

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION**

**Chelsey Nelson Photography LLC,  
and Chelsey Nelson,**

Plaintiffs,

v.

**Louisville/Jefferson County Metro  
Government; Louisville Metro  
Human Relations Commission-  
Enforcement; Louisville Metro  
Human Relations Commission-  
Advocacy; Verná Goatley, in his  
official capacity as Executive Director of  
the Louisville Metro Human Relations  
Commission-Enforcement; and Marie  
Dever, Kevin Delahanty, Charles  
Lanier, Sr., Leslie Faust, William  
Sutter, Ibrahim Syed, and Leonard  
Thomas, in their official capacities as  
members of the Louisville Metro Human  
Relations Commission-Enforcement,**

Defendants.

**Case No. 3:19-cv-00851-BJB-CHL**

**Chelsey Nelson's Declaration in  
Support of Plaintiffs' Summary  
Judgment Motion**

I, Chelsey Nelson, declare as follows:

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

**I am a Christian with a passion for telling positive and uplifting stories.**

2. I am a Christian.
3. I became a Christian when I was about five or six years old.
4. My religious beliefs shape every aspect of my life, including my identity, my relationships, and my understanding of the world, creation, truth, morality, purity, beauty, and excellence.
5. Among other things, I believe in the Gospel—that God has revealed His will in the Bible, that God created people to love Him more than everything else, that people have loved other things more than God, and that everyone needs forgiveness offered through God’s son, Jesus Christ. (Isaiah 43:21; Romans 1:23; Romans 6:23; Colossians 1:16; 2 Timothy 3:16).<sup>1</sup>
6. As a Christian, I believe that I am called to love others and to share the Gospel with them. (Matthew 28:16-20; John 15:12-17).
7. I believe that God desires that everyone should know the truth of the Gospel and come to Him. (1 Timothy 2:4).
8. I believe that God calls all Christians to serve as witnesses and promote the salvation that God offers humankind through Jesus Christ. (Matthew 28:18-20).
9. I believe God was the very first artist—that He created the world from nothing, artistically shaped the world from what He created, and reviewed, delighted in, and proclaimed His work as “very good.” (Genesis 1:1, 1:2-5, 1:31).
10. I believe that God created humans to reflect Him by working, that God is sovereign over our work, and that God ordered Christians to honor Him in their work. (Genesis 1:26-28; Genesis 2:15; Psalm 115:11; Proverbs 16:9; Colossians 3:17; Colossians 3:23-24; 1 Corinthians 10:31).

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<sup>1</sup> All Bible citations reference the English Standard Version. I use the English Standard Version during my own personal devotions and Bible studies.

11. I believe that God has created, called, and equipped some people to create artistic and aesthetically pleasing artwork for their vocations. (Genesis 4:21; Exodus 31:1-11; 35:30-36:1; Psalm 33:2-3).

12. I believe that God has equipped and called me to use my creative talents to create beautiful artwork through photography and blogging.

13. My passion for photography began when I was seven years old when I experienced a photograph's power to tell a story.

14. After my family was displaced from our home due to a tornado, we had to move in with family acquaintances.

15. While staying with this family, I spent hours looking through their photo albums.

16. This activity helped me to connect with the host family by learning about their everyday moments and special events, to grasp the greater value of people over things, and to process the temporary loss of my home.

17. Afterwards, whenever I would visit my grandmother's house, I would run to the photo collages hanging around her house. I loved seeing the photographs of my cousins and me playing, family barbeques, and other special events celebrated by my family.

18. As a young teenager, I started going through my family's collection of home videos and photo albums.

19. The family videos and photographs helped me to look back in time and appreciate how wonderful my childhood was.

20. I received my first camera right before a church mission trip in high school and I fell in love with photography.

21. I carried that camera with me everywhere and took photographs of my friends throughout high school and church youth group.

22. After graduating college, I started working at a full-time job to pay the bills, but I was yearning for an opportunity to use my creative talents.

23. As I looked for ways to be creative outside of work, I turned to blogs.

24. I loved how blogs allowed photographers to combine their beautiful photographs with words to tell a story to the public.

25. Because of my love of storytelling through photography and blogging, I decided to start my own personal website and blog so that I could display my photographs and write stories about things that had personal significance to me—like going apple picking with friends, recipes, and Christmas.

26. I launched my own personal website (<https://www.chelseynelson.com/>) in February 2015, and added my blog in April of that year.

27. Eventually, I decided to start my own photography studio to allow me to create and tell positive stories to a broader audience.

28. To achieve my goal of starting my studio, I began pursuing formal and informal business education by watching webinars, following other photographers on social media, and meeting with entrepreneurs.

29. For example, in 2016, I paid for a course entitled “JKC Marketing for Photographers” by Jenna Kutcher, an entrepreneur and online marketing coach.

30. During this course, I learned about photography topics, including how to market my business online, strategies for creating content, setting up business automation, the importance of creating a blog and social media platforms for my studio, and more.

31. I also followed Ms. Kutcher on podcasts, her blog, and Instagram account where I learned more about how to grow and operate my photography business.

32. Also in 2016, I paid for a course entitled “7 Days to a Legally Legit Business” by Christina Scalera, another entrepreneur and creative professional.

33. During this course, I learned about topics including business formations, the benefits of a limited liability company, and marketing.

34. I also followed Ms. Scalera on podcasts, her blog, online courses (including video and audio lessons with worksheets), email correspondence, and Instagram account where she offered other business advice.

35. Between 2016 and the present, I have taken many other formal online classes on business development, business marketing, and photography and editing techniques.

36. Among other things, these courses have emphasized the importance of blogging about photography shoots as a way to provide a unique service to clients and to give prospective clients an easily accessible portfolio to review.

**I started Chelsey Nelson Photography to tell positive stories about marriage.**

37. I am a commissioned photographer, editor, and blogger.

38. I launched Chelsey Nelson Photography in May 2016 as a sole proprietorship.

39. I was the sole owner and employed photographer, editor, and blogger for Chelsey Nelson Photography.

40. I started Chelsey Nelson Photography as a sole proprietorship because it was the simplest way to set up my business and I could do so with very little cost or complicated paperwork.

41. While I started Chelsey Nelson Photography as a sole proprietorship, I had always intended to transform it into a limited liability company one day.

42. My goal to eventually organize my business as a limited liability company (LLC) was motivated in part by the “7 Days to a Legally Legit Business” course taught by Ms. Scalera. I was also motivated by my belief that my business would be taken more seriously as an LLC and my general understanding that an LLC would

allow me to separate my personal and business assets to protect me and my family from a liability standpoint.

43. Also in 2016, I transitioned my personal website and blog into Chelsey Nelson Photography's website and blog (<https://www.chelseynelson.com/>).

44. In October 2019, I filed Chelsey Nelson Photography LLC's Articles of Organization.

45. A true and correct copy of Chelsey Nelson Photography LLC's Articles of Organization is in the Appendix at page 1.

46. I am the sole owner, member, employed photographer, editor, and blogger for Chelsey Nelson Photography LLC.

47. I organized Chelsey Nelson Photography LLC as an LLC to gain the benefits of a limited liability corporate form.

48. I organized Chelsey Nelson Photography LLC as an LLC in October 2019 because by that time I had been operating my business for several years, knew how to file the limited liability company paperwork and what information to include in that paperwork, and I had identified a registered agent.

49. I also created and adopted an Operating Agreement on October 31, 2019 for Chelsey Nelson Photography LLC to codify my business's core beliefs, purposes, practices, and policies.

50. A true and correct copy of Chelsey Nelson Photography LLC's Operating Agreement is in the Appendix at pages 2-8.

51. Chelsey Nelson Photography LLC abides by its operating agreement, including Article II, section 2.3 which sets forth Chelsey Nelson Photography LLC's beliefs, purposes, practices, and policies for creating photographs and providing services.

52. Although I am currently the sole member of Chelsey Nelson Photography LLC, I desired to adopt an explicit statement about Chelsey Nelson Photography

LLC's beliefs, purposes, practices, and policies as a reminder to myself about why I started my business, as an opportunity to write down my business's guiding principles, and as a way to legally bind me and my company (and any future member if I one day decide to add a member) to these beliefs, purposes, practices, and policies.

53. I wrote, created, adopted, keep, and maintain Chelsey Nelson Photography LLC's operating agreement as part of Chelsey Nelson Photography LLC's regularly conducted business activity.<sup>2</sup>

54. Despite changing Chelsey Nelson Photography's corporate form, I have always operated my business in accordance with the same beliefs, practices, and policies, including all the beliefs, practices, and policies listed in Article II of my business's Operating Agreement.

55. Chelsey Nelson Photography's website has sections entitled "About," "Shop," and "Contact" among others.

56. The home page and the "About," "Shop," and "Contact" sections of Chelsey Nelson Photography's website are viewable here:

- <https://www.chelseynelson.com/about>;
- <https://www.chelseynelson.com/shop>; and
- <https://www.chelseynelson.com/contact>.

57. True and correct screenshots of portions of the website pages listed in paragraphs 55-56 are in the Appendix at pages 9-15.

58. Chelsey Nelson Photography's website also has sections entitled "Boutique Editing" and "Photography."

59. True and correct screenshots of the "Boutique Editing" and "Photography" pages prior to August 14, 2020 are in the Appendix at pages 16-23.

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<sup>2</sup> Unless context indicates otherwise, the remainder of this declaration refers to Chelsey Nelson Photography LLC as "Chelsey Nelson Photography."

60. After the Court issued a preliminary injunction in this case on August 14, 2020, I modified my “Boutique Editing” and “Photography” pages to add additional language I wanted.

61. The revised “Boutique Editing” and “Photography” sections of Chelsey Nelson Photography’s website are viewable here:

- <https://www.chelseynelson.com/editing>; and
- <https://www.chelseynelson.com/weddings>.

62. True and correct screenshots of portions of the website pages listed in paragraphs 60-61 are in the Appendix at pages 24-31.

63. My blog is also hosted on Chelsey Nelson Photography’s website.

64. My blog is viewable here: <https://www.chelseynelson.com/blog>.

65. True and correct screenshots of the relevant portions of my blog and the relevant excerpts from blog posts are in the Appendix at pages 32-88.

66. As to the websites listed in paragraphs 43, 56, 61, and 64 including the information contained in Appendix pages 9-88, I created these websites, wrote, created, and posted all of the content attributable to Chelsey Nelson Photography on these websites, regularly monitor these websites, and password protect these websites with a unique password.

67. In addition to its website, Chelsey Nelson Photography has several social-media accounts, including a Facebook page and an Instagram page.

68. This Facebook page is viewable here  
<https://www.facebook.com/chelseynelsonphotography>.

69. A true and correct screenshot of a portion of the homepage from Chelsey Nelson Photography’s Facebook page is in the Appendix at page 89.

70. The Instagram page is viewable here  
<https://www.instagram.com/mrs.chelseynelson/>.



71. True and correct screenshots of Chelsey Nelson Photography's Instagram pages and several posts are in the Appendix at pages 90-100.

72. As to the websites listed in paragraphs 68 and 70, including the information contained in Appendix pages 89-100, I initiated these accounts, I wrote, created, or posted all of the content attributable to Chelsey Nelson Photography on these websites, regularly monitor these websites, and password protect these websites with a unique password.

73. I created, wrote, and posted all content attributable to Chelsey Nelson Photography for the websites listed in paragraphs 43, 56, 61, 64, 68, and 70, including the information contained in Appendix 9-100, as a regularly conducted activity of operating Chelsey Nelson Photography for all content posted since May 2016.

