

SUPERIOR COURT OF WASHINGTON  
COUNTY OF BENTON

STATE OF WASHINGTON,

Plaintiffs,

v.

ARLENE'S FLOWERS, INC., d/b/a  
ARLENE'S FLOWERS AND GIFTS, and  
BARRONELLE STUTZMAN,

Defendants.

ROBERT INGERSOLL and CURT FREED,

Plaintiffs,

v.

ARLENE'S FLOWERS, INC., d/b/a  
ARLENE'S FLOWERS AND GIFTS; and  
BARRONELLE STUTZMAN,

Defendants.

No. 13-2-00871-5  
(Consolidated with 13-2-00953-3)

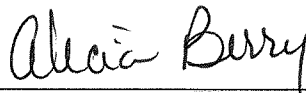
DECLARATION OF ALICIA BERRY IN  
SUPPORT OF MOTION FOR PARTIAL  
SUMMARY JUDGMENT ON  
PERSONAL CAPACITY CLAIMS

1. My name is Alicia Berry, and I am one of the attorneys of record for  
Arlene's Flowers and Barronelle Stutzman.

1  
2 2. I am over the age of eighteen, competent to testify, and have personal  
3 knowledge of the information contained within this affidavit.

4 3. Defendants' Exhibit D is a true and correct copy of the deposition  
5 transcript of Barronelle Stutzman, which was taken on October 3, 2013.  
6

7 DATED this 25th day of October, 2013.

8   
9 Alicia M. Berry, WSBA# 28849  
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Transcript of the Testimony of

**Barronelle Stutzman**

October 3, 2013

**State of Washington v. Arlene's Flowers**

No. 13-2-00871-5



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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF BENTON

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STATE OF WASHINGTON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 13-2-00871-5
	)	
ARLENE'S FLOWERS, INC., d/b/a	)	
ARLENE'S FLOWERS AND GIFTS; and	)	
BARRONELLE STUTZMAN,	)	
	)	
Defendants.	)	
	)	
<hr/>		
ROBERT INGERSOLL and CURT FREED,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
ARLENE'S FLOWERS, INC., d/b/a	)	
ARLENE'S FLOWERS AND GIFTS; and	)	
BARRONELLE STUTZMAN,	)	
	)	
Defendants.	)	

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DEPOSITION OF BARRONELLE STUTZMAN

October 3, 2013

Kennewick, Washington

**Barronelle Stutzman**  
**October 3, 2013**

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1 I N D E X

2 BARRONELLE STUTZMAN PAGE NO.

3 EXAMINATION 6  
4 BY MR. SCOTT

5

6

7

8 E X H I B I T S

9 NO. DESCRIPTION PAGE NO.

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12 Flower, December 18, 1989, Arlene's Flowers,  
RFP Resp. 001

13 2 Agreement, Arlene's Flowers RFP Resp. 002 15  
through 007

14 3 Bylaws of Arlene's Flowers, Inc., 29  
15 Arlene's Flowers RFP Resp. 009 through 024

16 4 Arlene's Flowers, Inc., Employee 30  
17 Handbook, Store Policies and Procedures,  
Arlene's Flowers RFP Resp. 031 through 042

18 5 Arlene's Flowers and Gifts Mission and 35  
19 Procedure, Arlene's Flowers RFP Resp. 043  
through 045

20 6 Wedding Flowers, Connie Stevens, Arlene's 54  
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21 7 Nichole Faught, Wedding September 10, 61  
22 2011, Arlene's Flowers RFP Resp. 259 through  
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23 8 Wedding Flower Plan, Faith Richardson, 62  
24 Arlene's Flowers RFP Resp. 264 through 276

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1 BE IT REMEMBERED that on Thursday,  
2 October 3, 2013, at 8127 W. Klamath Court, Building 6,  
3 Suite A, Kennewick, Washington, at 9:03 a.m. before  
4 SUSAN E. ANDERSON, Registered Professional Reporter,  
5 appeared BARRONELLE STUTZMAN, the witness herein;

6 WHEREUPON, the following proceedings  
7 were had, to wit:

8

9 <<<<<< >>>>>>

10

11 BARRONELLE STUTZMAN, having been first duly sworn  
12 by the Certified Court Reporter,  
13 deposed and testified as  
14 follows:

15

16 EXAMINATION

17 BY MR. SCOTT:

18 Q Good morning, Ms. Stutzman, my name is Michael Scott  
19 and I represent Robert Ingersoll and Curt Freed.

20 Could you please state your full name and address  
21 for the record?

22 **A Barronelle Hedges Stutzman.**

23 Q And what is your address?

24 **A 4291 Eltopia West Road in Eltopia, Washington.**

25 Q And where is that in relationship to where we are

1       today?

2   **A    It's a half an hour drive.**

3   Q    Okay.  How long have you lived in the Tri-Cities area?

4   **A    62 years.**

5   Q    Born and raised.  Okay.  Would you describe your  
6       educational background for us, please?

7   **A    High school, two years of college and then trade  
8       schools in floral design.**

9   Q    Okay.  Where did you go to high school?

10  **A    Columbia High, Richland.**

11  Q    And what year did you graduate if I may?

12  **A    '62.**

13  Q    Okay.  And where were your two years of college?

14  **A    CBC.**

15  Q    That's Columbia Basin College?

16  **A    Yes, sir.**

17  Q    What did you study there?

18  **A    Just an AA.**

19  Q    Okay.  Did you have an emphasis in a field of studies?

20  **A    No, sir.**

21  Q    Okay.  And you mentioned that you've had some trade  
22       school in floral design.

23               Would you tell us more about that, please?

24  **A    It's just been on and off the years that we go to  
25       different schools or different shows, design shows.**

1 Q Okay.

2 **A Just to hone our creativity.**

3 Q And are these shows or schools located here in  
4 Washington State or are they spread around?

5 **A Seattle, Spokane, Portland.**

6 Q Okay. Do these -- I'm not familiar with your line of  
7 work so help me understand it better.

8 Do you get certificates or degrees from these  
9 educational programs?

10 **A No, I did -- I -- I believe I did get one on the**  
11 **wedding, but most of them are like one-day workshops**  
12 **or informational meetings.**

13 Q Okay. The one that you're thinking about for the  
14 wedding, when was that?

15 **A Years ago in Seattle.**

16 Q Okay. Do you remember the name of the program or  
17 anything?

18 **A I do not. It was a three-day event.**

19 Q Okay. When did you first get into the floral  
20 business?

21 **A When my mom bought her first shop. What year was**  
22 **that?**

23 Q You can give us an approximate date if that rings a  
24 bell.

25 **A I've been in the business 32 years, so.**

1 Q Okay. Well, we'll return to that, but was there a  
2 period of time before you started work in the floral  
3 business where you were involved in another line of  
4 work?

5 A **Yes, I worked at Payless Drug for years.**

6 Q Okay. And what was your position at Payless?

7 A **I did everything, I worked in the office, I worked in  
8 informational booth, I --**

9 Q Ran the place?

10 A **-- did it all.**

11 Q Okay.

12 A **No, I didn't. No.**

13 Q And which Payless were you in?

14 A **Richland.**

15 Q Okay. And did you start that right out of Columbia  
16 Basin?

17 A **High school. Out of high school.**

18 Q Out of high school. Okay. And was your first job  
19 that was floral related working with your mom in her  
20 shop?

21 A **Yes, I was the delivery person.**

22 Q Okay. Where was your mother's shop?

23 A **It was called Ryan's Unique and it was on -- it was in  
24 Richland on Wright, I believe, W-R-I-G-H-T.**

25 Q Okay. And was it sometime in -- getting my math

1 right, the early 1980s -- no, let me not try to do the  
2 dates for you, I'll get you messed up.

3 **A Thank you.**

4 Q I'm not good at math, especially in the morning, I  
5 haven't had enough coffee. Okay.

6 Which decade was that, at least let's pin it down  
7 that far if we could?

8 **A I don't -- which decade? I'm trying to think how old**  
9 **I was. I don't --**

10 Q Memory's a funny thing. We'll --

11 **A Yeah, come back to that one.**

12 Q Okay. So we know you graduated from high school in  
13 '62.

14 Did you go straight to Columbia Basin?

15 **A No.**

16 Q Okay. So you worked for a while?

17 **A Correction. I did go straight to Columbia Basin. I**  
18 **didn't finish my degree.**

19 Q Right.

20 **A I went back later.**

21 Q When did you finish your degree?

22 **A When I was married and had two kids.**

23 Q Okay.

24 **A I lived in Connell at that time.**

25 Q Okay. Maybe that will help us, when did you get

1 married?

2 **A '60 -- no, yeah, '63.**

3 Q Okay. And about when after you had kids did you go  
4 back to finish your degree?

5 **A They were in high school.**

6 Q So, would that have been sometime in the --

7 **A '63, '73, about '83.**

8 Q Okay. And during that period of time were you still  
9 at Payless?

10 **A No, I was at the flower shop.**

11 Q Okay. So did you start work at the flower shop while  
12 you were at Columbia Basin?

13 **A No, I was working for the flower shop for my mom on  
14 and off there.**

15 Q On and off. All right. So, let's focus on your work  
16 for your mom.

17 Did you do anything other than delivery when you  
18 first started?

19 **A No.**

20 Q How long did you do delivery work?

21 **A Maybe a year.**

22 Q Okay. And then what was your next role in the  
23 business?

24 **A We moved to Connell. And I worked for Lamb Weston  
25 there.**

1 Q Who was that?

2 A Lamb Weston potato processing plant.

3 Q Okay.

4 A And then she decided she wanted to open a store in

5 Connell.

6 Q Okay.

7 A So I started in Connell as just helping out the gal

8 that managed it. And then she trained me from there

9 and then it sort of evolved in there. And then I

10 worked there, took over the shop and then I came down

11 to Richland and took over that shop.

12 Q And when you say you came down to Richland, took over

13 that shop, which shop is that?

14 A Arlene's.

15 Q Arlene's. The shop you're currently working?

16 A Yes, sir.

17 Q And was that in the early 2000s?

18 A Earlier than that.

19 Q Okay. When was that?

20 A I'm thinking here. About '60 -- no. Okay. Go back

21 18 -- go back 18 years, then eight years and then

22 five years. So whatever that is.

23 Q 18 plus eight plus five, that's 31 years if I do my

24 math correctly.

25 A Okay.

1 Q Okay. And we're 2013, so about 1982, somewhere in  
2 there?

3 **A Okay. I'm not positive.**

4 Q Okay. Understood.

5 Before we talk about your work with the store that  
6 you're now with, Arlene's, when you were with your  
7 mother in the series of stores what was your  
8 progression of roles with your mother's business?

9 **A Started out as a delivery person when she had Arlene's**  
10 **Unique. And then I -- I just cleaned flowers, washed**  
11 **buckets. I was trained in every aspect of it except**  
12 **bookkeeping. And was trained by five other designers**  
13 **and my mom. And just worked my way up to manager and**  
14 **then I bought the shop.**

15 Q Okay. So when you first started at Arlene's what was  
16 your role?

17 **A Flunky.**

18 Q What did you do in that role?

19 **A Washed buckets.**

20 Q Okay.

21 **A Cleaned flowers.**

22 Q Okay.

23 **A There to answer phones, wait on people.**

24 Q Okay. At what point during your career did you start  
25 working on weddings?



1 A Oh, it was awhile because you just didn't take  
2 weddings, that was sort of like funeral work, it was  
3 an exception to the rule. So I couldn't tell you  
4 exactly when I did that, but I was trained pretty well  
5 before I could do that, before they would let me do  
6 that.

9 A Oh, yeah.

12 A Dotty Ryan, my mom.

14     **A**     Yes.

16    **A**    Her and her husband, I suppose.

19 Q (By Mr. Scott) Ms. Stutzman, the court reporter has  
20 handed you Exhibit 1 to your deposition today, it's a  
21 certificate of incorporation to Arlene's Flowers, Inc.  
22 that was produced by Arlene's Flowers in this case.

25     **A**     **Yes, sir.**

1 Q And it shows a date of December 18, 1989.

2 Do you know whether or not that's the date in  
3 which the business was first incorporated or was there  
4 a business that your mother owned called Arlene's  
5 Flowers before that?

6 **A There wasn't another Arlene's Flowers, there was only**  
7 **one.**

8 Q Okay. Thanks.

9 (Exhibit No. 2 marked for  
10 identification.)

11 Q (By Mr. Scott) The court reporter's handed you  
12 Exhibit 2, but before I move on to that I'll ask you  
13 an obvious question relating to Exhibit 1, the  
14 certificate of incorporation. It says there if you'll  
15 look that it's Arlene's Flowers, Inc. is incorporated  
16 as a Washington profit corporation.

17 Do you see that?

18 **A What are you looking at?**

19 Q In the middle of the page right underneath the name of  
20 business.

21 **A Okay. Yes, sir.**

22 Q And it is correct, isn't it, that you're in the  
23 business to make money or it's a for profit  
24 corporation?

25 **A That's the hope, yes.**

1 Q So turning to Exhibit 2, it was also produced to us in  
2 this case. That's an agreement dated January 31, 2000  
3 between yourself, Barronelle Stutzman, and  
4 Dorothy Ryan; is that right?

