment on the day's news, both supporters and detractors. In the same way that calls from commenters ranged in viewpoint and tone, calls from prospective customers—the Charging Party's among them—ranged in content and sincerity.

Ordinarily my father, Jack Phillips, answers the telephone calls because the cake shop has received numerous hateful calls—including death threats—and prank requests for custom cakes in the last few years after news of Jack's court case spread. But he needed my help on that day due to the large volume of calls in response to the Supreme Court deciding to hear our case. In the hours after news of the Supreme Court's decision broke, I received a telephone call from a person—whom I believe to be the Charging Party—asking for a custom cake. I believed this person was the same person who had talked to my mom moments before. The person desired a custom cake designed to celebrate a sex-change or gender transition from male to female.

But I knew that the cake shop does not create artistic expression that addresses or promotes messages and viewpoints on the subject of sex-changes or gender transitions for any customer. So I politely told the person that the cake shop could not fulfill the request. Not satisfied, the person pressed further. I repeated the cake shop's position and asked if the person had any other requests. The person—now miffed and derisive—pressed more. Once I realized that the person would not accept the cake shop's answer and only sought to continue criticizing the cake shop's policy, I politely ended the telephone call.

I never asked about any of the person's personal characteristics. Nor were the person's personal characteristics considered when I disclosed the cake shop's policy. I also did not ask what the cake was for. I treated the person just like every other person who calls and requests a custom cake.

/s/ Lisa Eldfrick

Lisa Eldfrick

Masterpiece Cakeshop, Ltd.

3355 S. Wadsworth Blvd., H-117

Lakewood, CO 80227

(303) 763-5754

Attachment D – Witness Statement of Jack Phillips

I am Jack Phillips, an artist and co-owner of Masterpiece Cakeshop, Ltd. I carefully chose Masterpiece's name to reflect my vision for the cake shop: it would not be just a bakery, but an art gallery of cakes. Accordingly, I have developed skills as a pastry chef, sculptor, and painter, to design and create the best custom cakes possible for my customers over the last twenty-four years. Each custom cake I design and create communicates a message. So my decisions to create or not to create cakes are very important to me. Although I serve everyone, I cannot design and create cakes that promote every event or express every message. I am the primary cake artist and make the final decisions and policies for the cake shop. This statement reflects my best recollection of the circumstances referred to in the Charge.

On June 26, 2017, the cake shop received an unusually large number of phone calls in response to the U.S. Supreme Court's decision to review a high-profile case involving the cake shop. *See Craig v. Masterpiece Cakeshop, Inc.*, 370 P.3d 272 (Colo. App. 2015), *cert. granted*, 85 U.S.L.W. 3593 (U.S. Jun. 26, 2017) (No. 16-111). Some calls came from members of the press and others came from people wishing to comment on the day's news, both supporters and detractors. In the same way that calls from commenters ranged in viewpoint and tone, calls from prospective customers—the Charging Party's among them—ranged in content and sincerity.

Ordinarily I answer the telephone because I have received numerous hateful calls—including death threats—and prank requests for custom cakes at the cake shop in the last few years after news of my court case spread. But I could not handle all the calls on the day the Supreme Court decided to hear my case. So in the hours after news of the Supreme Court's decision broke, my wife, Debra Phillips, received a telephone call from a person—whom she believes to be the Charging Party—asking for a custom cake. She asked me to come to the telephone and talk with the caller. When I picked up the phone, the line was disconnected. I never talked to the caller. Nor did I know any of the personal characteristics of the caller.

My Christian faith teaches me to serve everyone, and I do. I welcome people from all walks of life, including individuals of all races, faiths, gender identities, and sexual orientations and offer my artistic talent to create custom cakes for anyone. But I cannot create custom cakes that celebrate Halloween; express anti-family themes (such as a cake glorifying divorce); contain hateful, vulgar, or profane messages (such as a cake disparaging gays, lesbians, or transsexuals); or promote atheism, racism, indecency, or any other message that violates my religious beliefs. I also decline to speak on some subjects altogether—like sex-changes or gender transitions, as relevant here. I have chosen not to address this subject for a number of reasons: (1) I cannot promote particular viewpoints on this subject due to my religious beliefs;¹ (2) I find particular viewpoints on the subject offensive;² and (3) I seek to avoid creating artistic expression concerning controversial subjects because they pose distractions and may alienate segments of my diverse clientele. So for all these reasons, I have decided not to create any custom cakes that address the topic of sex-changes or gender transitions.

/s/ Jack Phillips
Jack Phillips

¹ For example, because of my religious beliefs, I cannot promote the idea that a person's sex is anything other than an immutable God-given biological reality. At the same time, due to those same beliefs, I cannot promote ideas that denigrate any person, including because of their gender identity.

² See supra Note 1.

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