74. Since May 2016, I have kept, maintained, and monitored the websites listed in paragraphs 43, 56, 61, 64, 68, and 70, including the information contained in Appendix 9-100, as a regularly conducted activity of operating Chelsey Nelson Photography.

**I offer positive storytelling services about marriage and other subjects.**

75. My religious beliefs animate why and how I operate my photography studio.

76. From the outset, I wanted to focus on telling positive stories through photography, editing, and writing about weddings between a man and a woman because weddings are such significant and joyous events and because I believe marriage between a man and a woman is a gift from God that should be treasured and celebrated.

77. Because of my religious beliefs, I cannot separate my religious identity into private and work areas but must honor and serve God in my work. (1 Corinthians 10:31; 2 Corinthians 5:14-15; Colossians 3:17; 1 Peter 4:11).

78. One way that I seek to honor God is by what I create, promote, and participate in through Chelsey Nelson Photography.

79. In fact, I believe that all art—including my photography, editing, and blogging—should glorify God by reflecting and promoting what is true, noble, right, pure, lovely, admirable, excellent, and praiseworthy. (Philippians 4:8).

80. For this reason, in everything Chelsey Nelson Photography creates—whether through photographs or words—I seek to positively depict or promote that which is true, noble, right, pure, lovely, admirable, excellent, and praiseworthy, as defined by my religious beliefs.

81. Another way that I seek to honor God is by proclaiming the truth about God’s design for humanity. (Matthew 28:16-20).

82. I believe that promoting these truths means promoting views that are often unpopular or counter cultural. (John 15:18-25).

83. These truths include my belief that God designed marriage as a gift to people of all faiths, races, and backgrounds and that God ordained marriage to be a covenant between one man and one woman so that this relationship would point people to the special relationship between God and His bride, the church. (Genesis 1:27-28; Genesis 2:24; Matthew 19:3-9; Ephesians 5:22-33; 1 Corinthians 7:10-16).

84. I believe that by capturing and conveying engagements, weddings, and marriages between one man and one woman, I can show the beauty and joy of marriage as God intends it and I can convince my clients, their friends, and the public that this type of marriage should be pursued and valued.

85. In fact, because of my religious beliefs about marriage and sharing the Gospel, I desire to create wedding photography (including engagement photographs) that honors and glorifies God by promoting God’s design for marriage

86. My desire to convey this message has only increased over time as I have seen our culture normalize and promote views of marriage that are inconsistent with lifelong unions between one man and one woman.

87. I hope to counteract this cultural narrative by telling positive stories about marriage as God intended it.

88. My views on marriage come from my personal interpretation of the Bible.

89. My beliefs on same-sex marriage also align with the teachings of Anchor Bible Church, where I currently attend.

90. Anchor Bible Church's Doctrinal Statement includes the church's position on same-sex marriage.

91. Anchor Bible Church's Doctrinal Statement on same-sex marriage aligns with my views on marriage.

92. Anchor Bible Church's Doctrinal Statement is viewable here:

<https://storage.snappages.site/ZS928T/assets/files/ABCDoctrinalStatement2020.pdf>.

93. I am familiar with the Anchor Bible Church's website, and I have visited their website many times in the past.

94. I am also familiar with Anchor Bible Church's Doctrinal Statement because I read, reviewed, and studied the statement as part of the process I voluntarily underwent to become a member of Anchor Bible Church.

95. The excerpted statement referenced in paragraphs 89-94 was in the statement I read, reviewed, and studied before becoming a member of Anchor Bible Church.

96. True and correct copies of the relevant excerpts of Anchor Bible Church's Doctrinal Statement are in the Appendix at pages 101-102.

97. Another way that I honor God is by how I interact with current and potential clients.

98. I seek to fulfill the biblical command to love my neighbor by being honest with current and prospective clients and the public, including by explaining the types of stories I will and will not tell and by being transparent about my religious beliefs on marriage and other subjects. (Matthew 5:37; Mark 12:31).

99. I will not lie to current or prospective clients about what my studio will create, I try to avoid giving any false impression about what my studio will and will not create, and I try to treat all current or prospective clients with love, honesty, integrity, and excellence.

**Chelsey Nelson Photography provides wedding-celebration services, boutique-editing services, and photography tutorials.**

100. Chelsey Nelson Photography offers two types of storytelling services: (1) wedding-celebration services and (2) boutique-editing services.

101. I began photographing weddings on a commission basis in approximately November 2016, and I started providing boutique-editing services in approximately April 2017.

102. Chelsey Nelson Photography solicits and receives requests for services from the general public through my professional contacts and from Chelsey Nelson Photography's website and social media sites.

103. I have a contact form on Chelsey Nelson Photography's website where anyone from the general public can submit a request for my wedding celebration and boutique-editing services.

104. I have acquired clients through the contact form on Chelsey Nelson Photography's website.

105. I directly compete for engagement and wedding photography business with other wedding photographers in the Louisville area, including wedding photographers who photograph opposite-sex and same-sex engagements and weddings.

106. I can receive requests for boutique-editing services for clients located anywhere in the country.

107. I have provided boutique-editing services for clients located outside of Kentucky.

108. In fact, most of my boutique-editing services clients live outside the state of Kentucky.

109. I directly compete for boutique-editing service business with other photography editors throughout the country.

110. For example, The Hybrid Edit Studio by Katie Rivera advertises itself as a “Boutique Private Photo Editor for Wedding Photographers” and offers services “Worldwide.”

111. The above statement is viewable here: <https://www.katieriveraphoto.com/one-on-one-boutique-photo-editing-services-for-wedding-photographers>.

112. A true and correct screenshot of the above statement and the relevant portion of the above website is in the Appendix at pages 103-105.

113. Likewise, Edited by Artists advertises itself as a “small photo editing team working with wedding photographers around the world.”

114. The above statement is viewable here: <https://www.editedbyartists.com/services>.

115. A true and correct screenshot of the above statement and the relevant portion of the above website is in the Appendix at pages 106-109.

116. I have reviewed many other websites for wedding photography editors to become and stay familiar with the industry. Based on my review of those websites, I am aware that many other editors advertise their services as being available throughout the United States.

117. Everything I create and provide is created custom for each client.

118. I have never actively marketed Chelsey Nelson Photography to provide any service other than wedding-celebration and boutique-editing services, although I have in the past taken family and birth photographs.

119. I do not currently accept requests from the general public to personally photograph any subject matter except weddings.

120. I decided to no longer accept requests from the general public for anything other than wedding-celebration and boutique-editing services in the spring of 2019.

121. At that time, my first child was born.

122. After becoming a new mom and raising a newborn, I had to narrow the services my business offered due to the time constraints related to this life stage.

123. I chose to limit my services to engagements and weddings because I have always desired to focus on those events for religious reasons. *See supra* ¶¶ 75-99.

124. By eliminating birth and family photography from the services that I offer to the public, I was able to give myself more time to focus on wedding photography and editing, while also freeing up other time to spend with my family.

**I always try to make a personal connection with my wedding-celebration and boutique-editing clients during my initial consultations.**

125. When I receive a request for wedding-celebration services or boutique-editing services, I evaluate that request and decide whether I can potentially fulfill it based on my artistic and religious judgments.

126. If I determine that I can potentially fulfill the request, I aim to respond to the inquiry within 24-48 hours.

127. I also set up an initial consultation with the prospective client.

128. Whenever possible, I try to conduct the initial consultation with prospective wedding-celebration service clients in person.

129. Because my prospective clients for boutique-editing can be from anywhere in the country, I do not try to conduct the initial consultation with such clients in person.

130. I hold an initial consultation so that I can get to know my prospective clients better and so that they can learn about me, my services, and my artistic vision.

131. During the initial consultation, I seek to make a personal connection with every prospective client because I believe the Bible instructs me to love and care for my neighbors. (Mark 12:31).

132. For prospective wedding-celebration-service clients, I ask about the engaged couple, their relationship, how they met and became engaged, their tastes, and their wedding day.

133. I need and use this information to build rapport with the client, to customize my wedding-celebration services to fit the clients' needs, and to inspire me on how to express the couple's joy and excitement in my photography and blogging.

134. For prospective boutique-editing clients, I discuss the editing project, including the photographs' subject matter and design, the photographer's stylistic preferences, and my artistic vision for the project.

135. I also explain my studio's policies, pricing, and packages during this time.

136. If the prospective clients and I decide to move forward, the clients must sign a customized version of Chelsey Nelson Photography's form service agreement.

137. A true and current copy of the form service agreement for wedding-celebration services is in the Appendix at pages 110-116.

138. For my wedding-celebration services, my packages including all photography, editing, and blogging currently range up to \$3,500.

139. A true and current copy of the form service agreement for boutique-editing services is in the Appendix at pages 117-123.

140. For my boutique-editing services, I typically charge approximately \$.35 per edited image.

141. I have used similar form service agreements for more than three years.

142. I take these form service agreements and customize them to reflect the specific services to be provided and the price of those services.

143. I also have occasionally made minor modifications to these forms to protect Chelsey Nelson Photography's best interests in its contractual relationship with its clients as part of my regular practice of operating Chelsey Nelson Photography.

144. I created, keep, and maintain the form service agreements referenced in paragraphs 137 and 139 as a regularly conducted activity of operating Chelsey Nelson Photography.

145. For my wedding-celebration services, I also provide my wedding clients with a bridal magazine entitled "The Wedding Experience: A Guide for all Chelsey Nelson Brides."

146. The magazine provides practical advice to my clients for their engagement sessions and wedding day and offers illustrative timelines, samples, and services.

147. The magazine also explains my approach to engagement and wedding photography and offers advice on how to make the wedding day extra special.

148. A true and correct copy of the magazine is in the Appendix at pages 124-197.

149. I created and developed the magazine as part of my regular practice of operating Chelsey Nelson Photography.

150. I keep and maintain the magazine referenced in paragraphs 145-148 as a regularly conducted activity of operating Chelsey Nelson Photography.

**I tell positive stories about and actively participate in engagements and weddings through my wedding-celebration services.**

151. My wedding-celebration services always portray engaged and married couples, marriages, and weddings in a positive and uplifting way.



152. I will not accept a request to portray engaged and married couples, marriages, or weddings in a negative way.

153. When I'm commissioned to provide wedding-celebration services, I provide three distinct services (1) taking engagement and wedding photographs while attending and participating in the wedding, including the ceremony; (2) editing the photographs that I have taken of a clients' engagement or wedding; and (3) posting some of those finalized photographs of the clients' engagement or wedding on my blog with text encouraging the couple and promoting marriage between a man and a woman to the couple, their friends and family, and the general public.

154. I have never provided my wedding-celebration services for only an engagement session or only a wedding or only a part of a wedding.

155. I consider photographing the engagement, wedding, and reception as vital, and bundle these three types of photographs together because it enables me to tell a more complete story about the couple's marriage.

156. Each component of my wedding-celebration services, separately and in combination, promotes and celebrates marriages between one man and one woman.

157. First, I photograph my clients' engagement session.

158. As the wedding day approaches, I send the couple a questionnaire asking about schedules, special details of the wedding, and sensitive family situations.

159. This information helps me to capture meaningful moments to the couple and to serve them on their wedding day.

160. Next, on the day of the wedding, I photograph the wedding ceremony preparation, the wedding ceremony, and the reception.

161. I typically spend around eight hours photographing a clients' wedding.

162. I arrive early to photograph the wedding venue, its surroundings, and its unique qualities to capture the anticipation before the wedding ceremony.

163. Then I photograph the bride and groom separately in their dressing rooms as they prepare for the wedding and interact with their wedding party.