5 **A Yes, sir.**

6 Q And Dorothy Ryan is Dotty Ryan, your mother?

7 **A Yes, sir.**

8 Q Okay. Would you tell us in your own words how it came  
9 to be that you bought the store from your mother?

10 **A She was ill, had Alzheimer's and I wanted to buy it to**  
11 **make sure that I could support her, take care of her.**

12 Q Had it been sort of the plan for some time that you  
13 would succeed her in the business?

14 **A Yes.**

15 Q Okay. And are you the sole owner of Arlene's Flowers?  
16 The only owner?

17 **A The only owner like my husband and I? Well, I'm the**  
18 **only owner, yeah.**

19 Q Okay. Okay. And you're the president of the company?

20 **A Yes, sir.**

21 Q All right. And have you always been the president of  
22 Arlene's Flowers since you bought the store from your  
23 mother?

24 **A Yes, sir.**

25 Q And you mentioned, just to go back and clear the

1 record up a little bit, that you got married shortly  
2 after you graduated from high school, right?

3 **A (Nods head.)**

4 Q Did you marry at that time the man you're currently  
5 married to?

6 **A No, sir.**

7 Q Okay. How long were you married to your first  
8 husband?

9 **A 27 years.**

10 Q Okay. And you have a couple kids through that  
11 marriage?

12 **A Yes, sir.**

13 Q How many kids do you have?

14 **A Two.**

15 Q And what was your former husband's name?

16 **A Stan Lee.**

17 Q Okay. And when did you marry your current husband?

18 **A 1996.**

19 Q Is this your second marriage?

20 **A Yes, sir.**

21 Q Okay. And do you have any children with your current  
22 husband?

23 **A No, sir.**

24 Q All right. So tell us more about Arlene's Flowers,  
25 has it always been in the same location?

1   **A**    **Yes, sir. Well, since I've had it.**

2   Q    Since you've had it?

3   **A**    **Yeah.**

4   Q    Where was it before that?

5   **A**    **It was down on the parkway.**

6   Q    Okay. How long was it on the parkway?

7   **A**    **Before there was business licenses.**

8   Q    Okay. I won't ask to date that then.

9           At the time it was down on the parkway was  
10       Arlene's Flowers involved in flowers for weddings?

11   **A**    **I have no idea.**

12   Q    Okay. Your mother didn't own it at that time?

13   **A**    **No.**

14   Q    Okay. How long during the time your mother and you  
15       have owned the store has Arlene's Flowers been  
16       involved in selling floral arrangements and services  
17       for weddings?

18   **A**    **Always.**

19   Q    Always. Okay. And have you always been involved in  
20       it yourself?

21   **A**    **Involved in the weddings?**

22   Q    Yes.

23   **A**    **No, not until I was trained.**

24   Q    Trained. Okay. How much of your business in the last  
25       five years if you can estimate for us is related to

1       weddings? Just approximately?

2   **A    I don't keep track of that, so.**

3   Q    Can you give me your best estimate, understanding that  
4       you don't keep precise track?

5   **A    You want a percentage?**

6   Q    If that works for you, yes.

7   **A    I can't -- accurately I cannot give you a count.**

8   Q    I'm not looking to pin you down to accurate.

9   **A    Okay. If I'm guessing, maybe three percent.**

10   Q    Okay. So just to put it in context. Arlene's Flowers  
11       sells flowers for all occasions; is that right?

12   **A    Yes, sir.**

13   Q    Okay. And all occasions includes things from the  
14       happy joy of babies to the sad occasion of people  
15       passing away and every life event in between.

16       Is that fair?

17   **A    Yes, sir.**

18   Q    How many people work at Arlene's Flowers?

19   **A    Average is ten.**

20   Q    Okay. Does that go up and down seasonally?

21   **A    Yes, sir.**

22   Q    Okay. And how many hours a week do you work at the  
23       store these days?

24   **A    I'm scheduled for Monday, Wednesday and Fridays.**

25   Q    Full days on those days?

1   **A**    Full days, but then I also do work at home, so.

2   Q    Okay. Has that been the case for some time or is that

3       new?

4   **A**    Yes, sir.

5   Q    Okay. And what are the -- just taking a --

6   **A**    Can I go back and clarify that?

7   Q    Of course.

8   **A**    What do you mean by some time? Have I been doing that

9       for some time?

10  Q    Okay. Fair enough. Fair enough.

11  **A**    Okay.

12  Q    How long have you been doing that?

13  **A**    The three days a week?

14  Q    Yes.

15  **A**    About three years.

16  Q    Okay. All right. And over the last three years, that

17       may be a convenient time frame for us to talk about

18       today, over the last three days would you give us an

19       overview of the positions of the approximately ten

20       people on average who work at Arlene's Flowers, what

21       are their respective roles?

22  **A**    Over the three days?

23  Q    No, over the last three years.

24  **A**    Okay. Repeat the question, please.

25  Q    Sure. Just taking the last three years as our frame

1 of reference, you said on average about ten people  
2 work for Arlene's Flowers, right?

3 **A Yes, sir.**

4 Q What are the respective roles of those ten people?

5 **A Well, I have a manager. I have two drivers. I have**  
6 **three designers. And I have people that clean**  
7 **flowers, a greenhouse person.**

8 Q Okay. Does the manager get involved in designing  
9 floral arrangements?

10 **A Yes, sir.**

11 Q So when you say three designers is that one of the  
12 three or in addition to the three?

13 **A That's one of the three.**

14 Q Okay. Other than the three, who are the three  
15 designers?

16 **A It'd be Janell, Leslie and myself. And then McKenna**  
17 **is sort of an all around everything, so she designs**  
18 **and does the computers and -- because she isn't a**  
19 **major designer.**

20 Q Okay. Do all four of you including McKenna get  
21 involved in flowers for weddings?

22 **A McKenna does not.**

23 Q So three of you are involved in flowers for weddings;  
24 is that right?

25 **A Yes, sir.**



1 Q Thank you.

2 And you say on average you have ten employees, are  
3 there times when you have more than ten?

4 A Yes, sir.

5 Q Tell us when that happens.

6 A Major holidays.

7 Q Okay. And during major holiday seasons what would be  
8 your head count? Employee head count?

9 A Are we counting just people I employ or people that  
10 also deliver for us that are on a -- a contribution?

11 Q Let's talk about both. But first, how many would you  
12 employ during that holiday season?

13 A 18.

14 Q Okay. And approximately how many people deliver for  
15 you during the holiday season?

16 A Probably another 18.

17 Q Okay. So I'd like to learn a little bit more about  
18 the people you employ who are involved in designing  
19 floral arrangements.

20 What is Janell's background?

21 A She's worked for other flower shops, I don't know what  
22 her -- I can't say what her background is.

23 Q Okay. Do you know what other flower shops she's  
24 worked for?

25 A She's worked for Buds...and Blossoms, Too.

1 Q Can you spell that for our court reporter?

2 A B-U-D-S...and Blossoms, B-L-O-S-S-O-M-S, Two, T-W-O  
3 (sic).

4 Q Thank you.

5 A And she's worked at -- she's worked at quite a few  
6 shops, but you would have to ask her exactly what  
7 those are.

8 Q We'll be talking with her at some time.

9 Do you know approximately how many years she's  
10 been in the business?

11 A She's been with me I believe about 12, so. Yeah, I  
12 can't -- you have to ask her, I don't know exactly.

13 Q Fair enough. At the time she started working for you  
14 had she already been trained in floral design?

15 A Yes, sir.

16 Q Including training for weddings, floral designs?

17 A Yes, sir.

18 Q Okay. Has she had any additional training during that  
19 period of time with you?

20 A She's gone to seminars and update programs with me,  
21 yes.

22 Q And is it a business where like many businesses there  
23 are always new ideas and new ways to do things?

24 A Yes, sir.

25 Q Okay. And do you try to hire people who have their

1 own independent creative ideas?

2 **A Yes.**

3 Q And Janell fits that description?

4 **A Yes.**

5 Q What is Leslie's background?

6 **A Again, she's worked for a lot of flower shops, you'd**  
7 **have to ask her exactly who she's worked for. She's**  
8 **been in the business a long time.**

9 Q Can you estimate the number of years she's been in the  
10 business?

11 **A No, sir.**

12 Q You said a long time?

13 **A Yes, sir.**

14 Q Is that more than ten years?

15 **A Yes, sir.**

16 Q More than 20 years?

17 **A I --**

18 Q You don't know. Somewhere in there; is that right?

19 **A (Nods head.)**

20 Q Okay. And we've already talked about your background,  
21 of course.

22 Do you know where Leslie was trained in floral  
23 design?

24 **A No, sir.**

25 Q When did you hire Leslie?

1   **A**    I couldn't -- I couldn't be for certain on that  
2           because she's come in and worked and then left for a  
3           while and then come back and worked and left for a  
4           while.  So I'm not -- I'm not exact on that.

5   **Q**    Had she been trained in floral design before you hired  
6           her?

7   **A**    **Yes, sir.**

8   **Q**    Including designs for weddings?

9   **A**    **Yes.**

10   **Q**   And has she received additional training during the  
11          time she's worked for you?

12   **A**    **I can't remember if she's been with us on the trips or**  
13          **not.**

14   **Q**    Okay.  Do you allow your designers who you've said you  
15          hire because they're creative and have good ideas, do  
16          you allow them some freedom in their creativity in  
17          their work for you?

18   **A**    **Yes, sir.**

19   **Q**    Who supervises your designers?

20   **A**    **Janell and I.**

21   **Q**    Okay.  And were the three of you the three designers  
22          who worked on wedding floral arrangements in March of  
23          this year?

24   **A**    **I cannot remember if Leslie was there in March.**

25   **Q**    Okay.

1   **A   But Janell and I were.**

2   Q   Okay.  Leslie you said has worked on and off for you;  
3       is that right?

4   **A   Yes, sir.**

5   Q   Is she hired seasonally or is there some other reason  
6       why she's on and off?

7   **A   Well, she -- it just depends on the circumstances and  
8       when she wants to work or if there's a holiday or...**

9   Q   Okay.  I'd like to understand a little bit more about  
10      how you get your business.

11           Does some of your business just walk into the  
12      store, new customers walk in?

13   **A   Yes, sir.**

14   Q   And of course I'm sure you have customers who you've  
15      known and come in for long periods of time.

16           Is that also true?

17   **A   Yes, sir.**

18   Q   Do you take orders by phone as well?

19   **A   Yes, sir.**

20   Q   And how about online orders, do you take orders by  
21      computer these days?

22   **A   Yes, sir.**

23   Q   Okay.  How long has that been going on?

24   **A   I can't give you an exact date.**

25   Q   Okay.  Is there any way for you to estimate what

1 percentage of your business is walk in versus phone  
2 versus computer?

3 **A About 85 percent of ours is by phone and computer.**

4 Q Okay.

5 **A The rest is walk in.**

6 Q Okay. And the 85 percent, is there any way to break  
7 that down further, phone/computer?

8 **A I'm sure there is, but I haven't broken it down.**

9 Q Okay. Does Arlene's Flowers advertise?

10 **A Yes, sir.**

11 Q How do you advertise?

12 **A By radio, telephone marketing, internet, newspaper,  
13 word of mouth, reader board, brochures.**

14 Q Okay. In the time frame for the three years leading  
15 up to March of this year, March of 2013, did any of  
16 your advertising at any of those media have a  
17 religious message as part of the advertisement?

18 **A Not positive on that one.**

19 Q Okay.

20 **A There may have been something on the radio, but I'm  
21 not positive.**

22 Q Okay. And when you say there may have been something  
23 on the radio what are you thinking of?

24 **A I may have said something like blessing or -- but in  
25 general, no.**

1 Q Nothing more than that that you can think of?

2 **A No, sir.**

3 Q So it sounds like possibly all but at least the vast  
4 majority of your advertising has not had any religious  
5 content to it; is that right?

6 **A Yes, sir.**

7 Q Is any of your advertising specifically -- strike  
8 that.

9 Has any of your advertising in the three years  
10 leading up to March of 2013 specifically been aimed at  
11 flowers for weddings?

12 **A No.**

13 Q And you and Janell Becker have been colleagues for  
14 some time, do you have a relationship that extends  
15 beyond the workplace to a friendship outside business?

16 **A Clarify that, please.**

17 Q I don't mean to put words in your mouth, so why don't  
18 you describe your relationship with Janell, is it  
19 business, social, some mixture of the two?

20 **A By social you mean do we go out to dinner or go to  
21 movies?**

22 Q Or whatever friends would do?

23 **A I need more clarification on that.**

24 Q Well, again, I want you to explain, do you and Janell  
25 see each other outside the workplace?

1   **A**   Other than design shows.

2   **Q**   Right.

3   **A**   Where we have Christmas parties.

4   **Q**   Correct.

5   **A**   So.

6   **Q**   And what is your answer to that? I'm confused. I'll  
7       ask the court reporter. We'll get on the same page,  
8       don't worry.

9           So you and Janell obviously work together, you go  
10       to trade shows together?

11   **A**   Right.

12   **Q**   And office Christmas parties for your employees  
13       together?

14   **A**   Right.

15   **Q**   Other than that kind of activity do you and Janell get  
16       together?

17   **A**   No.

18   **Q**   All right.

19                               (Exhibit No. 3 marked for  
20                               identification.)

21   **Q**   (By Mr. Scott) Ms. Stutzman, the court reporter has  
22       handed you Exhibit 3 to your deposition, that's a copy  
23       of the bylaws for Arlene's Flowers, Inc. that were  
24       again produced to us in this lawsuit.

