

**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 capacity;
MIGUEL “MICHAEL” RENE ELIAS, as member of the Colorado Civil Rights Commission, in his official capacity;
CAROL FABRIZIO, as member of the Colorado Civil Rights Commission, in her official capacity;
CHARLES GARCIA, as member of the Colorado Civil Rights Commission, in his official capacity;
RITA LEWIS, as member of the Colorado Civil Rights Commission, in her official capacity;
JESSICA POCOCK, as member of the Colorado Civil Rights Commission, in her official capacity;
CYNTHIA H. COFFMAN, Colorado Attorney General, in her official capacity; and
JOHN HICKENLOOPER, Colorado Governor, in his official capacity,

Defendants.

PLAINTIFFS’ RESPONSE TO COURT ORDER CONCERNING AMICUS MATERIALS

On September 26, 2018, the Court asked Plaintiffs Masterpiece Cakeshop Incorporated and Jack Phillips to indicate (1) whether they oppose the amicus materials filed by National Alliance of Black Pastors, Center for Garden State Families, the Coalition of Doctors Defending Reparative Therapy, American Family Association, and WW Bridal, and (2) whether Plaintiffs are capable of making the necessary arguments without the assistance of these proposed amici. In response, Plaintiffs state that they oppose the filed amicus materials and that Plaintiffs are capable of representing their interests through the necessary arguments without the assistance of these proposed amici.

In late August, Chris Sevier contacted Plaintiffs' counsel, seeking "permission" for multiple people, including himself, "SGM Gunter," "Grace Harley," and "Whitney Kohl," to intervene as plaintiffs in this case. Plaintiffs' counsel opposed this request because these individuals previously filed a frivolous lawsuit *against* Plaintiffs just last year, and this Court dismissed it. *See Harley v. Masterpiece Cake Shop Ltd.*, No. 17-CV-1666-WJM-NYM, 2018 WL 472454 (D. Colo. Jan. 18, 2018). So naturally, Plaintiffs were not interested in seeing those individuals added as co-plaintiffs in this lawsuit. In the dismissal order entered in the prior case, the Court criticized those individuals for "pervasive failures" in following court rules, for "flagrant, intentional, and repeated violations" of court orders, and for lodging "bizarre and repetitive attacks on ... the Court." *Id.* at *1-*2, *4.

After Plaintiffs expressed their opposition to Sevier's request to intervene in this case, Sevier changed course. A few days later, he contacted Plaintiffs' counsel, this time requesting "permission" for "Special Forces of Liberty" to file amicus briefs on behalf of the "Center for

Garden State Families” and the “National Coalition of Black Pastors.” Plaintiffs’ counsel replied: “While we oppose intervention, we take no position on this request to file amicus briefs.”

But now that the Court has asked Plaintiffs to take a position on this matter and their attorneys have reviewed the proposed amicus documents, Plaintiffs state that they oppose the amicus materials filed by National Alliance of Black Pastors, Center for Garden State Families, the Coalition of Doctors Defending Reparative Therapy, American Family Association, and WW Bridal. The proposed amicus documents contain odd arguments and content that disrespects the parties to this case and the judicial system in general. As a result, Plaintiffs do not believe these organizations will aid them in making helpful arguments to this Court.

Respectfully submitted this 5th day of October, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that on October 5, 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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