164. After the preparation shots, I usually photograph the “first look”—the time when the couple first sees each other on their wedding day.

165. After the first look, I typically photograph portraits of the bride and groom, portraits of the wedding party, and interactions between wedding party members.

166. I always photograph the wedding ceremony and its most special moments including the groom’s face seeing his future wife, the bride’s father giving his daughter away, the couple exchanging vows and rings, the officiant issuing the charge and delivering the homily, the couple kissing before the attendees, and the officiant announcing the couple as husband and wife as well as other details.

167. I personally attend the wedding ceremony of every wedding I photograph.

168. At every wedding I have photographed, there have been prayers, a procession, a homily, an exchange of vows, an officiant, and a pronouncement of marriage.

169. I also participate in the ceremony itself.

170. For example, I often sit with the rest of the audience in a seat reserved for me in the aisle of a middle row so that I can photograph the wedding processional.

171. As a member of the audience, I typically sing along with any song played at the ceremony, stand when the bride enters, stand when requested by the officiant, bow my head and pray when the officiant prays, and say “Amen” after the prayers.

172. In these ways, I believe I approve of, endorse, and act as a witness before God and before those assembled of the couple’s union as the bride and groom commit their lives to each other, exchange rings, are pronounced as man and wife, and share their first kiss as a married couple.

173. After the ceremony, I photograph the wedding reception’s most special moments such as the bride and groom entering the reception venue, the bride’s

father dancing with his daughter, the groom's mother dancing with her son, cutting the wedding cake, and dancing by wedding guests.

174. I also choreograph the bride and groom leaving the reception to illustrate the joy and excitement of the new husband and wife.

175. After I photograph an engagement session or wedding, I edit the photographs.

176. The day after the wedding, I send the bride and groom a few "sneak peek" photographs so that they can share these photographs with their family, friends, and on social media.

177. Within two weeks of an engagement session or wedding, I choose several of my favorite photographs to post on my blog.

178. Within six weeks of the wedding, I deliver the edited photographs to my clients by placing them in a password-protected online gallery which displays Chelsey Nelson Photography's name.

179. I arrange the wedding pictures on this online gallery in a way that tells a positive story about the couple and their wedding day.

180. A true and correct screenshot of the relevant portions of an example from the above online gallery is in the Appendix at page 198.

181. I give my clients the password to access the online gallery so that they can see, download, or print the photographs.

182. When clients access this gallery, the gallery contains their name and the clients' photographs.

183. Frequently, my wedding clients ask me if they can give their guests, friends, and family access to the online gallery to print and download pictures.

184. I allow such access.

185. Once I have completed editing all the wedding photographs, I give my clients the option of purchasing a keepsake box containing up to fifty archival quality wedding photographs.

186. A true and correct photograph of a sample keepsake box is in the Appendix at page 199.

187. I select which photographs to include in the glass keepsake box with input from my clients.

188. I associate myself with my wedding-celebration services in many ways.

189. For example, I post some of the photographs I take on my blog, my blog is hosted on Chelsey Nelson Photography's website, each blog post is tagged "Chelsey Nelson," my clients and their friends access their engagement and wedding photographs through an online gallery which contains my name, and my service agreement requires my clients to attribute any engagement and wedding photographs taken by me to me anytime the clients post, print, or in any way publish these photographs publicly.

190. I also select and post some of the photographs on my Instagram or Facebook pages with my commentary where my name, picture, and Chelsey Nelson Photography's logo appear sporadically.

**I tell positive stories about marriage and other subjects through my boutique-editing services.**

191. Besides wedding-celebration services, Chelsey Nelson Photography also offers boutique-editing services.

192. I provide boutique-editing services for wedding and commercial photographers.

193. Boutique-editing services involve wedding and commercial photographers taking their own photographs, providing those photographs to me, and then commissioning me to artistically edit those photographs.

194. After I edit these photographs, I return them to the photographers who in turn provide them to their own clients.

195. I work closely and collaborate with my boutique-editing clients to present the subject matter of the photographs in the most positive light possible.

196. I will not fulfill a request for boutique-editing services that portrays engaged and married couples, marriages, weddings, or other subjects in a negative way.

197. Most requests for my boutique-editing services come from wedding photographers who want their wedding photographs edited.

198. I have never received and will not fulfill a request for boutique-editing services for only a few photographs of a wedding.

199. I have only received requests for boutique-editing services for weddings seeking editing services for between approximately 800 and 3,000 photographs covering the entire wedding, including the wedding ceremony.

200. When providing boutique-editing services for weddings, I never directly or indirectly interact with the married couple, whether in person or by email or other communications.

201. I only interact with the photographer who photographed the wedding.

202. As to boutique-editing services for commercial photographers, I edit the photographs I receive in a way to portray the portrait or commercial subjects in a positive and appealing manner.

203. For example, I often edit photographs for small businesses, such as yoga studios or eye lash companies.

204. The small businesses use my edited photographs to promote and brand their business.

205. Once I agree to work with a photographer, the photographer provides me with the smart previews of raw digital file of the photographs already taken.

206. I then edit the photographs to enhance the image based on my artistic ability and judgment and the photographer clients' general stylistic preferences.

207. Then I provide the photographers with the final, edited images.

**My faith guides my editorial and artistic judgments to create photographs and blogs and tell stories.**

208. Through Chelsey Nelson Photography and my photography, I promote the message that God ordained marriage to be a lifelong covenant between one man and one woman so that this relationship would point people to the special relationship between God and His bride, the church. (Genesis 1:27-28, 2:24; Matthew 19:3-9; Ephesians 5:22-33; 1 Corinthians 7:10-16).

209. I achieve this goal by creating stories through photography, editing, and words that positively depict the beauty, commitment, intimacy, and love embodied in engagements, weddings, and marriage between one man and one woman.

210. I believe that by doing so, I honor God and am able to promote and advocate for His design for marriage to my clients, their friends, and the public.

211. I also believe that I honor God by telling stories through my wedding celebration and boutique-editing services by creating images and words that glorify God by reflecting and promoting what is true, noble, right, pure, lovely, admirable, excellent, and praiseworthy.

212. Because I believe that God has called me to positively depict that which honors Him and that biblically defined marriage honors God, I desire to positively depict such marriages and weddings in what I photograph, edit, and post.

213. Specifically, I believe that by positively depicting the beauty, commitment, intimacy, and love embodied in engagements, weddings, and marriages between one man and one woman, I can promote God's design for marriage both to my clients, to their friends, and to the public.

214. In this way, my religious motivation to promote God’s design for marriage is inextricably intertwined with my creative and artistic judgment to create aesthetically appealing and compelling artwork. (1 Corinthians 10:31).

215. For these reasons, I only offer and provide services that are consistent with my artistic and religious judgments.

216. To that end, I maintain complete editorial control over my wedding-celebration and boutique-editing services so that I can freely create positive stories according to my artistic judgments and religious beliefs.

217. For example, as indicated on Appendix page 113, Chelsey Nelson Photography’s form wedding-celebration-services agreement states I “exercise[] and reserve[] the right to exercise complete and ultimate editorial judgment and control over all aspects of her services, including photography, editing, blogging, social media promotion, and all other Services.”

218. For example, as indicated on Appendix page 121, Chelsey Nelson Photography’s form boutique-editing-service agreements states I “shall have ultimate editorial judgment and control regarding the aesthetic judgment and artistic quality of the Services.”

219. I require full editorial control because, throughout my wedding-celebration and boutique-editing services, I am regularly making artistic and editorial decisions about how to create photographs that depict the content in the most appealing and celebratory way possible.

220. This control and discretion allow me to create aesthetically beautiful photographs that communicate the love, intimacy, sacrifice, and joy of God’s design for marriage.

221. I exercise this control and discretion in many ways.

222. For example, when I create engagement photographs, I suggest locations for the photoshoot based on the location’s colors, scenery, and lighting.

223. I seek to and do photograph the engagement session in a way that captures the engaged couple's love for each other, the joy and excitement about their upcoming marriage, and the beauty of their relationship.

224. For this reason, I frequently photograph the engaged couple hugging, kissing, and showing love and affection for each other.

225. I also direct the couple to pose in certain ways to elicit the joy, playfulness, and romance of the couple's engagement and the anticipation of their marriage.

226. Such poses often include the couple embracing, walking hand-in-hand, and looking longingly into each other's eyes, as well as close-ups of the engagement ring.

227. I also photograph impromptu moments between the couple.

228. Throughout the engagement session, I am constantly making decisions about what and how to photograph and about what to instruct people to do so that I can effectively photograph the beauty, truth, joy, and goodness of marriage and tell a positive story about the couple's marriage.

229. I do this by, for example, directing the couple to pose in ways that elicit the joy and romance of the couple's engagement and anticipation of marriage.

230. By way of example, I photographed the following engagement session photos:



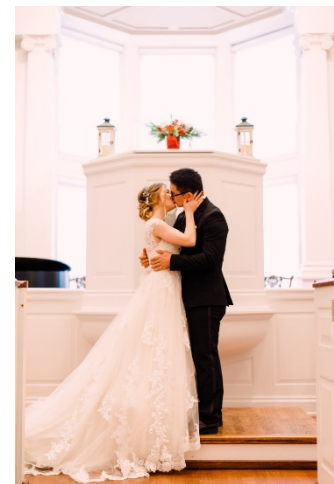


231. True and correct copies of the immediately above photographs and additional engagement photographs I have taken and edited are in Appendix pages 200-214.

232. When I photograph engagement sessions, the photographs I create are materially similar to those photographs cited immediately above as well as the engagement photographs that can be seen on my website, blog, and social media sites.

233. When I create wedding photography, I regularly make the same type of artistic and editorial decisions to effectively celebrate the couple and to create aesthetically beautiful photographs that communicate beauty, truth, joy, and goodness of God's design for marriage.

234. For example, I photographed and edited the following wedding photographs:





235. True and correct copies of the immediately above photographs and additional wedding photographs I have taken and edited are in the Appendix at pages 215-270.

236. When I photograph weddings, the photographs I create are materially similar to those photographs cited immediately above as well as the wedding photographs that can be seen on my website, blog, and social media accounts.

237. Another way I use my artistic judgment is by strategically timing my movement and placement throughout the ceremony and wedding day to maximize my ability to capture the most special moments in the most uplifting and intimate way, by, for example, capturing the bride walking down the aisle, the officiant delivering the homily, the couple exchanging their vows, the couple kissing before the attendees, the officiant announcing the couple as husband and wife, the couple walking together from the altar, and other romantic and intimate moments between the couple.

238. I also use my artistic judgment to make decisions about what subjects to photograph and the composition of the photograph.

239. For example, I decide which wedding details to photograph, and I often photograph items like the wedding dress, the bride's shoes, the wedding rings, the wedding program, flower bouquets, and any other unique mementos that reflect the bride's and groom's personality.

240. I also heavily choreograph most of the wedding party photographs and other photographs throughout the wedding day and engagement session by directing the subjects of the photographs how to stand, where to position themselves, how to interact with each other, and what demeanor to display.

241. I also try to elicit positive responses throughout the wedding day by encouraging the couple, the wedding party, and wedding guests to enjoy the wedding day and each other, and I rejoice with them about the upcoming marriage.

242. When I'm choreographing poses, eliciting emotions, or deciding what content to photograph, I think of myself as a movie director setting the scene for a movie.

243. This personal encouragement is essential because it prompts the couple, the wedding party, and wedding guests to respond positively and then allows me to photograph their positive responses.

244. On the wedding day and during the engagement shoots, I am personally excited for the couple and the marriage I am about to witness because of my beliefs about God's design for marriage.