25           Do you recognize that as a copy of the articles of



1 incorporation for Arlene's Flower, Inc. dated  
2 January 31, 2000?

3 **A Yes, sir.**

4 Q And I'll note that January 31, 2000 is the same date  
5 as the agreement we looked at earlier marked  
6 Exhibit 2, which was the agreement by which you and  
7 your mother sold the store to you; is that right?

8 **A Yes, sir.**

9 MR. BRISTOL: Mike, I hope you don't  
10 mind, I just want to get a clarification on the  
11 record. These are bylaws that we're looking at, not  
12 articles.

13 MR. SCOTT: Thank you for that. I  
14 stand corrected, it is the bylaws of Arlene's Flowers,  
15 Inc., I misspoke.

16 Q (By Mr. Scott) Have these bylaws been in place the  
17 entire time you've owned the business?

18 **A Yes, sir.**

19 Q Okay. Thank you. That's all I need with those.

20 (Exhibit No. 4 marked for  
21 identification.)

22 Q (By Mr. Scott) Ms. Stutzman, you've been handed  
23 Exhibit 4 to your deposition.

24 Is that a copy of Arlene's Flowers, Inc. employee  
25 handbook, store policies and procedures?

1   **A   Yes, sir.**

2   Q   And how long has this handbook been in place?

3   **A   I can't tell you exactly.**

4   Q   Okay. Was it in place this entire calendar year?

5   **A   Yes, sir.**

6   Q   And for a couple years before that?

7   **A   Yes, sir.**

8   Q   Do you and your employees refer to this handbook in

9       the course of business to help guide your employee

10      conduct?

11  **A   On a daily basis, on a yearly basis, on a --**

12  Q   On a whatever kind of regular basis?

13  **A   We don't look at it on a regular basis. But every**

14      **employee gets one when they're hired.**

15  Q   Okay. And you expect every employee to familiarize

16      herself or himself with it?

17  **A   Yes, sir.**

18  Q   Okay. Would you turn to the second page of the

19      exhibit, please?

20  **A   (Witness complies.) The cover page?**

21  Q   Yes, the page right behind the cover.

22  **A   Okay.**

23  Q   Paragraph 4 is what I want to ask you about, in

24      paragraph 4 a nonharassment policy/nondiscrimination

25      policy.

1           Do you see that?

2   **A   Yes, sir.**

3   Q   And it reads, "This company prohibits discrimination  
4       or harassment based on race, color, religion, creed,  
5       sex, national origin, age, disability, marital status,  
6       veteran status or any other status protected by  
7       applicable law."

8           Do you see that?

9   **A   Yes, sir.**

10   Q   And as the president of Arlene's Flowers, Inc. can you  
11       describe how you expect that to guide your employee  
12       conduct with respect to customers? Just in your own  
13       words?

14                   MR. BRISTOL: I'm going to just  
15       object to the form of the question as vague.

16   Q   (By Mr. Scott) You may answer.

17   **A   Clarify for me.**

18   Q   Well, in your own words how do you expect your  
19       employees to abide by this policy?

20   **A   I expect them to follow the policy.**

21   Q   Okay. What do you expect them -- what do you  
22       understand in this policy the word creed to mean?

23   **A   I'm sorry?**

24   Q   What do you understand the word creed to mean in this  
25       policy?

1   **A   Don't know.**

2   Q   Okay. Has that ever come up in discussions with your  
3       employees?

4   **A   No, sir.**

5   Q   Do you have a personal understanding of what that word  
6       would mean?

7   **A   No, sir.**

8   Q   Okay. If the dictionary definition of creed means  
9       belief or faith, would that be consistent with your  
10      understanding of creed generally?

11  **A   I've never looked it up.**

12  Q   Okay. This nondiscrimination, nonharassment policy  
13      does not specifically mention sexual orientation as a  
14      status protected by law.

15           Have you ever considered including sexual  
16      orientation in this policy?

17  **A   It's never come up before.**

18  Q   Are you aware that Washington law prohibits  
19      discrimination on the basis of sexual orientation?

20  **A   Yes, sir.**

21  Q   And is it policy of Arlene's Flowers to abide by that  
22      protection?

23  **A   Yes, sir.**

24  Q   Have you ever discussed that with any of your  
25      employees?

1   **A   Discussed?**

2   Q   Sexual orientation as a status protected by law?

3   **A   No.**

4   Q   Okay. Do your employees receive training, and by that  
5       I mean anything formal or informal, but training about  
6       your policy handbook?

7   **A   Training on the handbook?**

8   Q   Yes.

9   **A   No, sir.**

10   Q   Do you go over it with them or have your office  
11       manager go over the handbook with your employees when  
12       they're hired?

13   **A   No.**

14   Q   Okay. Have you ever had any training, again, formal  
15       or informal, at Arlene's Flowers that relates to your  
16       nondiscrimination policy?

17   **A   I need that clarified. Nondiscrimination, explain to  
18       me what you mean by nondiscrimination.**

19   Q   I mean the policy that we've been looking at in  
20       paragraph 4.

21   **A   Have we had training?**

22   Q   Yes.

23   **A   No, sir.**

24   Q   So is it fair to say, if I understand your testimony  
25       correctly, that you haven't had any meetings or

1 sessions at Arlene's Flowers with your employees where  
2 you've discussed this nondiscrimination policy?

3 **A We had a meeting when it came to the decision not to**  
4 **be a part of the event, that's the only time.**

5 Q And what event are you referring to?

6 **A Robert and Curt's marriage.**

7 Q Okay. We'll talk about that later.

8 Other than that you've never had a meeting or  
9 discussion with your employees about the  
10 nondiscrimination policy?

11 **A No, it's never come up.**

12 Q Has any employee of Arlene's Flowers ever raised a  
13 concern about discrimination, either of an employee or  
14 of a customer? And again, we'll leave aside the Rob  
15 and Curt situation for now.

16 **A Never brought to my attention, no.**

17 Q Okay.

18 (Exhibit No. 5 marked for  
19 identification.)

20 Q (By Mr. Scott) Ms. Stutzman, Exhibit 5 to your  
21 deposition is entitled Arlene's Flowers and Gifts'  
22 Mission and Procedure. And this was produced by  
23 Arlene's Flowers in this case.

24 Who wrote this document?

25 **A I don't remember, it had to be me.**

1 Q Okay. The first paragraph says that "Arlene's has  
2 been in business for over 47 years."

3 Where does that 47-year number come from?

4 **A From the previous Arlene's Flowers.**

5 Q Okay. Which was started by your mother?

6 **A No. Started on the parkway before that, before my**  
7 **mom.**

8 Q Your mom bought that parkway business; is that  
9 correct?

10 **A She bought the business that's on Lee now.**

11 Q Okay.

12 **A Parkway business moved to Lee.**

13 Q Got it. Thank you. Okay.

14 And it goes on to say, "Service is what we're all  
15 about. We want to be our customers' personal florist,  
16 not just a florist. We want our customers from birth  
17 to death. We are happy to refund or correct their  
18 order."

19 Does that first paragraph, introduction to your  
20 mission and procedure, accurately describe the mission  
21 and procedure of Arlene's Flowers during the time  
22 you've owned the business?

23 **A Yes, sir.**

24 Q And skipping the shop hours paragraph to the paragraph  
25 that begins "Customers." This document says,

1 "Customers come first, whoever they are, however they  
2 are dressed, whatever they look like, whatever color  
3 or creed, what they are willing to spend."

4 Has that -- does that sentence accurately describe  
5 the mission of Arlene's Flowers during the time that  
6 you've owned the business?

7 **A Yes, sir.**

8 Q Okay. And what did you mean and what do you mean when  
9 you say, "Customers come first, whoever they are"?

10 **A They're the ones that write our paycheck.**

11 Q Okay. And so does "whoever they are" mean in your  
12 mind people of all types and beliefs and faiths?

13 **A Yes, sir.**

14 Q Every type of different person?

15 **A Yes, sir.**

16 Q Okay. And one of the phrases in this sentence is  
17 "whatever color or creed."

18 Do you know what creed means in the context of  
19 this sentence, "whatever color or creed"?

20 **A Religion.**

21 Q Okay. What about people who aren't religious, do you  
22 consider them to come first as well?

23 **A Absolutely.**

24 Q Okay. And does that also mean that you consider  
25 customers to come first no matter what their religion



1 is, whether it's Christian or some other faith that  
2 you don't even know anything about?

3 **A I don't usually ask them what religion or they are**  
4 **when they come in.**

5 Q Okay. And is that also true of your employees, they  
6 don't usually ask your customers what religion they  
7 are when they come in?

8 **A No. Why would they?**

9 Q And that's true also I would assume of wedding  
10 customers, including wedding customers, you don't ask  
11 them what religion they are?

12 **A No, sir.**

13 Q Or even if they are a person of faith.  
14 Is that true?

15 **A That's true.**

16 Q Okay. Do you ask your customers what their sexual  
17 orientation is?

18 **A No, sir.**

19 Q Okay. And that's true also of wedding customers.  
20 Is that true? Let me rephrase that.

21 Do you ask or do your employees ask wedding  
22 customers what their sexual orientation is?

23 **A No, sir.**

24 Q Is there anything in Arlene's Flowers' mission  
25 statement that relates to providing flowers for same

1 sex weddings?

2 **A It's never come up before.**

3 Q Okay. Were you aware that in the 2012 election  
4 Washington voters endorsed the legalization of same  
5 sex marriage?

6 **A Yes, sir.**

7 Q Did you consider whether or not to change your  
8 policies and mission statement at that time?

9 **A No, sir.**

10 Q Let's talk a little bit more about the wedding  
11 business in your company.

12 I understand it's difficult to put precise numbers  
13 or percentages on this. But in a typical month can  
14 you give me an estimate of how many wedding customers  
15 might come into your store through whatever avenue?

16 **A I don't have a typical month for weddings. Recently**  
17 **we've probably done two weddings a month.**

18 Q Okay. There are times of the year when that's higher,  
19 sometimes lower?

20 **A Depends on -- just depends.**

21 Q Okay. When a wedding customer contacts Arlene's  
22 Flowers what is the course of events? Do you have a  
23 procedure that you follow with respect to wedding  
24 customers?

25 **A Yeah. Get their name and their address, their phone**

1       number, their bride's name, the groom's name, the  
2       place of the wedding. If they want to come in and  
3       consult and we have all that information ready when  
4       they come in and then we talk with them about what  
5       they want.

6   Q   Okay. And of your employees, is that done by any of  
7       your employees or are there certain of your employees  
8       who are expected to work with wedding customers?

9   A   **There are certain employees that are expected to work**  
10       **with wedding customers.**

11   Q   Who are they?

12   A   **Janell, Leslie and I.**

13   Q   The three designers?

14   A   **Yes, sir.**

15   Q   Okay. And when a customer comes in to talk about  
16       flowers for a wedding, is it often the case there's  
17       just one member of the couple that comes in?

18   A   **No, it's about half and half.**

19   Q   So sometimes both spouses, potential spouses will come  
20       in and sometimes just one?

21   A   **Yes, sir.**

22   Q   About half and half. Okay.

23       What kind of questions do you ask the customers  
24       during the course of your meeting with them, wedding  
25       customers?

1   **A**    Their name, their address, phone number, their -- the  
2           bride's name, the groom's name. The place of the  
3           wedding, date of the wedding. Pictures before or  
4           after.

5            Their color scheme, what their dress is like.  
6            Where the place they're getting married. Do they want  
7            it delivered, do they want it picked up. What type of  
8            flowers do they want, what colors do they want.

9            How they met. Their -- get to know their  
10           personalities. Their -- what their vision is of their  
11           wedding.

12   **Q**    Okay. And talk about a few of those, you say you ask  
13           them about pictures before or after.

14            How does that affect your flower floral service?

15   **A**    What time they want us there. And how long the  
16           flowers are going to last.

17   **Q**    Okay. Approximately what percentage of your wedding  
18           customers want their flowers delivered as opposed to  
19           pickup?

20   **A**    Lately there's been more pickups. Percent wise I  
21           couldn't give you -- there's more pickups now than  
22           deliveries.

23   **Q**    Okay. You say you ask the wedding customer how he or  
24           she met their intended spouse.

25            What's the reason you ask that question?

1   **A**   To get them -- to just get to know them more  
2       **personally.**  
3   **Q**   Okay.  
4   **A**   They like to tell about how they meet.  
5   **Q**   Okay. And why is that significant to you?  
6   **A**   Why is it significant to me?  
7   **Q**   Uh-huh.  
8   **A**   I like to be -- I like to be connected to them, find  
9       out about their lives and their -- their joy.  
10   **Q**   Okay. You say you also ask about the place of the  
11       wedding, is that primarily for delivery purposes?  
12   **A**   No, it's so I know how to decorate.  
13   **Q**   Okay.  
14   **A**   What to do, what to look for.  
15   **Q**   Okay. You said you ask them about their vision, what  
16       do you mean by that?  
17   **A**   What are they -- what in their mind do they want their  
18       wedding to be. What's the special point in their  
19       wedding that they want to convey.  
20   **Q**   Okay.  
21   **A**   The importance of the wedding.  
22   **Q**   Okay. Now, do some of your customers come in with  
23       very specific ideas about what they want for flowers?  
24   **A**   Very few.  
25   **Q**   Okay. But do some?

