

# Florist Sued for Refusing to Decorate Gay Wedding Demands End to Attacks

Alliance Defending Freedom attorneys and allied attorneys representing a Washington florist asked a court Friday to dismiss Washington Attorney General Bob Ferguson's lawsuit against her.

In April, Ferguson sued Barronelle Stutzman, owner of Arlene's Flowers in Richland, Wash., for acting consistently with her faith and declining to use her creative skills to beautify the same-sex ceremony of a longtime customer, Robert Ingersoll, and another man, Curt Freed.

The motion filed with Benton County Superior Court in *State of Washington v. Arlene's Flowers* explains that Ferguson's insertion of himself into the matter was inappropriate because the legislature does not grant him the authority to act at this stage, especially since he never received a complaint but filed suit merely after learning about the matter through news reports. Alliance Defending Freedom attorneys filed a countersuit, *Arlene's Flowers v. Ferguson*, in May.

"In America, the government is supposed to protect freedom, not use intolerance for certain viewpoints to intimidate citizens into acting contrary to their faith," says senior legal counsel Dale Schowengerdt.

"The attorney general has acted inappropriately by trying to intimidate Barronelle through his lawsuit rather than leaving the process where the law says such matters need to take place," Schowengerdt says. "Plenty of other florists are willing to provide flowers for same-sex ceremonies, yet both lawsuits against Barronelle insist on going after not only her business, but going after her personally as well. That's

extraordinary, and we're asking the court to put a stop to it."

The motion states, "The Attorney General's action here, on behalf of the State of Washington, is based on an unprecedented interpretation of the Washington Law Against Discrimination ... and the Consumer Protection Act. The State's action goes against the statutes' specific terms and more than 30 years of prior agency practice by successive Attorneys General. This Court should reject the Attorney General's illegitimate claim of authority to bring this action. ... Accordingly, this court should dismiss the Complaint filed by the State of Washington for lack of primary jurisdiction, failure to exhaust administrative remedies as required by law, and lack of standing."

Alliance Defending Freedom attorneys also filed a motion in both the state's case and in *Ingersoll v. Arlene's Flowers* that asks the court to stop the state and the ACLU from attacking her personally rather than just her business. According to the motion, Washington law does not allow someone to attack a business officer personally rather than just sue the business "absent such exceptional circumstances as when the officer knowingly engaged in fraud, misrepresentation, or theft," which the motion points out neither of the lawsuits against Stutzman are alleging.

"Ingersoll and Freed's claim that Mrs. Stutzman 'aided' discrimination should likewise fail," the motion additionally argues. "Plaintiffs making an aiding-discrimination claim must show that the defendant involved a third party," another fact that neither lawsuit is alleging.