245. I use this excitement and energy to capture meaningful details, choreograph and pose the bride and groom and their family and guests, and to maintain a lighthearted environment to capture my desired images.

246. I could not effectively provide my wedding-celebration services if I did not personally and joyfully interact with the couple, the wedding party, and the guests in these ways.

247. I also use my artistic judgment to make technical decisions when taking a photograph including exposure (amount of light recorded), aperture (the size of the opening in the lens), ISO number (measure of light sensitivity), color temperature and white balance (the color created by particular lighting and its effect on a photograph), camera flash, depth of field (measure of how much of a scene will be in focus), focus, shutter speed (how long the shutter remains open), ambient light,

perspective (the spatial relationships between objects in the frame), composition (the organizational structure of objects in a scene), camera angles, empty space, background, and subject poses.

248. I attempt to take each wedding and engagement photograph to create a light, bright, and airy image with a romantic, classic, and timeless quality.

249. A “light, bright, and airy” editing style emphasizes soft and pastel colors and natural light to produce the desired effect.

250. To create this style, I consider the factors listed in paragraphs 247-249 and more.

251. For example, I try to take photographs in areas with significant natural light to create bright images, as opposed to taking photographs in areas with low lighting.

252. I also frequently adjust brightness to evoke emotion and stylize photographs to emphasize certain colors over others.

253. After I photograph an engagement or a wedding, I edit the photographs so that I can effectively celebrate the couple and create an aesthetically compelling story that communicates the beauty, truth, joy, and goodness of God’s design for marriage.

254. During this editing process, I initially review each photograph and discard any that do not meet my artistic or moral standards, such as photographs that are out of focus or inadvertently contain sensitive content.

255. I also review each photograph to ensure that it fits within the overall story I seek to communicate about the couple’s marriage.

256. The initial review requires me to look through hundreds or thousands of photographs, depending on the engagement session or wedding’s length.

257. The initial review allows me to provide my clients with a manageable number of photographs that most meaningfully celebrate the couple’s marriage.

258. After the initial review, I edit the remaining photographs in more detail.

259. My editing judgments also include adjusting the white balance to alter a photograph's tint, tone, exposure, contrast, highlights, shadows, whites, blacks, clarity, vibrance, and saturation; adjusting the color of the image to alter the hue, saturation, and luminance (which, for example, could eliminate shadows of color on the image's subjects); adjusting the photograph in the split toning panel to bring strategic warmth to a photograph; sharpening the details in the photograph or implementing noise reduction to improve an image's detail, contrast, color, and smoothness; and cropping and straightening an image or constraining an image to particular dimensions.

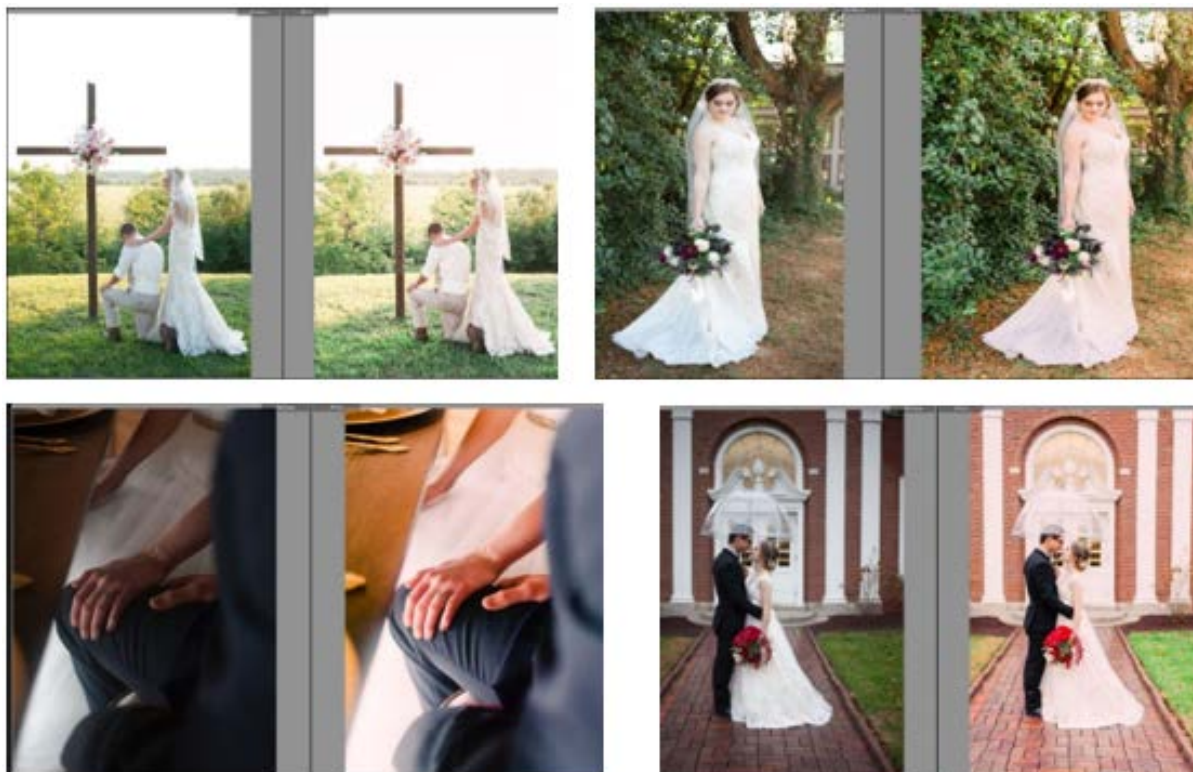
260. I attempt to edit each wedding and engagement photograph to further emphasize a light, bright, and airy image with a romantic, classic, and timeless quality. *See supra* ¶¶ 248-249.

261. For example, a photograph taken under a large green tree could cast a green shadow over the subjects of the photograph and I would edit that photograph to brighten the green highlights.

262. Likewise, I edit photographs to reduce contrasts.

263. I consider each of factors in paragraphs 259-262 and more when I approach each photograph.

264. By way of example, I took and edited the following photographs with the edited and finalized photograph on the right:



265. True and correct copies of the immediately above photographs and additional engagement and wedding photographs I have taken and edited are in the Appendix at pages 271-275.

266. When I edit wedding photographs, the photographs I create are materially similar to those photographs cited immediately above as well as the engagement and wedding photographs that can be seen on my website, blog, and social media sites.

267. Once I have finalized my edits for an engagement session or wedding, I carefully choose which edited photographs to post on my blog, decide how to arrange those photographs on the blog, and select what words to write so that I can most effectively celebrate the engagement or wedding, encourage the couple, and communicate my views on marriage to the couple and to the general public.

268. I consider it vital to bundle my engagement and wedding photography, my editing, and my blog because this bundle enables me to tell a more complete,

thorough, and passionate story about the couple's engagement or wedding and about marriages between a man and a woman.

269. I have always offered my blogs as part of my wedding-celebration services.

270. I have always created a blog post for each engagement and wedding I have photographed as part of my wedding-celebration services.

271. I have never offered to any couple to exclude my blogging from my wedding-celebration services.

272. My blog is an integral part of Chelsey Nelson Photography's business and my wedding-celebration services for many reasons.

273. My initial desire to include my blog as a central part of my business before beginning Chelsey Nelson Photography was reinforced by the blogs, podcasts, and online classes I read and listened to prior to starting my business. *See supra* ¶¶ 28-36. That decision has been reinforced as I continue to learn about best practices for operating a photography business.

274. For example, I continue to follow Ms. Kutcher and learn from her blog posts and other resources. *See supra* ¶¶ 29-31.

275. I read a post by her entitled "Dear Jenna: I don't 'get' why blogging matters."

276. In that post, Ms. Kutcher explains how photography blogs help photographers curate a story, allow audiences to connect with photographers, and give clients the opportunity to share their photographs with others.

277. Ms. Kutcher's blog post is viewable here: <https://jennakutcherblog.com/dear-jenna-dont-get-blogging-matters/>.

278. I am familiar with Ms. Kutcher's website, and I have visited it many times in the past.

279. I am also familiar with Ms. Kutcher's blogging advice generally as I have followed podcasts, blog posts, and other resources.

280. Ms. Kutcher's blog post referenced in paragraphs 275-277 provides advice that is similar to other advice she has given on other resources that I have reviewed.

281. True and correct copies of the relevant excerpts of Ms. Kutcher's blog post referenced in paragraphs 275-277 are in the Appendix at pages 276-278.

282. Posting photographs and text about engagements and weddings on my blog allows me to attract potential clients by associating myself with my photography, publicly promoting my photography studio, my artistic style, my approach to engagement and wedding photography, and my personality to clients and the general public.

283. Based on my interactions with clients, I am also aware that clients value my blog posts and that is another reason I bundle my blogging together with my photography.

284. Clients have expressed their joy and gratitude to me about seeing their engagement and wedding on my blog before they receive final copies of the photographs I create for them.

285. Clients have expressed their joy and gratitude to me about knowing that photographs and insights from their engagement and wedding day are being shared to a broader audience than their own personal network by being shared on my website and social media sites.

286. Clients have expressed their joy and gratitude to me about having an easily accessible link for them to pull up their engagement and wedding photographs at their convenience for them to review and remember their special day.

287. Clients have expressed their joy and gratitude to me about being able to share my photographs and blog posts with their family and friends by providing an easily accessible link to them.



288. Clients have also expressed their joy and gratitude to me about being able to post the link to my blog post on their social media sites to share about their wedding through my blog.

289. I am aware of the information contained in paragraphs 282-288 above based on my experiences of speaking with clients after their engagement and wedding sessions and hearing clients express gratitude about my blog posts and the reasons they enjoy them.

290. I am aware that my clients have shared my photographs and blog posts with their family and friends in personal communications and on social media based on my personal interactions with clients.

291. Some of the blog posts referenced in paragraphs 267-272 are viewable here:

- <https://www.chelseynelson.com/blog/louisville-ky-summer-wedding>;
- <https://www.chelseynelson.com/blog/louisville-spring-engagement-photos>;
- <https://www.chelseynelson.com/blog/louisville-kentucky-wedding-photography>;
- <https://www.chelseynelson.com/blog/georgetown-kentucky-wedding-photography>;
- <https://www.chelseynelson.com/blog/cherokee-park-summer-engagement-session>;
- <https://www.chelseynelson.com/blog/southern-seminary-wedding>;
- <https://www.chelseynelson.com/blog/locust-grove-engagement-session>;
- <https://www.chelseynelson.com/blog/red-river-gorge-engagement-session>;
- <https://www.chelseynelson.com/blog/annie-andrew-frankfort-wedding>; and
- <https://www.chelseynelson.com/blog/annie-andrews-engagement-session-louisville-kentucky>.

292. True and correct screenshots of the relevant portions of some of the blog posts I have posted celebrating engagements and marriages are in the Appendix at pages 32-80.

293. On average, I created and posted the blog posts referenced in paragraphs 291-292 within two weeks of the engagements and weddings photographed.

294. These posts are materially similar to all posts I write and post as part of the blog posts for engagements and weddings.

295. In addition to Chelsey Nelson Photography's website and my blog, I also use Chelsey Nelson Photography's Instagram account to promote my business, explain my approach to photography, and convey positive messages about marriage between one man and one woman.

296. True and correct screenshots of the relevant portions of the some of the Instagram posts I have created are in the Appendix at pages 92-100.