1   **A**   **Some, yes.**

2   Q    Okay. And others come in with very little idea about  
3       what they want for flowers?

4   **A**   **Yes.**

5   Q    Is it fair to say that people fall everywhere in  
6       between on that spectrum from very little idea about  
7       what they want to very specific ideas about what they  
8       want?

9   **A**   **The majority of them are not knowing.**

10   Q    Okay.

11   **A**   **They have ideas but they do not have concrete.**

12   Q    Okay. And is it an interactive process that you work  
13       with them to help --

14   **A**   **Yes, sir.**

15   Q    -- help develop the ideas?

16   **A**   **Yes, sir.**

17   Q    Okay. And so the input for the flowers comes from  
18       both parties, from you and your other designers and  
19       from the couple.

20       Is that accurate?

21   **A**   **Yes, sir.**

22   Q    Now, in connection with Arlene's Flowers' wedding  
23       business, has Arlene's Flowers ever declined to do a  
24       wedding for a customer other than Curt and Robert?

25   **A**   **Yes, sir.**

1 Q And what are the circumstances?

2 A Major holidays, when we don't have the staff or if  
3 they want particular flowers that we can't get in the  
4 time frame they need.

5 Q Other than a major holiday situation or a time or  
6 delivery constraint, Arlene's Flowers has not declined  
7 to do service for anyone other than Curt and Robert.

8 Is that fair?

9 A That's correct.

10 Q Does Arlene's Flowers have a policy about when it will  
11 decline service other than due to a major holiday or  
12 delivery constraint?

13 A Never had to.

14 Q Does it now have a policy?

15 A Not written, we have not written a policy.

16 Q Do you have any kind of unwritten policy?

17 A Yes, we don't take same sex marriages.

18 Q And when was that unwritten policy conceived of?

19 A When it came out in Facebook. Or whenever -- wherever  
20 Curt put it, I believe it was on Facebook that we had  
21 a discussion about it.

22 Q And what is the reason for that unwritten policy that  
23 you will not take same sex customer wedding orders?

24 A Because biblically marriage is between a man and a  
25 woman.

1 Q Is there any other reason behind the policy?

2 A **No, sir.**

3 Q Would Arlene's Flowers sell flowers for the wedding of  
4 two atheists?

5 A **If they're a man and a woman.**

6 Q Okay. Would the same be the case for the wedding of  
7 two people of the Muslim faith?

8 A **If they were a man and a woman.**

9 Q Okay. So I take it that would be the case for a man  
10 and a woman marrying regardless of their faith or no  
11 faith.

12 Is that fair?

13 A **Yes, sir.**

14 Q All right. Does it matter -- does the -- strike that.

15 Would Arlene's Flowers sell flowers for the  
16 wedding of a man and a woman if the woman was pregnant  
17 at the time of the wedding?

18 A **If it's a man and a woman, yes.**

19 Q What about if one member of the couple had been  
20 previously divorced?

21 A **If it's a man -- it's not my place to judge.**

22 Q Okay. Would Arlene's Flowers sell flowers for the  
23 wedding of a man and a woman where the woman had been  
24 born a man but had sexual reassignment surgery?

25 A **It's never come up.**



1 Q If it were to come up would Arlene's Flowers sell  
2 flowers to that couple?

3 **A Are they telling me that when they come in?**

4 Q Yes, assuming that they are telling you that?

5 **A No.**

6 Q You would not sell flowers?

7 **A No, it's not between a man and a woman.**

8 Q So in that situation, even though they're telling you  
9 that the woman is a woman but had been born a man and  
10 had sexual reassignment surgery, you would not accept  
11 the woman's identification of herself as a woman to  
12 you?

13 **A No.**

14 Q All right. So you've told us about the initial  
15 consultation with a wedding customer where you gather  
16 the information that you've described in some detail  
17 and I appreciate that.

18 In a typical wedding, if there is such a thing,  
19 average wedding, what's the next step in the process?

20 **A After we go through all the questions?**

21 Q Right.

22 **A To do their floral arrangements, to make their floral  
23 arrangements.**

24 Q Okay. And are the three designers principally the  
25 ones involved in that?

1   **A   Yes.**

2   Q   Okay.  Now, in your consultation with your customers  
3       that you talked about and how you have this  
4       interactive process to develop ideas for floral  
5       arrangements, do you make use of books of flower  
6       arrangements that are kept in your store?

7   **A   Sometimes.**

8   Q   Okay.  And I understand that there are different sets  
9       of books.

10           Can you describe those for us?

11  **A   There are pictures of weddings and bride bouquets,**  
12  **corsages, boutonnieres, decorations for the church,**  
13  **for the pews, for the aisles.  And then there is a**  
14  **workbook that goes with those.**

15  Q   Okay.  And is the workbook something that's kept in  
16       the back office or in the design area?

17  **A   Yes.**

18  Q   That's for the designers to work with.

19           Is that true?

20  **A   Yes, sir.**

21  Q   So for those of us who aren't familiar with your  
22       business, out in the front of the shop to work with  
23       your customers there'll be books of pictures of  
24       various wedding arrangements and types of flowers.  
25       And I think there's one from FTD; is that right?

1   **A    Yes, sir.**

2   Q    And one from Teleflora; is that right?

3   **A    Yes, sir.**

4   Q    And I think there's a third one, I don't know the name  
5       of it?

6   **A    John Henry.**

7   Q    John Henry. Are those in your business the three  
8       principal resources that you use?

9   **A    That's our main ones.**

10  Q    Okay. And then the workbook, what's the difference  
11       between the workbook and the picture book that's out  
12       front?

13  **A    The workbook has a breakdown of each flower that's in  
14       it, each color that's in it.**

15  Q    Okay. Does it have some degree of direction as to how  
16       to put together the arrangement that's in the picture?

17  **A    No, no.**

18  Q    No. Okay. Do you make regular use of those  
19       workbooks?

20  **A    Regular use? No.**

21  Q    Do you occasionally consult with them?

22  **A    Yes. They are out on the tables at all times.**

23  Q    Okay. Did you contribute pictures to any of those  
24       books?

25  **A    No.**

1 Q Did you have anything to do with the development or  
2 assembly of the pictures in those books?

3 **A No, sir.**

4 MR. SCOTT: Why don't we take a  
5 short break here?

6 THE WITNESS: Okay. Works for me.

7 (Recess from 9:58 to 10:13 a.m.)

8 Q (By Mr. Scott) Okay. I want to understand a little  
9 bit better about the types of flowers that are sold by  
10 Arlene's Flowers in connection with weddings.

11 Is it the case that some of the flowers are for  
12 the place and others of the flowers are for the people  
13 in general?

14 **A Yes, sir.**

15 Q And are the majority of the flowers for the people  
16 personal flowers, like boutonnieres for the men and  
17 corsages for the women and the bride bouquet?

18 **A Is that the majority?**

19 Q Yes.

20 **A Yes.**

21 Q And the flowers that are for the place of the wedding,  
22 what types of arrangements are those?

23 **A Just depends on what they want and where they're being**  
24 **married, what fits into the -- the place.**

25 Q Okay. So you've mentioned that in the course of you

1       and your other designers work with wedding customers  
2       you'll ask about the place.

3               Do you always visit the place?

4   **A   Not always.**

5   Q   Do you sometimes?

6   **A   (Nods head.)**

7                       MR. BRISTOL:  Got to make sure to  
8       say "yes" or "no" so she --

9   **A   Excuse me.**

10  Q   (By Mr. Scott) And is it sometimes the case that you  
11       don't know how the flowers will be used in the place,  
12       you don't visit so you don't know exactly how they'll  
13       be placed?

14                      MR. BRISTOL:  I'm going to object as  
15       compound, there's too many questions in there.

16                      MR. SCOTT:  I'll rephrase.

17  Q   (By Mr. Scott) Is it sometimes the case, Ms. Stutzman,  
18       that flowers are sold for weddings in locations where  
19       you have not visited and you and your employees don't  
20       know how the arrangements will actually be placed for  
21       the wedding ceremony?

22  **A   Not necessarily, because we do ask those questions,**  
23       **will it be on an altar, is it in the front, is it as**  
24       **you come in.**

25  Q   But ultimately will it be up to the couple and their

1 friends and family to place the flowers where they  
2 want to place them?

3 **A Yes.**

4 Q And does Arlene's Flowers also sell flowers in bulk  
5 for weddings that the wedding couple and those who are  
6 helping them will place around the site of the wedding  
7 in their discretion?

8 **A Sometimes.**

9 Q Sometimes. And how common is that to sell flowers in  
10 bulk?

11 **A Not common.**

12 Q But not uncommon also? I'll withdraw that.

13 You mentioned that you and your other designers  
14 always ask the names of the couple.

15 Do you also ask the sex of each associated with  
16 each of those names?

17 **A No, sir.**

18 Q So if a name was a name that could be either a man's  
19 name or a woman's name you wouldn't necessarily know  
20 which was which.

21 Is that accurate?

22 **A We ask the bride's name and the groom's name.**

23 Q Okay. Do you always ask it in that way?

24 **A Yes, sir.**

25 Q Do you know whether or not your other designers ask it

1 in the same way?

2 **A I don't know that.**

3 Q If a person came in for wedding flowers, just one, and  
4 gave you two names and you couldn't tell whether the  
5 names were that of men or women would you sell flowers  
6 anyway?

7 **A I don't know that that's been the case.**

8 Q If it did happen would you sell flowers to them for  
9 the wedding?

10 **A If I didn't know if it was a man or a woman?**

11 Q Right.

12 **A No.**

13 Q Why not?

14 **A Because marriage is between a man and a woman and I**  
15 **would have that clarified.**

16 Q All right. And you said it's increasingly common for  
17 customers, wedding customers to pick their flowers up.

18 When that happens Arlene's Flowers doesn't  
19 necessarily know how the flowers are actually used at  
20 the wedding, do you?

21 **A Correct.**

22 Q Now, the flowers that are sold for a wedding, whether  
23 they're picked up or delivered, do they have any  
24 signage that identifies them as coming from Arlene's  
25 Flowers?

1   **A   No.**

2   Q   And even in connection with weddings where Arlene's  
3       Flowers delivers the flowers, the deliveries are made  
4       by your delivery people, correct?

5   **A   Yes, sir.**

6   Q   Okay. And your delivery people don't stay for the  
7       wedding, do they?

8   **A   No, sir. Let me rephrase that, they would stay at the**  
9       **wedding if the flowers needed to be transported**  
10      **someplace else after the wedding or they would go back**  
11      **and get them and transport them to the other place.**

12   Q   Okay. So that's a situation where there might be a  
13       reception at a different location?

14   **A   Yes, sir.**

15   Q   Okay. And one of two things would happen, the  
16       delivery people would stay and then transport them or  
17       return and transport them?

18   **A   Yes, sir.**

19   Q   Okay. In a situation where they would stay the  
20       delivery people don't participate in the wedding, do  
21       they?

22   **A   No.**

23   Q   And the designers don't go to the site of the wedding,  
24       do they?

25   **A   Sometimes.**



1 Q When does that happen?

2 A **When they're asked to service the wedding.**

3 Q And how common is that?

4 A **It depends on how big a wedding it is. If it's a**  
5 **large wedding it's pretty common.**

6 Q Is there an extra charge involved with that?

7 A **Yes, there is.**

8 Q How do you charge for that, is it by the hour?

9 A **Yes, sir.**

10 Q How much for the hour?

11 A **\$45 an hour.**

12 Q Okay.

13 (Exhibit No. 6 marked for  
14 identification.)

15 Q (By Mr. Scott) Ms. Stutzman, you've been handed  
16 Exhibit 6.

17 Would you identify that for us, please?

18 A **It looks like a wedding we took.**

19 Q And is this a form that you use at Arlene's Flowers?

20 A **Yes, sir.**

21 Q Did you develop this form?

22 A **No, sir.**

23 Q Where did you get it?

24 A **It's a John Henry form, I believe.**

25 Q Okay. Do you recognize the handwriting on this form?

1   **A   Yes, sir.**

2   Q   Whose is it?

3   **A   Mine.**

4   Q   It's nice handwriting.

5   **A   It is?**

6   Q   Compared to mine.

7           How do you -- do you use this form during the  
8   course of the initial interview that you told us  
9   about?

10  **A   Yes, sir.**

11  Q   Do you remember this particular wedding for  
12  Connie Stevens?

13  **A   No, sir.**

14  Q   And is the reason you don't remember because you do a  
15  large number of weddings?

16  **A   Yes, sir.   This was back in 2010.**

17  Q   There's your handwriting under the bridal bouquet,  
18  would you read that for us, please?

19  **A   "Bridal bouquet, lilies, deep rust, two-tone callas,  
20  deep rust and deep yellow papaya roses, hand tied  
21  orange and chocolate ribbon."**

22  Q   Do you know whether the ideas for the arrangement  
23  described there came from Connie Stevens or from you  
24  or from a combination of the two of you?

25  **A   I don't know.**

1 Q Okay.

2 A Since it's not specifics I would say it would be a  
3 combination of the two.

4 Q Okay. And what does it say under the heading of the  
5 attendant flowers?

6 A "Chocolate dress. She's 5'11" tall. Two stems of," I  
7 can't read my own writing, "ribbon wrapped lilies, two  
8 stems of lilies ribbon wrapped."