297. Some of the above Instagram posts are viewable here:

- <https://www.instagram.com/p/CECuPp8FJUq/>;
- <https://www.instagram.com/p/CO4AXVdFJUw/>;
- <https://www.instagram.com/p/BmL0FleBa9i/>;
- <https://www.instagram.com/p/BbCjdrBl0AG/>;
- <https://www.instagram.com/p/BZjQpZDgAsL/>;
- <https://www.instagram.com/p/BQQju6TADwC/>;
- <https://www.instagram.com/p/BP5UH81gItX/>;
- <https://www.instagram.com/p/BPFxWpLAp2U/>; and
- <https://www.instagram.com/p/BI8KEyKgwni/>.

298. As to the blog posts and social-media sites listed in paragraphs 291-292 and 296-297, including the information contained in Appendix pages 32-100, I created or

initiated these blogs or accounts, I wrote, created, or posted all of the content attributable to Chelsey Nelson Photography on these websites, regularly monitor these websites, and password protect these websites with a unique password.

299. I created, wrote, and posted all content attributable to Chelsey Nelson Photography for the websites listed in paragraphs 291-292 and 296-297, including the information contained in Appendix 32-100, as a regularly conducted activity of operating Chelsey Nelson Photography.

300. Since May 2016, I have kept, maintained, and monitored the websites listed in paragraphs 291-292 and 296-297, including the information contained in Appendix 32-100, as a regularly conducted activity of operating Chelsey Nelson Photography.

301. When I post on Chelsey Nelson Photography's Instagram about marriage and my wedding photography, I post in materially similar ways as those posts above and as the other wedding posts on the studio's Instagram account.

302. I have seen other commissioned photographers post engagement and wedding photographs on their blogs or social-media sites and make congratulatory comments about the weddings they photograph on those sites, including same-sex marriage.

303. I have also seen other commissioned photographers use their websites and social-media platforms to advocate for, promote, and celebrate certain topics and ideas, including same-sex marriage.

304. I use Chelsey Nelson Photography's blog and social media sites to set myself apart from these photographers, to convey a particular message about marriage, and to provide a distinct value to my business and to my clients.

305. For example, I also use Chelsey Nelson Photography's blog and social-media sites to publicly celebrate and advocate for a view of marriage that is consistent with my religious beliefs that God designed marriage as the union of one man and one woman.

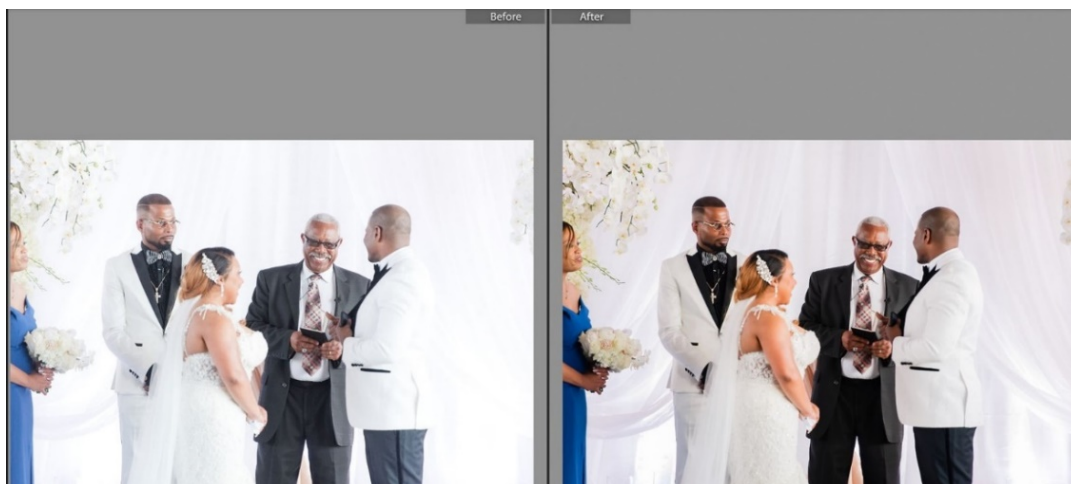
306. I am religiously motivated to publicly advocate for this view about marriage because I believe that part of loving God and serving others involves proclaiming the truth about God’s design for humanity even if those views are unpopular or counter cultural. *See supra* ¶¶ 82-87.

307. My unique approach to photography and to celebrating marriage as explained in my blog and social-media posts help set Chelsey Nelson Photography apart from these photographers and from photographers who do not provide this service at all.

308. When I’m commissioned to provide boutique-editing services for wedding photographers, I edit the photographs to communicate a positive story about each couple, about their marriage, and the joy of marriage between a man and a woman.

309. By way of example, I edited the following photographs for wedding boutique-editing services clients, with the edited and finalized photograph on the right:



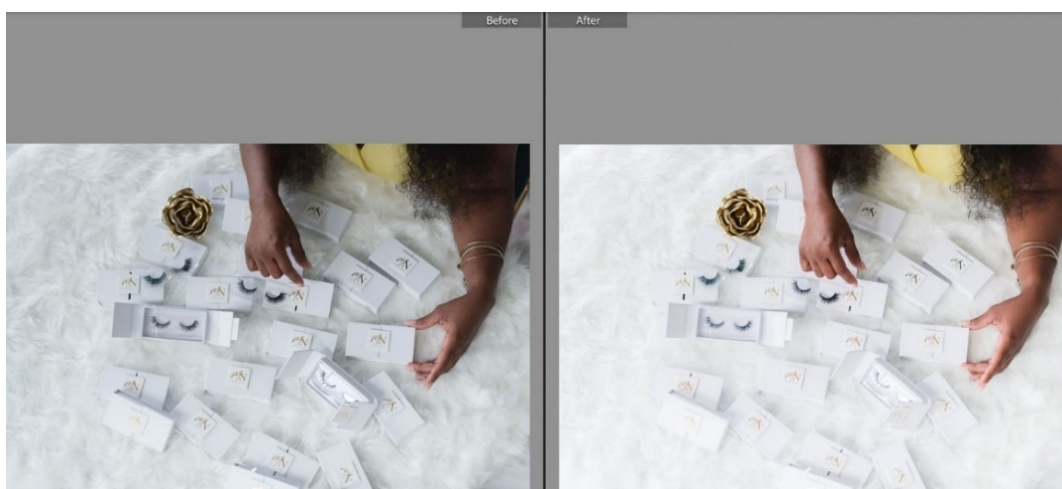
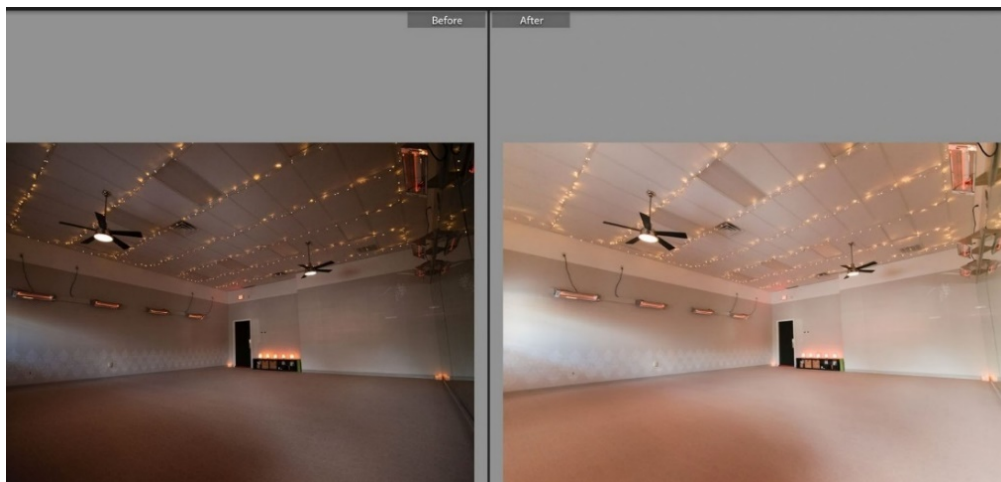


310. True and correct copies of the immediately above edited photographs and additional edited wedding photographs are in the Appendix at pages 279-291.

311. The way I edited the immediately above photographs is materially similar to the way I edit wedding photographs.

312. When I'm commissioned to provide boutique-editing services for commercial photographers, I edit the photographs to reflect the nature of the business or product and to convey the business or product in the most positive light possible.

313. For example, I edited the following photographs for commercial boutique-editing services clients, with the edited and finalized photograph on the right:



314. True and correct copies of the immediately above edited photographs and additional edited commercial photographs are in the Appendix at pages 292-294.

315. The way I edited the immediately above photographs is materially similar to the way I edit commercial photographs.

316. My process for editing photographs for my boutique editing service is materially similar to my editing process for photographs I take myself for wedding-celebration services. *See supra* ¶¶ 253-259.

317. The primary difference between editing for boutique-editing services and wedding-celebration services is that for the former I consider the style of my photographer clients in addition to other factors.

318. For all my wedding-celebration and boutique-editing services, my clients rely on my aesthetic vision and ability to tell compelling and positive stories about weddings, engagements, and other topics.

319. I make most of the editorial decisions while providing wedding-celebration and boutique-editing services without any input from clients, including how to take individual photographs, how to edit individual photographs, what to post on my blog, and how to arrange photographs on the online gallery.

320. For all other editorial decisions made during my wedding-celebration and boutique-editing services, I receive some suggestions from clients and collaborate with them about those suggestions.

321. I then take these suggestions, offer my own guidance, and blend the clients' suggestions into my own aesthetic vision so that the final work effectively tells a positive story about marriage, the wedding, the couple, and commercial subjects.

322. But even when my clients make their suggestions, they still rely heavily on my artistic and editorial judgments about what and how to photograph, how to edit photographs, how to blog, and how to tell the positive story about their wedding, engagement, or other topic.

323. Clients typically defer to my suggestions, and I have ultimate editorial judgment and control over the photographs I take, the photographs I edits, and the content of my blog, and I always retains discretion to reject any client suggestion if I deem it improper.

324. For all my wedding-celebration and boutique-editing services involving weddings, I make numerous artistic and editorial judgments to tell a positive story about each couple, to celebrate their engagement or marriage, and to convey the beauty and goodness of engagements and marriages between one man and one woman.

325. For my boutique-editing services involving small businesses, I make numerous artistic and editorial judgments to enhance the beauty of the image's subject or to more accurately reflect the nature of the business and to convey the business in the most positive light possible.

326. Each component of my wedding-celebration services—my photography, editing, and blogging—separately and in combination, is expressive in nature, as it involves either text, images, symbols, or other modes of expression.

327. My boutique-editing services are also expressive in nature, as the service always produces images that positively depict a wedding, marriage, wedding celebration, or other subject matter.

**My faith guides my editorial and artistic judgments about the photographs and blogs I cannot create and the stories I cannot tell.**

328. Just as my religious beliefs dictate what I am willing to create, these same beliefs motivate me not to create photography that celebrates or promotes ideas dishonorable to God or contrary to my religious beliefs and artistic judgements.

329. Because of these beliefs, I, through Chelsey Nelson Photography, cannot rejoice in, condone, participate in, positively portray, or promote anything dishonorable to God. (Isaiah 5:20; Ephesians 5:1-14; 1 Timothy 5:22; 1 Corinthians 10:1-22; 2 Corinthians 6:14-18).

330. For these reasons, I only accept requests for services which are consistent with my editorial, artistic, and religious judgments.

331. It violates my religious beliefs to create, promote, participate in, or positively depict something that my religious beliefs denounced.

332. Because of my religious beliefs, I do not offer or provide wedding-celebration or boutique-editing services that require me to use my artistic talents to promote or positively portray anything immoral, dishonorable to God, or contrary to my religious beliefs.