9 Q And turning the page to the corsages section, what did  
10 you write there?

11 A "Calla corsage, the bride's mom."

12 Q Okay. Bottom of the page for boutonnières, what does  
13 that say in your handwriting?

14 A "Papaya roses, one rose and one orange, burgundy calla  
15 lily."

16 Q And on the following page at the bottom of the page  
17 there's a category for additional decor.

18 A "Cake, orange roses and deep lilies, no top, lily or  
19 rose for top. And a bucket for the cake lady."

20 Q And if you'll turn a few pages in there's a page with  
21 a Production No. 79 at the bottom of it.

22 Connie Stevens' wedding written --

23 A Okay.

24 Q Do you see that?

25 A Uh-huh.

1 Q Is that because -- is this for the purposes of  
2 delivery of the flowers?

3 **A That's her purpose of knowing where the wedding is,**  
4 **possibly delivery, possibly not.**

5 Q Does it say, "Deliver by 7:00" on that page?

6 **A Yes.**

7 Q And is that in your handwriting?

8 **A No, that's Janell.**

9 Q Okay. And do you and Janell sometimes switch off and  
10 on with customers?

11 **A Yes.**

12 Q Leslie too in the mix?

13 **A Yes.**

14 Q So you're all there to serve whoever's available and  
15 works with the customer?

16 **A Yes.**

17 Q The next page with Production No. 080, it says, "To  
18 Bose's."

19 What's Bose's?

20 **A It's supposed to be Brose's, B-R-O-S-E-S.**

21 Q Okay.

22 **A That's our wholesaler; one of our wholesalers.**

23 Q Okay. Do you work with several wholesalers?

24 **A Yes, sir.**

25 Q Who else do you work with?

1   **A**   **Work with John Gustafson out of Portland, Brose's**  
2       **Roses & More out of Spokane and also Auction Flowers.**

3   **Q**   And the next page in with Production No. 081, that's a  
4       typed up page.

5           Is this a summary of the order?

6   **A**   **Yes, sir.**

7   **Q**   Okay. And is this typical of your procedures to  
8       summarize the order for the customer?

9   **A**   **Yes, sir.**

10   **Q**   At the bottom of that page it says, "We ask that you  
11       or someone you trust come in on Saturday, October 9th  
12       at noon and look over the flowers. Any changes will  
13       be made then."

14           Is that part of your standard procedure?

15   **A**   **Yes.**

16   **Q**   What's the reason for that?

17   **A**   **So if there's any corrections, additions, changes that**  
18       **they be made before they're delivered.**

19   **Q**   And ultimately does the customer get the last say as  
20       to what they want in your flowers?

21   **A**   **Yes, sir.**

22   **Q**   And if you'll turn a couple pages after that to the  
23       page with No. 083, which is labeled Wedding Confirm  
24       Form.

25           Is that the form that's used when they come in to

1 do the final check of the flowers?

2 **A Yes, sir.**

3 Q And on this particular form can you read what it says  
4 under "I have checked over the flowers to my wedding  
5 and want these changes made"?

6 **A "Seeded Eup. added to bride's bouquet."**

7 Q Does that indicate that the bride had a change that  
8 she wanted?

9 **A Yes, sir.**

10 Q And the next page is No. 084, it's a photograph.

11 Where did that come from?

12 **A The bride.**

13 Q Did she bring it in --

14 **A Yes, sir.**

15 Q -- after the consult?

16 **A Uh-huh.**

17 Q Is that common?

18 **A Not common.**

19 Q Okay. In this case what did the bride tell you about  
20 this picture that she brought in?

21 **A She said she liked that style.**

22 Q Okay. And does that help guide you then in the design  
23 of what she wants for her wedding?

24 **A Yes, sir.**

25 Q And next to that is a page labeled 085, it's a

1 Teleflora page.

2 Where did that come from?

3 **A That's from a website, Teleflora website.**

4 Q Did the bride select this page?

5 **A Yes.**

6 Q And did she bring it in with her?

7 **A Yes.**

8 Q And was that also because this was a way for her to  
9 explain what she wanted by way of floral design for  
10 her wedding?

11 **A Yes, sir. Like the look.**

12 Q And the next page, page 086 has a couple pictures.

13 Where did those come from?

14 **A From the bride.**

15 Q And what was the purpose of her bringing these two  
16 pictures in?

17 **A She was talking about putting flowers on her cake.**

18 Q Was this to help guide you in the selection of the  
19 flowers that this customer wanted?

20 **A Not particularly, because she wanted calla lilies, so  
21 it changes the look.**

22 Q Okay. But to give some idea, help her explain what  
23 she wanted.

24 Is that fair?

25 **A No, because those were pictures that she saw that**

1       according to what she ordered it would not look like  
2       those pictures.

5 Q (By Mr. Scott) Before we turn to the next exhibit  
6 would you go back to the Connie Stevens form,  
7 Exhibit 6?

9 Q At the top of the form we see the bride's name,  
10 Connie Stevens.

12     **A**     No, sir.

15 **A** Correct.

17 A (Witness complies.)

19 A It looks like a wedding for Nicole.

21 A Yes. I did not take this wedding.

23     **A**     No, I can't.



1 form we looked at for Connie Stevens is typewritten.

2 Can you tell from your experience as president of  
3 Arlene's Flowers how this typewritten form was  
4 generated?

5 **A It's on Word.**

6 Q Is it something that's done after the consultation  
7 with the bride or does the bride send this in or how  
8 does it work?

9 **A No, we do it after.**

10 Q Okay. And do you recognize any of the handwriting on  
11 page 2 of Production No. 260?

12 **A No, I don't.**

13 Q But you do recognize this as a set of documents that  
14 are kept in the regular course of business by Arlene's  
15 Flowers, Inc.?

16 **A Yes, sir.**

17 Q All right. We'll set that aside since you don't  
18 remember this one.

19 (Exhibit No. 8 marked for  
20 identification.)

21 Q (By Mr. Scott) Can you identify Exhibit 8, please?

22 **A Again, it's not a wedding I took.**

23 Q Okay. Do you recognize this as a wedding that the  
24 flowers were provided for by Arlene's Flowers, Inc.?

25 **A Yes.**

1 Q And these are documents that were kept by Arlene's  
2 Flowers in the regular course of its business?

3 **A Yes, sir.**

4 Q It's a different type of form than the one we looked  
5 at first for Connie Stevens.

6 Where does this form come from?

7 **A Let me go back to Connie's. You mean the wedding  
8 planner?**

9 Q Yes.

10 **A Okay. Well, it could have been John Henry, it could  
11 have been FTD's.**

12 Q Okay.

13 **A Or it would have been a generic one from Roses & More.**

14 Q Okay. And did you say you don't recognize the  
15 handwriting on Exhibit 8?

16 **A No, sir.**

17 Q Okay. I do want to ask you though, if you know, under  
18 the heading on the first page, The Bride, Color and  
19 Style of Dress, next to that there's an alphanumeric  
20 designation TW-38-3.

21 Do you know what that is?

22 **A That is a number out of one of the books.**

23 Q One of the workbooks in the back?

24 **A Yes, sir.**

25 Q And why would that number be recorded in the course of

1        your business?

3 Q Okay. Does that mean your designer would then use  
4 that designation in the workbook to help create the  
5 bouquet?

7 Q Okay.

10 Q (By Mr. Scott) Can you identify Exhibit 9 for us  
11 please, Ms. Stutzman?

13 Q Did you take this wedding?

15 Q Okay. Do you remember this wedding?

17 Q How come this one sticks out in your mind?

19 Q It's also a thicker packet of materials than we've  
20 seen for other weddings.

23 A Yeah, there were either changes made or sometimes they  
24 change them three times.

1       labeled Revised 9-21-2010.

2               So does that indicate to you that that was a  
3       revision at some point?

4   **A   Yes, sir.**

5   Q   Is that typically the result of interaction with the  
6       customer who is changing some part or parts of the  
7       order?

8   **A   Yes, sir.**

9   Q   Do you remember anything about what this customer told  
10      you he or she wanted?

11   **A   No.**

12   Q   Who did you work with for this couple?

13   **A   Who did I work with?**

14   Q   Yes, was it Staci Fanciullo?

15   **A   I believe it was, but I'm not positive.**

16   Q   Okay. Is Staci -- was Staci the bride?

17   **A   Yes, sir.**

18   Q   Okay. If you'll look at the page that has Production  
19      No. 409 about, you know, six or seven pages in, I  
20      guess that's the one.

21   **A   Uh-huh.**

22   Q   What is that page?

23   **A   Pardon?**

24   Q   What is that page? Why is it in your packet here?

25   **A   Well, because she liked that bouquet.**

1 Q Did she bring that in to you?

2 **A She wanted a smaller version of that.**

3 Q Okay. That's what you've written here, smaller  
4 version?

5 **A Yeah.**

6 Q And that's your handwriting?

7 **A Yeah.**

8 Q Do you know where she got that picture?

9 **A It looks like it's out of one of the Teleflora books**  
10 **or FTD books.**

11 Q Okay. What is the name of Staci Fanciullo's spouse?

12 **A I don't have it on here.**

13 Q Did this customer have fairly specific ideas about  
14 what she wanted in terms of her floral arrangements?

15 **A As I recall, yes.**

16 Q If you'll turn to the pages marked 417 and 418,  
17 please.

18 **A (Witness complies.) Okay.**

19 Q And I'll ask you first about the E-mail at the bottom  
20 of the page.

21 Was that an E-mail from Staci Fanciullo to  
22 Arlene's Flowers on September 9, 2010?

23 **A That's what it looks like.**

24 Q And was Staci writing back after reviewing an order to  
25 comment on the order?

1   **A    It looks like Janell, she was talking to Janell.**

2   Q    Okay.  But in any event, does it look like the  
3       customer Staci was writing back to Arlene's Flowers,  
4       in this case Janell, to clarify some of what she  
5       wanted in the order?

6   **A    Yes, sir.**

7   Q    Okay.  It says, "I did notice it said colors eggplant  
8       and cream but wasn't quite sure if it meant what were  
9       the colors of our wedding."

10       Do you see that?

11   **A    Okay.**

12   Q    And then she wrote "Because they are eggplant and  
13       sagey green."

14       Do you recall whether Staci had a particular  
15       specific shade of green that she wanted?

16   **A    I do not recall.**

17   Q    Okay.  Would you turn to the page marked with  
18       Production No. 425?

19   **A    (Witness complies.)**

20   Q    In the top half of that page is an E-mail from Staci  
21       to orders@arlenesflowers.com dated April 14, 2010.

22       Does that appear to you to be an E-mail from Staci  
23       to Arlene's Flowers with some additional direction as  
24       to what she wanted in her wedding flowers?

25   **A    Yes, sir.**

1 Q And toward the bottom of her E-mail she wrote "What is  
2 the cost difference from picking them up or having  
3 them delivered."

4 Do you see that?

5 **A Where are you?**

6 Q Toward the bottom of that same E-mail.

7 **A Yes.**

8 Q Just the middle of the page.

9 **A Yes, sir. Uh-huh.**

10 Q Is that a factor from any of your customers, cost of  
11 delivery?

12 **A To some.**

13 Q Okay. And those who want to economize a bit will  
14 choose to pick up flowers rather than having them  
15 delivered?

16 **A Yes, sir.**

17 Q Do you recall whether or not the flowers for this  
18 wedding were delivered or picked up?

19 **A I don't, it says Prosser, so.**

20 Q Was this wedding as it says on the first page of  
21 Exhibit 9 at the Prosser Theatre?

22 **A Yes, sir.**

23 Q Does that help you remember whether or not the flowers  
24 were delivered?

25 **A No, I did do a wedding in Prosser, but I don't know if**

1       **it was hers or not.**

2   Q   All right. Have you ever attended yourself a same sex  
3       wedding?

4   **A   No, sir.**

5   Q   Does Arlene's Flowers make a distinction between  
6       weddings and commitment ceremonies for same sex  
7       couples?

8   **A   I don't understand your question.**

9   Q   Would Arlene's Flowers sell flowers to a same sex  
10      couple for a commitment ceremony if it wasn't called a  
11      wedding?

12  **A   No, sir.**

13  Q   And why is that?

14  **A   Because it's between -- it's not between a man and a  
15      woman.**

16  Q   Okay. Do you ever have wedding customers bring in  
17      specifications for flowers that are essentially a  
18      complete design that Arlene's Flowers simply assembles  
19      for the customer according to their directions?

20  **A   Without any changes?**

21  Q   Right.

22  **A   No.**

23  Q   How do you know Robert Ingersoll?

24  **A   He's been a customer of ours.**

25  Q   Do you remember when he first became a customer?



1   **A**    **I don't.**

2   **Q**    It's been quite a while?

3   **A**    **Yeah.**

4   **Q**    And do you also know Curt Freed?

5   **A**    **I don't know that I've met Curt.**

6   **Q**    Do you know who he is?

7   **A**    **Just through Robert.**

8   **Q**    Okay. And what do you understand is Curt's

9           relationship to Robert?

10  **A**    **That they're a couple.**

11  **Q**    Okay. And when did you first learn that Curt and

12           Robert are a couple?

13  **A**    **I don't remember exactly.**

14  **Q**    Was it several years ago?