333. For example, I do not offer or provide wedding-celebration or boutique-editing services that demean others, devalue God’s creation, condone racism, sexually objectify someone, celebrate pornography or obscenity, praise vulgarity, or contradict biblical principles.

334. I therefore do not photograph people engaging in sexually explicit acts or offer or provide boutique-editing services for businesses or organizations such as a strip club or Planned Parenthood or photographs with symbols promoting the confederate flag. This list is non-exhaustive.

335. I also do not offer or provide wedding-celebration or boutique-editing services that promote any weddings or engagements that are dishonorable to God or contrary to my religious beliefs or artistic judgments.

336. For these reasons, I do not offer or accept every request for wedding-celebration or boutique-editing services for weddings between one man and one woman.

337. For example, I do not offer or provide wedding-celebration services for an engagement or wedding between a man and a woman where I am asked to create photographs in a style different from my “light, bright, and airy” style. *See supra* ¶¶ 248-249.

338. For example, in October 2017, a prospective client requested wedding-celebration services through Chelsey Nelson Photography’s website’s online request form. *See supra* ¶¶ 102-104.

339. The prospective client’s initial request stated that the wedding ceremony would be “non religious.”

340. I was not available on the date the prospective client requested and I did not provide an alternative date or otherwise try to accommodate the request because I believed the “non religious” ceremony would require me to promote messages inconsistent with my religious beliefs about marriage.

341. A true and correct copy of a redacted version of the above correspondence is in the Appendix at page 295.

342. I received this submission and kept and maintained it as part of my a regularly conducted activity of operating Chelsey Nelson Photography.

343. Likewise, because I believe that weddings are meant to be a joyful occasion, I will decline to create photography portraying marriage in a negative light.

344. Likewise, because I believe that weddings are inherently religious and solemn events that should be revered as initiating an institution created by God, I do not offer or provide wedding-celebration or boutique-editing services for certain themed weddings and engagements that celebrate sacrilegious ideas.

345. For example, I will decline to photograph or edit a photograph of the following cosplay superhero-themed wedding photographs of a wedding between one man and one woman:



346. “Cosplay” is the practice of dressing up as a character from a movie, book, comic book, or video game. I know this because I am familiar with cosplay events.

347. Additional cosplay superhero-themed wedding photographs I will decline to photograph or edit are in the Appendix at pages 296-301.

348. I viewed the photographs referenced in paragraphs 345-347 from a post entitled “Cosplay, Superhero Comic Book Wedding” on the following website: <https://www.davidorrphotography.com/blog/2017/4/28/cosplay-geek-wedding>.

349. This website is attributed to David Orr Photography.

350. This website dates the “Cosplay, Superhero Comic Book Wedding” as posted on April 28, 2017.

351. Several of the photographs on the website are watermarked with a “David Orr Photography” logo.

352. I first visited this website and viewed the photographs referenced in paragraphs 345-351 in November 2019.

353. I later viewed this website and the photographs referenced in paragraphs 345-351 on August 30, 2021.

354. The photographs posted on the website appear to be the same on August 30, 2021 as they were in November 2019.

355. True and correct copies of the website and photographs referenced in paragraphs 345-354 are in the Appendix at pages 296-301.

356. The photographs referenced in in paragraph 345 and in the Appendix pages 296-301 are similar to other cosplay photographs and wedding photographs I have seen on other photographers’ websites.

357. I also do not offer or provide wedding-celebration or boutique-editing services for the following Walking-Dead-themed engagement photographs:



358. The Walking Dead is a television drama depicting life in the months and years following a zombie apocalypse. I know this because I am generally aware of this series.

359. Additional Walking Dead-themed wedding photographs I will decline to photograph or edit are in the Appendix at pages 302-310.

360. I viewed the photographs referenced in paragraphs 357-359 from a post entitled “A Walking Dead Themed Zombie Engagement Session in Atlanta” on the following website: <https://www.matthewdruin.com/zombie-engagement-session-atlanta/>.

361. This website is attributed to Matthew Druin + Co.

362. All the photographs on this website are watermarked with a “Matthew Druin” logo.

363. The bottom of the website lists contact information for Matthew Druin, including his email address, phone number, and mailing address.

364. I first visited this website and viewed the photographs referenced in paragraphs 357-363 in November 2019.

365. I later viewed this website and the photographs referenced in paragraphs 357-363 on August 30, 2021.

366. The photographs posted on the website appear to be the same on August 30, 2021 as they were in November 2019.

367. True and correct copies of the relevant excerpts of the website and relevant photographs referenced in paragraphs 357-363 are in the Appendix at pages 302-311.

368. I also do not offer or provide wedding-celebration or boutique-editing services for the following Game-of-Thrones-themed bridal photographs for a Game-of-Thrones-themed wedding:



369. Game of Thrones is a fantasy television drama. From what I have read and heard about the series, it excessively depicts violence, sex, nudity, and other themes that I cannot promote.

370. Additional Game-of-Thrones-themed photographs I will decline to photograph or edit are in the Appendix at pages 312-316.

371. I viewed the photographs referenced in paragraphs 368-370 from a post entitled “Game of Thrones Bridal Photos” on the following website:

<https://erinmorrisonphotography.com/game-of-thrones-bridal-photos/>.

372. This website is attributed to Erin Morrison Photography.

373. I first visited this website and viewed the photographs referenced in paragraphs 368-372 in November 2019.

374. I later viewed this website and the photographs referenced in paragraphs 368-373 on August 30, 2021.

375. The photographs posted on the website appear to be the same on August 30, 2021 as they were in November 2019.

376. True and correct copies of the relevant excerpts of the website and photographs referenced in paragraphs 368-375 are in the Appendix at pages 312-317.

377. In addition to the types of engagement and wedding photographs listed in paragraphs 345-376, I also do not offer or provide wedding-celebration services or boutique-editing services for same-sex weddings, polygamous weddings, or open-marriage weddings, regardless of who requested the service, because creating artwork promoting these events violate my religious and artistic beliefs, promote activities contrary to my beliefs, express messages contradicting my beliefs, and express messages contradicting messages that I want to and do promote elsewhere.

378. I also do not offer or provide the above services because of my religious beliefs that God created marriage to be an exclusive covenant between one man and one woman (Matthew 19:3-9; Hebrews 13:4; 1 Corinthians 6:9-20), and my belief that I cannot tell stories promoting or celebrating any wedding or marriage not between one man and one woman, such as same-sex marriage, polygamous marriage, or open marriage.

379. I also do not offer or provide wedding-celebration services celebrating same-sex weddings because I believe wedding ceremonies are innately religious events where all those who attend necessarily participate in the ceremony by publicly celebrating, solemnizing, and supporting the beginning of an institution (marriage) created by God.

380. I attend and actively participate in all of the weddings I photograph. *See supra* ¶¶ 167-172.

381. I believe that by attending a wedding ceremony, I am participating in, celebrating, and endorsing the ceremony by acting as a witness before God and

before those assembled as the bride and groom commit their lives to each other, exchange rings, are pronounced as man and wife, and share their first kiss as a married couple.

382. I also believe that by attending a wedding ceremony, I am participating in, celebrating, and endorsing the wedding in other ways including standing when the bride enters, following the instructions of the officiant, listening to the reading of any spiritual texts, bowing my head in prayer, and praying along.

383. These beliefs are shaped by my own interpretation of the Bible, other Christian leaders (pastors, speakers, and authors) that I respect, and my church. *See supra* ¶¶ 75-99.

384. In my experience of attending many weddings as a photographer, the principal audience for the music, the officiant's instructions, prayers, reading from religious texts, and the announcement of man and wife is the members of the audience and the bride and groom.

385. Also in my experience, the officiant frequently directs the audience to participate in the wedding ceremony by giving them instructions, such as asking them to stand or bow their heads in prayer.

386. If I were compelled to photograph a same-sex wedding, a polygamous wedding, or an open marriage wedding, I will feel coerced to obey the instructions of the officiant, bow my head in prayer and listen to the prayer, listen to the readings of the religious texts, and to remain silent during the pronouncement of the couple.

387. I will feel these pressures because my non-participation will be easily seen and singled out by the other audience members.

388. That is because in my experience the wedding photographer is a member of the audience based on his or her responsibilities and because the other audience members often look at the wedding photographer during the ceremony.

389. For example, I am often positioned near the front of the wedding venue close to the bride and groom where all the audience can see me.

390. Likewise, I often sit with the rest of the audience in a seat reserved for me in the aisle of a middle row so that I can photograph the wedding processional.

391. Because of my visibility, I will feel pressure to participate to avoid disrupting the ceremony or irritating other audience members by my non-participation or appearing disrespectful toward the couple, their marriage, and the couple's friends and family.

392. In my experience photographing and attending weddings, wedding attendees actively participate in the wedding by standing, singing songs, and bowing their heads, following the officiant's instructions, and not leaving in the middle of the ceremony.

393. Also, as the photographer, I cannot practically leave the ceremony during any part of the ceremony, arrive late to the ceremony, or leave the ceremony early because of my professional responsibilities to photograph the wedding ceremony.

394. I am unable to photograph any moments of the wedding ceremony that could occur during my absence.

395. My policy of offering and providing wedding-celebration and boutique-editing services celebrating weddings only between a man and a woman and of declining requests for services is never about the person requesting these services.

396. I am willing to work with all people regardless of classifications such as race, sexual orientation, national origin, or any other characteristic.

397. Instead, my policy of not offering or providing wedding-celebration and boutique-editing services for certain ceremonies is an objection to promoting and participating in an event that violates my religious beliefs.

398. For example, I will create wedding photographs for the union of one man and one woman where one or both of the individuals are attracted to members of the



same sex or both sexes so long as the wedding ceremony reflects a genuine intent that the marriage be a lifelong, exclusive union between one man and one woman.

399. I will create photographs for the wedding of one man and one women if I were hired by the couple's gay or lesbian wedding planner, parents, or other family member.

400. I will also photograph a staged wedding shoot for a bridal magazine or other business depicting and promoting a wedding using a male model as the groom and a female model as the bride, whether those models identify as LGBT or not.

401. Based on my experience in the wedding industry, "staged" wedding shoots are events where models often act as the marrying couple. These shoots are designed to inspire creativity in the photographers who participate in, create photographs about, and build networks with other photographers and build out their portfolios.

402. I will work with and provide my boutique-editing services for LGBT photographers.

403. I will work with and provide my boutique-editing services to small businesses that are owned and operated by LGBT persons.

404. I will create photographs described in paragraphs 398-403 so long as the photographs themselves do not require me to participate in a ceremony or express a message that violates my religious beliefs or artistic judgments.

405. Likewise, I will sell my photography tutorial to LGBT professional or amateur photographers. *See infra* ¶¶ 484-488.

406. On the other hand, because it is my policy to not offer or provide wedding-celebration or boutique-editing services that violate my religious beliefs or are conflict with my artistic judgment, I do not accept every request to photograph an engagement or wedding between a heterosexual man and a heterosexual woman. *See supra* ¶¶ 333-376.

407. For example, I will not photograph a staged wedding shoot for a bridal magazine or other business depicting and promoting a wedding using two male models as the grooms or two female models as the brides, whether those models identify as LGBT or not.

408. I will decline requests for wedding-celebration or boutique-editing services like those in paragraphs 333-376 and 407 whether the request came from a heterosexual, homosexual, or bisexual individual or photographer.

409. When evaluating whether my wedding-celebration or boutique-editing services are consistent with my religious beliefs, I consider, and it is my policy and practice to consider, the message conveyed by the requested services and whether these services require me to participate in a ceremony I object to, not the identity of who requests these services.