15  **A**    **I'm sure, yeah.**

16  **Q**    You say you are sure?

17  **A**    **Yeah, it was a couple years ago, or more.**

18  **Q**    Were you aware that Mr. Ingersoll identifies as gay?

19  **A**    **That he identified as gay?**

20  **Q**    Yes.

21  **A**    **Explain.**

22  **Q**    I'll phrase it differently.

23           Were you aware that Robert Ingersoll is a gay man?

24  **A**    **Yes.**

25  **Q**    And when did you become aware of that?

1   **A**    **I couldn't tell you exactly.**

2   **Q**    Was it several years ago?

3   **A**    **Possibly.**

4   **Q**    And how did you learn of this?

5   **A**    **By him ordering flowers for Curt, talking about their**  
6       **relationship.**

7   **Q**    Has Robert ordered flowers for Curt for a number of  
8       different occasions?

9   **A**    **Yes, sir.**

10   **Q**   Do you remember any of the types of occasions?

11   **A**    **Birthday, anniversary.**

12   **Q**   Valentine's Day?

13   **A**    **Yes, sir.**

14   **Q**   And have those flowers sometimes been delivered by  
15       Arlene's Flowers to Curt at his place of work or  
16       business?

17   **A**    **I don't -- I'm not sure on that.**

18                   MR. SCOTT: Counsel, I'm going to  
19       ask the court reporter to mark two exhibits I don't  
20       have copies of that were produced by Arlene's Flowers,  
21       but we'll get copies of them at the break, and I'm  
22       handing them to you to show you the documents.

23                   MR. BRISTOL: Let's see, this will  
24       be what, appears to be Exhibit 10?

25                   MR. SCOTT: 10 and 11.

1 MR. BRISTOL: I think this is the  
2 same. Oh, okay.

3 (Exhibit No. 10 marked for  
4 identification.)

5 (Exhibit No. 11 marked for  
6 identification.)

7 Q (By Mr. Scott) Ms. Stutzman, the court reporter has  
8 handed you two exhibits that I just described on the  
9 record as I handed them to your counsel. They're  
10 marked 10 and 11.

11 Would you describe for us or identify for us what  
12 Exhibit 10 is?

13 **A It's the -- it's the computer printout of when he**  
14 **ordered flowers.**

15 Q When Robert Ingersoll ordered flowers?

16 **A Yes, sir.**

17 Q And this is Arlene's Flowers, Inc. computer ticket  
18 list?

19 **A Yes.**

20 Q Can you tell from this list, and it's a two-page list  
21 of documents --

22 **A Yes.**

23 Q -- or orders; is that right?

24 **A Yeah.**

25 Q This list seems to only go back to 2010.

1           But Mr. Ingersoll's been a customer of yours for  
2           much longer than that, hasn't he?

3   **A    I believe so.**

4   Q    Did you have a new computer system that just started  
5           in that time?

6   **A    Yes.**

7   Q    And just to take an example, on the first page,  
8           9-16-2011, under the customer name, Robert Ingersoll,  
9           as all of these are, the recipient is shown there as  
10          Curt, right?

11  **A    Yes.**

12  Q    And that indicates a delivery, doesn't it?

13  **A    Yes, sir.**

14  Q    Do you happen to know or can you tell from this  
15          document what the occasion for those flowers was?

16  **A    No, sir.**

17  Q    Okay. And if you'll turn to the next page there's a  
18          sale date of February 14, 2011, Valentine's Day.

19          And that was for Curt, right?

20  **A    Yes, sir.**

21  Q    Were those flowers also delivered?

22  **A    Yes, sir.**

23  Q    Do you know where they were delivered?

24  **A    No, sir.**

25  Q    Were you aware that Curt worked at Columbia Basin

1 College?

2 **A No, sir.**

3 Q And just briefly for the record will you identify  
4 Exhibit 11 for us, please?

5 **A Again, it's a printout.**

6 Q A ticket list. Is this ticket list for Arlene's  
7 Flowers for a sale to Curt Freed?

8 **A Yes, sir.**

9 Q And although there's only one sale on here has  
10 Curt Freed been a customer of Arlene's Flowers before  
11 January of 2011?

12 **A I -- I don't remember.**

13 Q Okay.

14 **A He may have been, I don't remember.**

15 Q All right. Did Robert typically pick his flowers off  
16 the rack when he bought flowers for Curt?

17 **A No, sir.**

18 Q Did he sometimes -- let me understand better your  
19 store. I don't mean to be flippant when I say off the  
20 rack, that's probably an inartful term.

21 But do you have flowers in your shop that were  
22 prearranged that your customers will then pick out?

23 **A Yes, sir.**

24 Q Okay. And do you know whether or not Robert Ingersoll  
25 would pick those flowers out and ask that those be

1 delivered to Curt?

2 **A I don't remember him ever doing that.**

3 Q Okay. What's your memory?

4 **A He always picked out unusual vases or containers,**  
5 **wanted something unusual and different in them.**

6 Q And would he tell you what he wanted that was unusual  
7 and different in the flowers?

8 **A He would just say, Do your thing.**

9 Q Would he give you any direction about what sort of  
10 flowers, colors or types he would want?

11 **A He may have. He may have. But usually it was just he**  
12 **wanted something creative and something off the wall.**  
13 **That's why it was always fun to -- to work with him.**

14 Q Did you know prior to March of 2013 that Robert and  
15 Curt were planning to get married?

16 **A Janell had told me that he would be in.**

17 Q If you know, how did Janell come to know that they  
18 were going to be married?

19 **A I believe he came in to talk to Shari who was our**  
20 **front gal. And then she told Janell and then Janell**  
21 **told me.**

22 Q Okay. And why did that course of events take place as  
23 opposed to Janell just working with Robert?

24 **A He was asking for me.**

25 Q Okay. Do you know why he asked for you?

1   **A**    Because he likes what I do.

2   Q    And when Janell came to you what did she tell you?

3   **A**    She said that Rob would be in to talk about wedding  
4       flowers.

5   Q    What did you tell her?

6   **A**    I told her that it was going to be a very difficult  
7       decision and I would have to go home and talk to my  
8       husband about it.

9   Q    So you hadn't made up your mind at that point in time  
10       whether or not to provide flowers for Robert for his  
11       wedding to Curt; is that right?

12   **A**    Correct.

13   Q    Now, your husband is also involved in Arlene's  
14       Flowers, Inc., correct?

15   **A**    Involved by how?

16   Q    He's an officer of the company?

17   **A**    Yes.

18   Q    What is his title as an officer?

19   **A**    Vice president.

20   Q    And what are his duties as vice president of the  
21       company?

22   **A**    He's just vice president.

23   Q    Okay. Do you consult with him as vice president from  
24       time to time regarding the business of Arlene's  
25       Flowers, Inc.?

1   **A    Yes, sir.**

2   Q    Okay.  What kinds of consultations do you have with  
3       him?

4   **A    Decisions that need to be made about the buying or the**  
5       **store or just general business decisions.**

6   Q    We looked earlier, and we can pull the document out if  
7       it's helpful to you at Arlene's Flowers' mission and  
8       procedures.

9           Was he involved with you in the creation and  
10       adoption of that document?

11  **A    No, sir.**

12  Q    Okay.  That's solely your decision?

13  **A    Yes.**

14  Q    Okay.  All right.  Did you and Janell have any further  
15       discussions before you consulted with your husband?

16  **A    No, not that I recall.**

17  Q    Okay.  And tell us about your consultations with your  
18       husband as vice president of Arlene's Flowers.

19  **A    We just went through what we should do and what our**  
20       **faith was and our beliefs and we decided that because**  
21       **of our faith that we couldn't do it in good**  
22       **conscience.**

23  Q    Okay.  Had you and your husband had any previous  
24       discussions as the officers of Arlene's Flowers, Inc.  
25       about this topic of providing flowers for gay and



1       lesbian couples?

2   **A   Never came up before.**

3   Q   And will you describe for us what are the reasons that  
4       you and your husband based your decision as the  
5       officers of Arlene's Flowers, Inc. on?

6   **A   Our biblical -- biblical belief that marriage is**  
7       **between a man and a woman.**

8   Q   Did you consult with anyone else other than your  
9       husband?

10  **A   No, sir.**

11                       MR. SCOTT:  Why don't we take  
12       another short break here.

13                       THE WITNESS:  Okay.

14                       (Recess, 10:58 to 11:09 a.m.)

15  Q   (By Mr. Scott) After you talked with your husband  
16       about whether or not to sell flowers to Robert for his  
17       wedding to Curt, did you talk with anyone else prior  
18       to talking with Robert?

19  **A   Janell.**

20  Q   Describe your conversation with Janell, please.

21  **A   I told her that Darrell and I had discussed it and**  
22       **that -- that was the conclusion we had come to.**

23  Q   And did you tell her the reason for your conclusion?

24  **A   Yes, sir.**

25  Q   And what was Janell's response?

1   **A    She agreed.**

2   Q    Did she have a say in whether or not Arlene's Flowers  
3        would sell flowers for this occasion?

4   **A    No.**

5   Q    The decision was strictly made by you and your  
6        husband?

7   **A    Yes, sir.**

8   Q    Did any of the other employees of Arlene's Flowers  
9        know prior to your meeting with Robert that you would  
10       not sell flowers to him for his wedding?

11  **A    Not that I know of.**

12  Q    Okay. And do you remember when your conversation with  
13       Robert took place?

14  **A    Like a day, time?**

15  Q    Yes.

16  **A    No.**

17  Q    Tell me what you remember about your conversation with  
18       Robert.

19  **A    He came in and we were just chitchatting and he said**  
20       **that he was going to get married. Wanted something**  
21       **really simple, khaki I believe he said. And I just**  
22       **put my hands on his and told him because of my**  
23       **relationship with Jesus Christ I couldn't do that,**  
24       **couldn't do his wedding.**

25  Q    Did you tell him that before he finished telling you

1       what he wanted?

2   **A   He said it was going to be very simple.**

3   Q   Did he tell you what types of flowers he would want?

4   **A   We didn't get into that.**

5   Q   Did you not get into it because you wanted to tell him  
6       that you would not sell to him?

7                   MR. BRISTOL:  Object to the form of  
8       the question.  It's assuming facts not in evidence.  
9       My problem, Mike, is the word "sell."

10  Q   (By Mr. Scott) You may answer the question.

11  **A   I chose not to be a part of his event.**

12  Q   Did he ask you to be a part of his event?

13  **A   He ask -- he -- he wanted me to do his wedding flowers  
14       which would have been part of the event.**

15  Q   If Robert Ingersoll had told you that what he wanted  
16       to purchase from Arlene's Flowers for his wedding was  
17       simply branches to use for the wedding would you have  
18       sold those to him?

19  **A   Yes.**

20  Q   If he had told you that he wanted to purchase just  
21       simple stems that he would then arrange would you have  
22       sold those to him?

23  **A   Yes.**

24  Q   But as your conversation turned out you told him you  
25       wouldn't sell for his wedding before he was able to

1 tell you specifically what he wanted; isn't that  
2 right?

3 **A I told him --**

4 MR. BRISTOL: Object to the  
5 phraseology that she wouldn't sell him flowers.

6 MR. SCOTT: I'm going to object to  
7 the speaking objection, Counsel. You can object to  
8 the form but not coach your witness.

9 Would you please read the question back?

10 MR. BRISTOL: You're assuming facts  
11 not in evidence.

12 MR. SCOTT: You can object to the  
13 form but you may not coach your witness.

14 (LAST QUESTION WAS READ BACK BY THE COURT REPORTER.)

15 **A Didn't tell him I wouldn't sell him flowers, I told**  
16 **him I wouldn't be part of his event. I told him I**  
17 **couldn't do his wedding flowers.**

18 Q (By Mr. Scott) Robert did not ask you to attend his  
19 wedding, did he?

20 **A No, sir.**

21 Q He didn't even ask you to deliver flowers to his  
22 wedding, did he?

23 **A We didn't get that far.**

24 Q Okay. You didn't get that far because you told him  
25 you would not provide services for his wedding, right?

1   **A**    **I told him I could not do his wedding.**

2   **Q**    And you could not do his wedding because he was  
3       getting married to Curt Freed, a man; is that right?

4   **A**    **Because of my relationship with Jesus Christ I could**  
5       **not do his wedding.**

6   **Q**    Okay. What else happened in that conversation with  
7       Robert?

8   **A**    **We chitchatted a little bit, we hugged and Robert**  
9       **left.**

10   **Q**    Just to make sure the record is clear, what was the  
11       chitchat about?

12   **A**    **We talked a little bit about his mom and we talked**  
13       **about how he got engaged and just generic.**

14   **Q**    What did he tell you about how he got engaged?

15   **A**    **They were -- don't re -- I don't recall exactly, they**  
16       **were sitting in a restaurant and talking about their**  
17       **financial protection, to protect their financial**  
18       **assets. They thought it wise to be married.**

19   **Q**    Do you remember anything else about the conversation?

20   **A**    **Only that he was hoping his mother would walk him down**  
21       **the aisle, but he wasn't sure.**

22   **Q**    Do you know his mother?

23   **A**    **No, sir.**

24   **Q**    Do you remember anything else about your conversation  
25       with Robert?

1   **A**    **Not right offhand, no.**

2   **Q**    And where did that conversation take place?

3   **A**    **In the store.**

4   **Q**    Where in the store?