**Louisville's law threatened my storytelling and livelihood before filing this lawsuit.**

410. I desire to operate my business consistent with my religious beliefs.

411. Since starting Chelsey Nelson Photography in 2016, I have seen news reports and blog posts and listened to television interviews and podcasts about business owners who have been sued and threatened with severe penalties for failing to celebrate or participate in same-sex wedding ceremonies.

412. These include the cases of Jack Phillips and Masterpiece Cakeshop in Colorado, Brush & Nib Studio in Arizona, Telescope Media Group in Minnesota, and Hands On Originals in Lexington, Kentucky.

413. After hearing about these cases involving creative professionals—including how the business owners declined to create artwork celebrating same-sex weddings because of their religious beliefs—I worried that I also faced a similar threat of being sued and being subjected to penalties because of my religious beliefs and my desire to celebrate marriages between a man and a woman.

414. But at that time, I didn't know the precise mechanism I would be sued under, how much of a threat I was under, and I was unaware at that time of the legal avenues available to me to protect my business.

415. Then, in approximately October of 2018, I learned about Louisville's Metro Ordinance § 92 and the ways to protect my freedoms and my business.

416. Before learning about the law, I was trying to expand my business to perform wedding-celebration services for more weddings and to provide boutique-editing services for more photographers.

417. To this end, I was taking additional courses to learn how to grow my business and developing strategies for growing my business.

418. For example, in June 2018, I purchased an online membership to The Profit Planner—an online platform designed to help entrepreneurs manage their finances—to gain access to their lessons and resources on business profitability and productivity.

419. In August 2018, I bought a guide produced by Katelyn James—a wedding photographer who also offers online courses—to learn how to efficiently photograph bridal parties at weddings.

420. Also in August 2018, I purchased an all-access membership with Skidmore Consulting Creative Money Academy to access online classes including “The Art of the Sale,” “Essential Boundaries in Business, Get Tax Day Ready!,” and “Sustainable Marketing: A Beginners Guide to Marketing, Jumpstart Your Brand.”

421. In addition to the formal courses listed in paragraphs 418-420, I was also following other wedding photographers on social media, listening to podcasts, and reading other online resources about how to grow my business.

422. After learning about the Metro Ordinance though, I realized that the law affected my business, restricted what I could post on my studio's website and social-

media sites, restrained what I could directly tell prospective clients, and limited what services I could provide.

423. I also realized that I could be subjected to an investigation, a lawsuit, and penalties under the Metro Ordinance because of my religious beliefs and desire to use my studio to celebrate marriages between one man and one woman.

424. Before filing this lawsuit, the Metro Ordinance (and my fear of being prosecuted and investigated under the law) hindered my ability to make business-planning and marketing decisions and to expand my business.

425. I tried to avoid punishment or investigation under the Metro Ordinance by limiting the promotion of Chelsey Nelson Photography in social media and throughout my professional network.

426. For example, in April 2019, I was a member of a private Facebook page for photography editors that offered referrals for photography opportunities.

427. In April 2019, a member of the group posted a referral for a photographer inquiring about boutique-editing services.

428. I replied to the post and expressed my interest in pursuing the referral, and the poster connected me with the photographer.

429. I contacted the photographer and tried to set up an initial consultation before I had reviewed the photographer's prior photography.

430. After I reviewed the photographer's website and social-media pages, I determined that the requested boutique-editing services could require me to edit photographs celebrating same-sex marriages or engagements because the photographer had posted photographs of same-sex weddings on her website and social media pages.

431. So I declined to pursue this prospective client further as I would have done but for the photographs depicting same-sex weddings and engagements.

432. And because there was no way for me to filter referrals in the private Facebook group to determine whether the referral might be for an assignment to create photographs inconsistent with my religious beliefs, I stopped using the Facebook group as a referral source.

433. For example, before filing this lawsuit, I wanted to ask prospective clients questions sufficient to learn whether they are seeking photography services celebrating same-sex engagements or weddings so that I can be transparent with them and let them know the types of photographs and blogs I create.

434. But I refrained from asking these questions for fear of being prosecuted or investigated under the Metro Ordinance.

435. Before filing this lawsuit, fear of being prosecuted or investigation under the Metro Ordinance also caused me to limit my advertising to avoid attracting requests to provide wedding-celebration or boutique-editing services celebrating same-sex weddings and engagements.

436. For example, if not for the Metro Ordinance, I would have more actively promoted Chelsey Nelson Photography before filing this lawsuit by publishing more often on Instagram and my blog, by connecting with other photographers on Instagram through the use of more strategic hashtags, and by directly contacting members of my professional network.

437. But I refrained from doing so before filing this lawsuit because of the Metro Ordinance.

438. Therefore, prior to filing this lawsuit, I lost the opportunity to grow my business for fear of attracting objectionable requests and violating the Metro Ordinance.

439. Also because of the Metro Ordinance, I had refrained from being as transparent as I desired to be about my religious beliefs about marriage and what

services my studio provides on my studio's website, social-media sites, and directly to prospective clients before filing this lawsuit.

440. Because I am motivated by my religious beliefs to be upfront, honest, and as transparent as possible about my religious beliefs and the services my studio provides with clients, potential clients, and the public (*see supra* ¶¶ 98-99), I wanted to avoid giving any false impression about what Chelsey Nelson Photography will and will not create.

441. For that reason, I sought to fulfill the biblical command to love my neighbor by being honest with current and prospective clients and the public, including by explaining the types of stories I will and will not tell before filing this lawsuit.

442. Also out of respect for my clients' time, I did not want to lie to them or give any false impressions about what my studio will or will not create.

443. And because I am religiously motivated to promote marriage between one man and one woman (*see, e.g., supra* ¶¶ 75-99, 208), I desired to explain on my studio's website, my studio's social media sites, and directly to prospective clients why my studio promotes such marriages and why it cannot promote other kinds of marriages.

444. I hoped that by posting these explanations about my religious beliefs, clients, prospective clients, and the public will come to be persuaded by or at least appreciate my point of view even if they disagree with it.

445. To that end, I desired to post belief statements about my wedding-celebration and my boutique-editing services on Chelsey Nelson Photography's website.

446. A true and correct copy of the belief statement for my wedding-celebration services is in the Appendix at page 318.

447. A true and correct copy of this belief statement for my boutique-editing services is in the Appendix at page 319.

448. I drafted the statements in Appendix pages 318-319 to explain my sincerely held religious beliefs, and I desired to publish the statements in Appendix pages 318-319 or materially similar statements on my studio's website before filing this lawsuit.

449. Likewise, I desired to make materially similar statements to those in Appendix pages 318-319 on my studio's social media sites and directly to prospective clients when called upon to explain my services before filing this lawsuit.

450. But I had not posted these desired statements or made materially similar statements on my studio's website or social-media sites or made materially similar statements directly to prospective clients for fear of being prosecuted like other creative professionals (*see supra* ¶¶ 412-413) and of being prosecuted or investigated under the Metro Ordinance.

451. Before filing this lawsuit, I had posted statements explaining some of my religious beliefs on my studio's website and social media sites.

452. But I refrained from posting statements with a more comprehensive expression of my religious beliefs about God designing marriage to be the union of one man and one woman because I was afraid of being prosecuted or investigated under the Metro Ordinance.

453. The statements in Appendix pages 318-319 are more comprehensive and precise expressions of my religious beliefs about marriage and more transparent representations of what I can and cannot create through Chelsey Nelson Photography.

454. If not for the Metro Ordinance, I would have posted the statements in Appendix pages 318-319 or materially similar statements on my studio's website before filing this lawsuit.

**Louisville's law continues to affect my business and will threaten my storytelling and livelihood if the preliminary injunction dissolves.**

455. Ultimately, I decided to file this lawsuit because I realized how the Metro Ordinance prohibited me from running my studio consistent with my faith.

456. I realized that the Metro Ordinance required me to either offer and create services promoting same-sex wedding and engagements in violation of my sincerely held religious beliefs or face burdensome investigations and severe penalties for violating the Metro Ordinance by offering and creating services that promote opposite-sex weddings and engagements in my effort to act consistent with my sincerely held religious beliefs.

457. I also realized that the Metro Ordinance prohibited me from fully explaining my religious beliefs about marriage and why my studio can only promote marriages between one man and one woman.

458. I filed this lawsuit in November 2019.

459. Since filing this lawsuit, the Metro Ordinance has continued to harm my business, including harming my business's and my reputation.

460. For example, as of August 30, 2021, seventy-two people who I do not recall ever meeting, interacting with, or having as clients have posted reviews on Chelsey Nelson Photography's Facebook page so that my studio's rating is currently 1.2/5.

461. A true and correct screenshot of my business's rating taken from my Chelsey Nelson Photography's "Review" page on its Facebook page is in the Appendix at page 320.

462. Likewise, a countless number of persons who I do not recall ever meeting, interacting with, or having as clients have posted negative comments on Chelsey Nelson Photography's Facebook page, calling me names and attacking my business.



463. I have been unable to remove the comments and posts from my Facebook page. My understanding is that Facebook controls which posts and comments can be removed.

464. True and correct screenshots of some of the comments posted on Chelsey Nelson Photography's Facebook page are in the Appendix at pages 321-324.

465. After filing this lawsuit, several people who I do not recall ever meeting or interacting with have posted comments on my blog.

466. These comments have attacked me and my business by calling me names and disparaging my photography.

467. True and correct screenshots of some comments on my blog are in the Appendix at page 325-327.

468. Based on my experience in the photography industry and based on my interactions with clients and prospective clients, I am aware that my business used to attract customers through my website and social-media accounts.

469. Therefore, the negative comments about my business from persons who have never worked with me have harmed my business and will continue to harm my business.

470. In addition to my own websites and social-media accounts, media reports about my case have also attacked me, my beliefs, and my business.

471. For example, on December 3, 2019, the Courier Journal ran an article entitled "IF LGBTQ folks refused services to Christians, would that bigotry be acceptable?"

472. In that article, the author implied I was "hid[ing] [my] personal prejudices behind the veneer of religious devotion," claimed I was "showcasing my victimhood," and compared me to the Pharisees (a member of an ancient religious sect who Jesus condemned).

473. The article is viewable here: <https://www.courier-journal.com/story/opinion/2019/12/03/photographer-offended-same-sex-marriage-showing-lgbtq-bigotry/2586211001/>.

474. A true and correct copy of that article as accessed through the above website is in the Appendix at page 328.

475. After the Court enjoined Defendants from enforcing the Metro Ordinance against me and Chelsey Nelson Photography in August 2020, I posted the desired statements to my studio's website and linked my social-media pages to my studio's website. *Cf. supra* ¶¶ 439-450.

476. Likewise, I have continued to only photograph, edit, and blog about engagements and marriages between one man and one woman consistent with my religious beliefs.

477. I have also continued to maintain my official policy and practice of only offering and creating photographs and writing blogs consistent with my religious beliefs, including the policy and practice of only offering and creating photographs and writing blogs promoting opposite-sex engagements and marriages.

478. Likewise, I have continued to use my blog and social-media sites to only promote and celebrate opposite-sex engagements and marriages.

479. I have also been able to run my business consistent with my religious beliefs free of the fear of being investigated or prosecuted by Defendants or third-party lawsuits.

480. I have continued to receive requests to provide wedding-celebration services.

481. I have continued to receive requests to provide boutique-editing services.

482. With the injunction in place, I have felt free to attempt to grow my business.

483. For example, beginning in October 2020, I developed and began selling tutorials on my editing techniques on Chelsey Nelson Photography's website.

484. I was able to develop this tutorial during my free time, and it did not take away from time that I would have otherwise spent with my family.