5   **A**    **Right inside the door on the left-hand side.**

6   **Q**    Was anybody else present during the conversation?

7   **A**    **No, sir.**

8   **Q**    Other than that you knew Robert wanted a simple  
9           wedding, did you ask anything else about the details  
10          of the wedding?

11   **A**    **No, sir.**

12   **Q**    Did you get so far as to ask him whether he wanted  
13          Arlene's Flowers to deliver flowers or other items to  
14          the wedding?

15                               MR. BRISTOL:  Objection, asked and  
16          answered.

17   **Q**    (By Mr. Scott) You may answer.

18   **A**    **No, sir.**

19   **Q**    Prior to your meeting with Robert did you consider  
20          whether or not Arlene's Flowers would allow another  
21          designer who was willing to work with Robert and Curt  
22          to provide services for their wedding?

23   **A**    **No, sir.**

24   **Q**    Why not?

25   **A**    **Because they represent Arlene's.**

1 Q Arlene's Flowers, Inc., the business?

2 A Yes, sir.

3 Q How long did your meeting with Robert last?

4 A Three or four minutes.

5 Q Did you expect that Robert would be hurt by your  
6 decision?

7 A It was a tough decision for both of us.

8 Q Prior to today have you interacted with Robert between  
9 that conversation and today?

10 A No, sir.

11 Q After your meeting with Robert did you talk with  
12 others about your decision not to sell flowers for his  
13 wedding?

14 A Yes, sir.

15 Q Who did you next talk with?

16 A The store. Other than Darrell.

17 Q Okay. And how did you come to talk with the store?

18 A We had a store meeting, I explained the situation.

19 Q Was it the same day?

20 A No.

21 Q When was it in relation to the meeting with Robert?

22 A When it came out on Facebook or wherever Curt printed.

23 Q Do you know what day of the week your meeting with  
24 Robert was?

25 A No, sir.

1 Q Do you know what day of the week your meeting with  
2 store employees was?

3 **A No, sir.**

4 Q Do you often call store meetings?

5 **A We have them once a month usually.**

6 Q Was this discussion at the monthly meeting or a  
7 different meeting?

8 **A Different meeting.**

9 Q Was it called specifically for the purpose of  
10 discussing your decision?

11 **A Yes, sir.**

12 Q And where was it held?

13 **A At the store.**

14 Q During nonbusiness hours?

15 **A No.**

16 Q What time of day was the meeting held?

17 **A I don't remember exactly. Usually mornings.**

18 Q Okay. And did you ask every employee to be present  
19 for the meeting?

20 **A Yes.**

21 Q And were they all there?

22 **A No, sir.**

23 Q Who was not there?

24 **A I'm not exactly sure.**

25 Q Do you remember specifically anyone who was not in



1 attendance?

2 **A No.**

3 Q Do you remember who was in attendance?

4 **A No.**

5 Q Were most --

6 **A Not all of them.**

7 Q Fair enough. Who do you remember was there?

8 **A Most of them.**

9 Q Can you tell us approximately how many days after your  
10 meeting with Robert this meeting took place?

11 **A I believe it was the next day.**

12 Q Okay. And was Janell Becker present for the meeting?

13 **A Yes, sir.**

14 Q Was an employee by the name of Eryn present?

15 **A Yes, sir.**

16 Q What's Eryn's name?

17 **A Eryn Hugo. Hugo, I believe, H-U-G-O.**

18 Q Did you lead the meeting?

19 **A Yes, sir.**

20 Q What did you tell your employees at the meeting?

21 **A I told them what happened and that it was Darrell and**  
22 **my decision that we would not participate in that type**  
23 **of event. And that if they had any objections or they**  
24 **were concerned that if they wanted to quit they**  
25 **certainly had every right to do that. And that's the**

1       **sum of it.**

2    Q   How long did the meeting last?

3    A   **Not positive.**

4    Q   Was it more than a few minutes?

5    A   **Yes.**

6    Q   More than an hour?

7    A   **It could have been, not sure.**

8    Q   Okay. Did your employees raise concerns at the  
9       meeting?

10   A   **Yes, sir.**

11   Q   What concerns did they raise?

12   A   **They asked why.**

13   Q   What did you tell them?

14   A   **I told them because I believe biblically that a  
15       marriage is between a man and a woman.**

16   Q   Did they respond to that?

17   A   **Yes.**

18   Q   Let me first ask you, who asked why?

19   A   **I don't -- I don't recall who asked why.**

20   Q   Can you remember the names of any of your employees  
21       who raised concerns at that meeting?

22   A   **Eryn was one. And I believe Bridgett.**

23   Q   What is Bridgett's last name?

24   A   **Lawyer.**

25   Q   Can you spell that for us, please?

1   **A    L-A-W-Y-E-R.**

2   Q    Like our profession?

3   **A    Uh-huh.**

4   Q    She's not a lawyer though I take it?

5   **A    No.**

6   Q    Other than in family name.

7           What concerns did Eryn raise?

8   **A    Eryn didn't understand why.**

9   Q    And did you tell her what you've told us already  
10       today?

11   **A    Yes, sir.**

12   Q    All right. Did she respond to that?

13   **A    Yeah, she was very upset.**

14   Q    Did she explain why she was upset?

15   **A    She said she was bisexual and she didn't agree with  
16       the decision I had made and that she would give her  
17       two weeks' notice.**

18   Q    And did she do so?

19   **A    No, actually she came in and gave us a letter the next  
20       day.**

21   Q    And did she cease being an employee at that time?

22   **A    Yes, sir.**

23   Q    Have you had any interaction with her since that time?

24   **A    She's been in the store a couple times to visit.**

25   Q    Okay.

1   **A**    But I have -- I have not been there when she's there.

2   Q    All right. And you said Bridgett also raised  
3        concerns, correct?

4   **A**    Uh-huh.

5   Q    What did Bridgett say?

6   **A**    She didn't understand either.

7   Q    Did you give her the same explanation you've already  
8        told us about?

9   **A**    I believe so, yes.

10   Q    And did she respond to that?

11   **A**    Not -- she just said okay.

12   Q    Does Bridgett still work for Arlene's Flowers?

13   **A**    No, sir.

14   Q    When did she cease being an employee?

15   **A**    I don't know, you have those records. It was probably  
16        a month or so afterwards.

17   Q    Did she give a reason for leaving?

18   **A**    Yeah, she got a full-time job at Office Depot.

19   Q    Do you know whether or not her decision to leave  
20        Arlene's Flowers to go to Office Depot was related to  
21        your decision regarding Robert?

22   **A**    She never said.

23   Q    Did any of your other employees raise concerns at that  
24        meeting?

25   **A**    I think they all had concerns.

1 Q And were their concerns similar to those expressed by  
2 Eryn and Bridgett?

3 A No.

4 Q What other concerns were raised by employees?

5 A **Wondering how it would turn out, that they were pretty**  
6 **supportive.**

7 Q Other than Eryn or Bridgett did anyone express a  
8 concern that the decision was not the right decision?

9 A No.

10 Q Do you remember anything else that you said at that  
11 meeting?

12 A **No, there was a lot said, but I don't recall exactly**  
13 **what was said.**

14 Q Okay. During the course of that meeting did you talk  
15 about how this decision might affect other customers  
16 or types of customers other than same sex customers?

17 A No.

18 Q Do you remember anything else that anyone else said at  
19 that meeting?

20 A **Other than they were behind my decision, no.**

21 Q Those who expressed support for your decision, what  
22 did they say about why they support you?

23 A **That I had a reason that I had every right to believe**  
24 **what I believe.**

25 Q Did anyone at this meeting mention the Washington law

1       against discrimination?

2   **A    I don't recall.**

3   Q    Were you aware of the Washington law against  
4       discrimination?

5   **A    Yes, sir.**

6   Q    What is your understanding of how that applies or  
7       might to same sex couples?

8                   MR. BRISTOL:  Objection, calls for a  
9       legal conclusion.

10  Q    (By Mr. Scott) Just asking for your understanding,  
11       Ms. Stutzman, not a legal opinion?

12  **A    Ask me the question again, please.**

13  Q    What is your understanding of how the Washington law  
14       against discrimination applies in a situation such as  
15       where Robert came to your store wanting flowers for  
16       his wedding?

17                   MR. BRISTOL:  Same objection.

18  **A    Yeah, I don't -- I don't understand the law, I'm**  
19       **not -- I don't know how to...**

20  Q    (By Mr. Scott) Regardless of the Washington law  
21       against discrimination did anyone at your meeting  
22       express a concern that your decision might be  
23       unlawful?

24  **A    Not that I recall.**

25  Q    Did you hand anything out at the meeting?

1 A No, sir.

4     **A**     No, sir.

7 A No, sir.

10      **A**      **No.**

12     **A**     **Yes.**

14    **A**    I can't give you names.

16 A No, I had very positive response.

18 A No. I have a lot of customers.

21 A We had a couple.

23     **A**     No, sir.

1 Q (By Mr. Scott) Ms. Stutzman, we've handed you  
2 Exhibit 12 to your deposition, which is a document  
3 produced by Arlene's Flowers in response to our  
4 requests in this case.

5 Is that a copy of an E-mail from Heidi Fryer to  
6 Arlene's Flowers dated March 6th, 2013?

7 **A Yes, sir.**

8 Q Who is Heidi Fryer?

9 **A She must have had a wedding.**

10 Q Do you remember Ms. Fryer?

11 **A I don't, I do not.**

12 Q Do you remember receiving this E-mail?

13 **A No, sir, I received a lot of E-mails.**

14 Q In your role as president of Arlene's Flowers do you  
15 customarily review communications of this type that  
16 come into your store?

17 **A I'm -- not the volume that came in the store over this  
18 issue, no.**

19 Q All right. But you do acknowledge that this is a  
20 communication that came from a customer of Arlene's  
21 Flowers and is maintained in Arlene's Flowers'  
22 records?

23 **A Yes, sir.**

24 Q Do you recognize the handwriting at the bottom of the  
25 page?



1   **A    Yes.**

2   **Q    Whose handwriting is that?**

3   **A    That's mine.**

4   **Q    Okay.  What does it say?**

5   **A    It says, "Heidi order canceled.  I'm sure you'll find  
6       a florist you like.  Thank you for letting us know and  
7       best wishes for your upcoming wedding."**

8   **Q    Okay.  And does the fact that you wrote that on this  
9       page refresh your memory that you must have read the  
10      E-mail above it to respond to it?**

11  **A    No, sir, but obviously I did.**

12  **Q    All right.  And did you write beneath that note that  
13      you just read, "Sent 3/7/13"?**

14  **A    Yes, sir.**

15  **Q    And is that -- strike that.**

16           Other than your note -- did you send this note to  
17      Heidi?

18  **A    Did I send it to her?  Mail it to her?**

19  **Q    Right.**

20  **A    No.**

21  **Q    How did you get it to her?**

22  **A    I probably E-mailed her, I'm not positive.**

23  **Q    Why is it handwritten if you E-mailed it?**

24  **A    Because I would write on there what I did.**

25  **Q    So I understand, you would handwrite and then type in**



1 production in this case, directed to Arlene's Flowers.  
2 This was an E-mail, it states that it's an E-mail  
3 communication from Gale S. Kennedy dated Monday,  
4 March 11, 2013. Subject, Arlene's Flowers contact  
5 form.

6 Did Arlene's Flowers have a contact form on its  
7 website?

8 **A Yes.**

9 Q And is this the way the comment or contact comes out  
10 when a customer contacts you in that way?

11 **A Yes, sir.**

12 Q Do you recall this particular contact?

13 **A I do not.**

14 Q Do you know who Gale Kennedy is?

15 **A I do not.**

16 Q Do you know whether or not Arlene's Flowers responded  
17 to this contact?

18 **A I do not.**

19 Q In this contact the customer wrote, "Hi, Arlene's rep.  
20 I am a best man" -- or "I am best man at a friend's  
21 wedding in Richland come August and would like to  
22 check out what the choices and best buys are for the  
23 big wedding event for grand floral decor. I want to  
24 be able to do it up right so I thought I would start  
25 investigating prices in preparation for this happy

1 couple five months from now.

2 "They have been together for five years now and  
3 since the new Washington State law has now made it  
4 legal, my friends Stan and Jeff finally deserve to  
5 have a rainbow of colors to highlight their blessed  
6 same sex marriage. I look forward to hearing from  
7 you. Sincerely, Gale S. Kennedy."

8 If you read this customer inquiry would you have  
9 responded to it?

10 **A No, sir.**

11 **Q** Why not?

12 **A Because marriage is between a man and a woman.**

13 **Q** So even if a customer wanted to buy floral arrangement  
14 from you for his friend's wedding you would not sell  
15 to that person?

16 **A If it's for the event.**

17 **Q** So is it your policy that you won't sell anything  
18 regardless of whether it's a single stem flower for an  
19 event that involves the marriage of a man to another  
20 man?

21 MR. BRISTOL: Objection, asked and  
22 answered.

23 **Q** (By Mr. Scott) You may answer.

24 **A If it's -- if I have to make the bouquet for the**  
25 **wedding I will not do it.**

1 Q And my question was, what if the customer wanted to  
2 buy a single stem flower for his friend's wedding to  
3 another man, his male friend's wedding to another man,  
4 would you sell that to him?