485. I currently offer a tutorial entitled “The Lightroom Video Guide to Auto Mask” which gives a step-by-step instruction on how to use an editing tool called Adobe Lightroom.

486. In the tutorial, I provide instructions on how to make backgrounds brighter, bring back washed-out wedding dress details, recover highlights in washed-out skies, adjust the background of an image without affecting skin tones, and increase dynamic range by fixing wash-out highlights by walking photographers through real wedding photographs I’ve edited.

487. This tutorial is available for purchase here:

<https://www.chelseynelson.com/shop/lightroom-auto-mask-video-guide>.

488. True and correct screenshots of the website pages listed in paragraph 483-487 are in the Appendix at pages 329-330.

489. I created, wrote, posted, keep, and maintain all content attributable to Chelsey Nelson Photography for the websites listed in paragraphs 483-487, including the information contained in Appendix 329-330, as a regularly conducted activity of operating Chelsey Nelson Photography.

490. And I have continued to operate my business consistent with my beliefs despite facing media reports that have caused damage to my business’s reputation (*supra* ¶¶ 459-474), the COVID-19 pandemic (which substantially affected the wedding industry, hurting demand for wedding photography), and time caring for my 2-year-old child and preparing for the arrival of my next child (who is due in three months).

491. Dissolving the Court’s preliminary injunction will cause immediate and irreparable damage to my business.

492. If the Court's preliminary injunction is dissolved, I will immediately remove the statements in Appendix pages 318-319 from my studio's website for fear of being prosecuted or investigated under the Metro Ordinance.

493. If the injunction is dissolved, I will take down my Facebook page because I have learned through this litigation that Defendants have authority and have used that authority to investigate and prosecute businesses based on negative social-media responses to positions businesses has taken. I will de-publish my Facebook page for fear that the comments could lead Defendants to investigate or prosecute my business.

494. But I am religiously motivated to post my desired statements to explain my religious beliefs about marriage to the public and to use my business to advocate for my view on marriage. *See, e.g., supra* ¶¶ 98-99, 210, 303-306.

495. So by taking down these statements or de-publishing my Facebook page will deprive me of speaking a message about marriage that I am religiously motivated to communicate.

496. If the injunction is dissolved, I will also have to make a stark choice.

497. First, I could avoid violating the Metro Ordinance by closing my business and by stopping to offer wedding photography altogether to avoid being investigated, prosecuted, or sued.

498. But I am religiously motivated to use my business to promote and celebrate marriages between one man and one woman.

499. Therefore, this option forces me to refrain from doing something that I am religiously motivated to do and from speaking messages about marriage that I am religiously motivated to communicate.

500. Second, I could try to operate my business consistent with my beliefs by only offering and providing wedding services that promote opposite-sex engagements

and weddings but doing so violates the law and forces me to run my business under the constant threat of being investigated, prosecuted, or sued.

501. Even if I take the second approach, I would have to incur mitigation costs to minimize my chances of being sued, such as researching email inquiries to determine if they come from testers or seek services that violate my beliefs, stop responding to certain emails requests (which will hurt my business reputation), stop asking clients directly whether they seek services that violate my beliefs, stop engaging in online advertising and social-media promotion of my studio, and stop all efforts to grow my business.

502. By limiting my business, the responses mentioned in paragraphs 500-501 will significantly burden my ability to create photographs and blogs celebrating opposite-sex engagements and weddings and my opportunities to use my studio to publicly advocate for marriages between one man and one woman.

503. Under either the first or second options described above, I will be put at a disadvantage compared to other photographers in Louisville and other photography editors around the country with whom I compete for wedding photography business and who advocate different perspectives than I do—either by ending my wedding photography completely or by ceasing promotional activities and conducting burdensome and time-consuming tasks that other photographers do not need to perform.

504. In the end, I do not want to leave the wedding industry because I am religiously motivated to provide wedding-celebration and boutique-editing services for weddings so that I can positively depict marriage between one man and one woman, celebrate those marriages publicly, and promote God's design for marriage. *See supra* ¶¶ 2-12, 75-99.

505. I also cannot practically leave the wedding industry and still operate my business.

506. I only provide wedding-celebration services for weddings and most of my requests for boutique-editing services seek edited photographs of weddings.

507. I cannot afford to create high quality digital photographs, to edit those photographs, to save those photographs, and to publish those photographs online for many projects without charging a commission.

508. If I did not charge a commission for my services, I will have to close Chelsey Nelson Photography altogether for financial reasons.

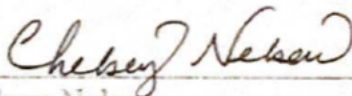
509. I have personally visited and viewed each of the websites referred to in this Declaration on August 30, 2021.

510. None of the statements found on any of the websites referred to in this Declaration were taken from a comment section or other forum for public comment except for the comments referenced in paragraphs 460-467.

**Declaration under penalty of perjury**

I, Chelsey Nelson, a citizen of the United States and a resident of the State of Kentucky, 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 30<sup>th</sup> day of August, 2021, at Louisville, Kentucky

  
\_\_\_\_\_  
Chelsey Nelson

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

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**Chelsey Nelson Photography LLC  
and Chelsey Nelson,**

Plaintiffs,

v.

**Louisville/Jefferson County Metro  
Government; Louisville Metro  
Human Relations Commission-  
Enforcement; Louisville Metro  
Human Relations Commission-  
Advocacy; Verná Goatley,** in her  
official capacity as Executive Director of  
the Louisville Metro Human Relations  
Commission-Enforcement; and **Marie  
Dever, Kevin Delahanty, Charles  
Lanier, Sr., Leslie Faust, William  
Sutter, Ibrahim Syed, and Leonard  
Thomas,** in their official capacities as  
members of the Louisville Metro  
Human Relations Commission-  
Enforcement,

Defendants.

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**Case No. 3:19-cv-00851-BJB-CHL**

**Bryan D. Neihart's Declaration in  
Support of Plaintiffs' Summary  
Judgment Motion**

I, Bryan D. Neihart, declare as follows:

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 Chelsey Nelson Photography LLC and Chelsey Nelson in this litigation.



3. On October 27, 2020, Defendants produced documents as part of its initial disclosures. True and correct copies of documents produced as part of that disclosure are in the Appendix at pages 331-336.

4. On January 25, 2021, Defendants served Defendants' Responses to Plaintiffs' First Set of Requests for Production and produced responsive documents. True and correct copies of the relevant excerpts of Defendants' responses and the relevant responsive documents are in the Appendix at pages 337-350.

5. On January 25, 2021, Defendants served Defendants' Responses to Plaintiffs' First Set of Requests for Admissions. True and correct copies of the relevant excerpts of Defendants' responses and the relevant exhibits sent with the requests for admissions are in the Appendix at pages 351-381.

6. On January 25, 2021, Defendants served Defendants' Objections and Responses to Plaintiffs' First Set of Interrogatories. True and correct copies of the relevant excerpts of Defendants' responses and the relevant exhibits Plaintiffs sent with the interrogatories are in the Appendix at pages 382-399.

7. On February 16, 2021, counsel for Defendants deposed Chelsey Nelson. True and correct copies of the relevant excerpts of Chelsey Nelson's deposition transcript and the relevant deposition exhibits are in the Appendix at pages 400-419.

8. On March 26, 2021, Defendants served Defendants' Responses to Plaintiffs' Second and Third Set of Discovery Requests. True and correct copies of the relevant excerpts of Defendants' responses, the relevant responsive document, and the relevant exhibits Plaintiffs sent with their second set of requests for admissions are in the Appendix at pages 420-434.

9. On March 26, 2021, Defendants served Defendants' Responses to Plaintiffs' Fourth Set of Discovery Requests (inadvertently named by Defendants as Responses to Plaintiffs' Second and Third Set of Discovery Requests). True and correct copies of the relevant excerpts of Defendants' responses and excerpts of the

relevant exhibits Plaintiffs sent with their fourth set of requests for admissions are in the Appendix at pages 435-530.

10. On March 30, 2021, Crystal Ludwick was deposed on written questions. True and correct copies of Ms. Ludwick's deposition transcript and excerpts of the relevant deposition exhibits are in the Appendix at pages 531-603.

11. On March 30, 2021, Sarah Katherine Davis was deposed on written questions. True and correct copies of Ms. Davis's deposition transcript and excerpts of the relevant deposition exhibits are in the Appendix at pages 604-653.

12. On March 31, 2021, Mary Slinger-Carreer was deposed on written questions. True and correct copies of Ms. Slinger-Carreer's deposition transcript and excerpts of the relevant deposition exhibits are in the Appendix at pages 654-727.

13. On May 25, 2021, counsel for Plaintiffs deposed Defendants' 30(b)(6) representative, Kendall Boyd. True and correct copies of the relevant excerpts of Mr. Boyd's 30(b)(6) deposition transcript and excerpts of the relevant exhibits are in the Appendix at pages 728-799.

14. On May 26, 2021, counsel for Plaintiffs deposed Kendall Boyd in his personal capacity. True and correct copies of the relevant excerpts of Mr. Boyd's deposition transcript and the excerpts of the relevant exhibits are in the Appendix at pages 800-826.

15. On May 26, 2021, counsel for Plaintiffs deposed Verná Goatley. True and correct copies of the relevant excerpts of Ms. Goatley's deposition transcript and excerpts of the relevant exhibits are in the Appendix at pages 827-862.

16. On June 14, 2021, I sent an open records request under K.R.S. § 61.870, *et seq.* to Chaz English, Assistant Attorney General in the Office of the Kentucky Attorney General. I sent the request to Mr. English after reviewing the Commonwealth of Kentucky Office of the Attorney General's Open Records Policy available on the office's website at

<https://ag.ky.gov/AG%20Publications/Open%20Records%20Policy%202021.pdf>. That policy identified Mr. English as the Records Custodian. Chaz English responded to my request and produced responsive documents on June 25, 2021. True and correct redacted copies of my correspondence with Mr. English and redacted excerpts of the relevant documents he produced are in the Appendix at pages 863-876.

17. On August 25, 2021, I downloaded the Louisville Metro Human Relations Commission Annual Report July 2017-June 2018. I accessed the report from the Reports & Publications page on the Louisville Metro Human Relations Commission's website (<https://louisvilleky.gov/government/human-relations-commission/reports-publications>). The report is available online at the following address: <https://louisvilleky.gov/human-relations-commission/document/2017-annual-report>. A true and correct copy of excerpts of that report is in the Appendix at pages 877-881.

18. On August 25, 2021, I downloaded the Louisville Metro Human Relations Commission Annual Report 2018/2019. I accessed the report from the Reports & Publications page on the Louisville Metro Human Relations Commission's website (<https://louisvilleky.gov/government/human-relations-commission/reports-publications>). The report is available online at the following address: <https://louisvilleky.gov/human-relations-commission/document/annual-report-2018-2019>. A true and correct copy of excerpts of that report is in the Appendix at pages 882-890.


19. On August 29, 2021, I visited Louisville Metro Human Relations Commission's webpage entitled "File a Discrimination Complaint." To arrive at this page, I visited Louisville Metro Human Relations Commission's website (<https://louisvilleky.gov/government/human-relations-commission>) and accessed the "File a Discrimination Complaint" page here <https://louisvilleky.gov/government/human-relations-commission/services/file->

[discrimination-complaint](#). A true and correct copy of that webpage is in the Appendix at pages 891-892.

**Declaration Under Penalty of Perjury**

I, Bryan D. Neihart, 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 1st day of September, 2021, at Scottsdale, Arizona.

sl   
Bryan D. Neihart