5 **A If he wants to buy a flower off the shelf, yes.**

6 **(Exhibit No. 14 marked for**  
7 **identification.)**

8 Q (By Mr. Scott) Ms. Stutzman, you've been handed  
9 Exhibit 14, which is a document of Production No. 587  
10 produced by Arlene's Flowers in response to requests  
11 for production.

12 Does this represent copies of pages from Arlene's  
13 Flowers' website -- or excuse me, from Arlene's  
14 Flowers' Facebook page?

15 MR. BRISTOL: Mike, if you don't  
16 mind, could we specify for the record the full number  
17 just so we have it clear? It's 587 through --

18 MR. SCOTT: Yes, as counsel  
19 requests, this exhibit encompasses Production Nos. 587  
20 through 596.

21 Q (By Mr. Scott) And do these pages represent copies of  
22 entries to Arlene's Flowers' Facebook page?

23 **A Yes, sir.**

24 Q All right. And I don't want to go through these in  
25 detail, Ms. Stutzman, but I did want to ask you about

1 an entry at the top of page 1 of the exhibit with  
2 Production No. 587 where there's an entry under the  
3 words "In reply to comments on our site."

4 Who wrote the reply to comments that follow?

5 **A I did.**

6 Q Okay. And the date above that is March 4, isn't it?

7 **A Yes, sir.**

8 Q Okay. Do you remember whether or not you met with  
9 Robert on March 3, 2013?

10 **A I do not remember.**

11 Q Or was it March 1, 2013?

12 **A I do not remember.**

13 Q Okay. The first sentence after the reply introduction  
14 says, "Thank you for all your comments on Facebook and  
15 E-mail concerning the customer that came in and asked  
16 us to do his wedding." And then the next paragraph in  
17 following says, "The customer has been in many times."

18 The words "The customer has been in many times"  
19 and following, is that a statement that you also typed  
20 up and handed out to your employees?

21 **A No, sir.**

22 Q Was it strictly made for purposes of this Facebook  
23 entry?

24 **A Yes, sir.**

25 Q All right. Okay.

1 (Exhibit No. 15 marked for  
2 identification.)

3 Q (By Mr. Scott) Ms. Stutzman, Exhibit 15 to your  
4 deposition is also a copy of pages produced by  
5 Arlene's Flowers in response to requests for  
6 production, pages 868 and 869.

7 Are these also copies from Arlene's Flowers'  
8 Facebook page?

9 **A Yes, sir.**

10 Q And at the top of page 1 there's an entry that begins  
11 "The State of Washington and the ACLU have filed  
12 lawsuits against us."

13 Do you see that?

14 **A Yes, sir.**

15 Q Did you write that paragraph and the one below it that  
16 begins "Right now"?

17 **A I do not recall writing the statement.**

18 Q Do you know who did?

19 **A No, sir.**

20 Q Is there anyone else at Arlene's Flowers who was  
21 authorized to make entries of this type on Arlene's  
22 Flowers' Facebook page?

23 **A No, sir.**

24 Q Are you certain that you did not write this or just  
25 can't remember?

1   **A    I can't remember.**

2   Q    Okay. To your knowledge, have there ever been any  
3        unauthorized entries, comments from the Arlene's  
4        Flowers' side of Facebook communications that you did  
5        not authorize?

6   **A    On Facebook?**

7   Q    Right.

8   **A    There's all kinds of stuff.**

9   Q    Well, I don't mean comments that people have made in  
10        response to your posts, but what we just looked at is  
11        a post, isn't it, that came from the Arlene's Flowers  
12        site?

13  **A    I'm not sure where this came from. I'm not sure who  
14        wrote this.**

15  Q    Okay. But you do recognize it as an entry on the  
16        Arlene's Flowers website, right?

17  **A    Yes, sir.**

18  Q    Would Arlene's Flowers sell flowers to celebrate the  
19        adoption of a child by a same sex couple?

20  **A    Yes, sir.**

21  Q    Would Arlene's Flowers sell flowers to commemorate a  
22        divorce?

23  **A    Never been asked that.**

24  Q    Do you have any policy that would preclude you from  
25        doing that?



1   **A   No.**

2   Q   Would Arlene's Flowers provide flowers to celebrate  
3       the birth of a baby to an unmarried woman?

4   **A   Yes.**

5   Q   Would Arlene's Flowers sell flowers for a wedding  
6       ceremony that was to be performed by someone ordained  
7       by an organization known as the Church of the Dude?

8   **A   Would you -- sorry, that one sort of caught me off**  
9       **guard, what was it?**

10   Q   Fair enough.  Would Arlene's Flowers sell flowers for  
11       a wedding to be performed by someone ordained by an  
12       organization known as the Church of the Dude?

13   **A   Never came up.**

14   Q   If you were informed or given to understand that the  
15       Church of the Dude was a church that was related to a  
16       film called The Big Lebowski, would you on behalf of  
17       Arlene's Flowers allow flowers to be provided to the  
18       wedding of someone to be performed by an ordination  
19       from that organization?

20                   MR. BRISTOL:  I'm going to just  
21       interject and object.  We're getting close to the line  
22       of harassment here.

23                   MR. SCOTT:  I certainly don't intend  
24       in any way to harass, this is based on facts that  
25       would be in the record, Counsel.  So this is not a

1       flippant or --

2   **A    I have no idea what you're talking about.**

3   Q    (By Mr. Scott) Okay. Fair enough. You've never heard  
4       of something called the Church of the Dude?

5   **A    No, sir.**

6   Q    Nor had I.

7   **A    Okay. That's good to know. I think.**

8   Q    Do you recall selling flowers to a customer by the  
9       name of Athena Kennedy?

10  **A    Not right offhand.**

11                       MR. SCOTT: Why don't we take our  
12       lunch break now, I don't think we'll be much longer  
13       after lunch, but I think it would be productive to  
14       take a lunch break at this time.

15                       THE WITNESS: Okay.

16                       (Lunch Recess, 11:48 to 1:13 p.m.)

17  Q    (By Mr. Scott) At the time you met with Robert and  
18       told him of the decision you and your husband had made  
19       that Arlene's Flowers would not sell flowers to him  
20       for his wedding, did you suggest to him that there  
21       were other florists he could go to?

22  **A    Yes, sir.**

23  Q    Which florist did you direct him to?

24  **A    Lucky Flowers, Shelby's and Buds...and Blossoms, Too.**

25  Q    Did you know whether or not any of those florists

1       would be willing to sell flowers to him for his  
2       wedding?

3   **A   Not at that time.**

4   Q   Have you contacted any of those florists since that  
5       time to discuss this issue with them?

6   **A   Yes.**

7   Q   Who did you speak with at Lucky Flowers?

8   **A   I didn't speak to Lucky Flowers, I only called  
9       Shelby's.**

10  Q   Right. And who did you speak with at Shelby's?

11  **A   Janet, the owner.**

12  Q   And what did you tell Janet?

13  **A   I told her that -- asked her if she'd be willing to do  
14       same sex marriages and she said yes. And I said,  
15       Okay, may be sending some business your way.**

16  Q   And why did you take that step to find out whether she  
17       was willing?

18  **A   In case it happened again.**

19  Q   And why did you feel it necessary to have that  
20       information or desirable to have that information in  
21       case it happened again?

22  **A   To be willing to send people somewhere else if they so  
23       chose to go there.**

24  Q   Would you please turn to Exhibit 8 in your stack?

25  **A   (Witness complies.) Okay. Oh, that's 6, wait a**

1       **minute.**

2                               MR. BRISTOL: This one here.

3   Q    (By Mr. Scott) It should be the wedding flower plan  
4       for Faith Richardson, is that the one you have in  
5       front of you?

6   **A   Yes.**

7   Q    I just have a brief question there. You'll recall  
8       that we talked about the TW-38-3 design.

9               Do you see that?

10   **A   Uh-huh.**

11   Q    And I think you testified that that related to a  
12       floral design in a workbook in the back of Arlene's  
13       Flowers; is that right?

14   **A   Yes, sir.**

15   Q    And my question is: If Robert Ingersoll had told you,  
16       That's the one I want and you don't need to do  
17       anything differently than what you find in your  
18       workbook, just put it together for me for my wedding,  
19       would you have sold that to him?

20   **A   No, sir.**

21   Q    I want to learn a little bit more about the flowers in  
22       your store kept in the -- I don't know what you would  
23       call it, is there a walk-in refrigerator or a cold  
24       case?

25   **A   Coolers.**

1 Q The coolers. Flowers in the coolers. If a same sex  
2 couple -- or strike that.

3 If a person came in and said, I'd like that  
4 arrangement right there and said nothing about what  
5 occasion it was for, would you ask what occasion it's  
6 for?

7 **A Sometimes.**

8 Q Okay. And if in response to your question you were  
9 told, It's for my wedding, would you ask to whom?

10 **A No.**

11 Q Okay. And if a person had come in and said, I'd like  
12 that bouquet and it's for my marriage to my partner,  
13 and you were to learn that that partner was of the  
14 same sex, would you sell that to that person?

15 **A Yes.**

16 Q You testified today that the reason you've reached  
17 this decision not to sell flowers to Robert or anyone  
18 else that asked you to do so for a same sex wedding is  
19 based on your biblical beliefs; is that correct?

20 **A Yes, sir.**

21 Q Do you believe that selling flowers for a same sex  
22 wedding somehow implies or relates that you were  
23 endorsing same sex marriage?

24 **A Yes, sir.**

25 Q And how do you think you're endorsing it if you sell

1       flowers for that occasion?

2   **A    If I make the flowers for that occasion I'm putting**  
3       **my -- my name on it, my store name on it.**

4   Q    But your name is not actually on the flowers that go  
5       to a wedding, is it?

6   **A    If somebody asked me if they came -- where they came**  
7       **from and they say Arlene's Flowers my name is on them.**

8   Q    But I just want to be clear for the record, your name  
9       is not physically on the flowers that leave your store  
10      for any occasion; isn't that right?

11  **A    No, that's not right.**

12  Q    How is it not right?

13  **A    Because we have stickers that say Arlene's Flowers**  
14       **that we put on our arrangements.**

15  Q    Where on the arrangements?

16  **A    Usually on the bow, on the cards, it's on the cards.**

17  Q    Are there cards attached to arrangements for weddings?

18  **A    There's -- no.**

19  Q    And stickers aren't attached on arrangements for  
20      weddings either, are they?

21  **A    Sometimes they're on the corsage, bouts -- or**  
22       **boutonnière bags or corsage bags.**

23  Q    Sometimes but not always?

24  **A    Not always.**

25  Q    So you could leave the stickers off if you didn't want

1       your name to go to a particular occasion; isn't that  
2       correct?

3   **A   Why would I do that?**

4   Q   If you didn't want your name attached to a particular  
5       event you could take your name, your sticker off the  
6       arrangement, couldn't you?

7   **A   No.**

8   Q   Why not?

9   **A   Because if I'm not proud of my work, if I didn't want**  
10       **anybody to know where it came from, that would be the**  
11       **only reason I'd take my stickers off.**

12   Q   When you sell flowers for the wedding of two atheists  
13       are you endorsing atheism?

14   **A   I don't ask if they're atheist.**

15   Q   Well, if you happened to know, regardless of whether  
16       you asked, you're selling flowers to people who are  
17       nonbelievers are you endorsing nonbelief?

18   **A   No.**

19   Q   If you sell flowers for the wedding of a Muslim couple  
20       are you endorsing Muslim as a religion?

21   **A   No.**

22   Q   Islam as a religion?

23   **A   No.**

24                           MR. SCHOWENGERDT:  Mike, could you  
25       clarify for the proceedings, are you talking in the

1 context of weddings or --

2 MR. SCOTT: Counsel, I don't mean to  
3 be disrespectful, but in our state procedure there can  
4 only be one person speaking on behalf of a party --

5 MR. BRISTOL: Is there a rule on  
6 that?

7 MR. SCOTT: There is, actually.  
8 I'll -- just to let you know, I know you're not from  
9 our state, and I will clarify as if it had been spoken  
10 by J.D. Just don't mean to make it cumbersome, but  
11 that's just the way it is.

12 Would you read back my question, please?

13 (LAST QUESTION WAS READ BACK BY THE COURT REPORTER.)

14 Q (By Mr. Scott) I'll leave the question as it stands.

15 Would you please answer it?

16 **A Okay. Say again.**

17 Q I'll ask the court reporter read it one more time.

18 MR. BRISTOL: I'll object as asked  
19 and answered.

20 MR. SCOTT: The record is the  
21 record. You're not the court reporter. Would you  
22 please read the question back?

23 (LAST QUESTION WAS READ BACK BY THE COURT REPORTER.)

24 **A No.**

25 Q (By Mr. Scott) And why not?



1   **A   Why am I not endorsing it?**

2   Q   Right.

3   **A   I -- I don't understand what you're asking me.**

4   Q   All right. I'll try to clarify it.

5           The flowers that you might sell to a Muslim  
6       couple, you can assume with me for this question that  
7       your sticker is attached to at least some of the  
8       arrangements, is it still your testimony that you're  
9       not endorsing Islam as a religion when you sell for  
10      that occasion?

11                           MR. BRISTOL: Asked and answered.

12   **A   Clarify.**

13   Q   (By Mr. Scott) In what respect are you not clear?

14   **A   I'm not -- I'm not sure what you're asking me.**

15   Q   It should be a clear question, I hope. I'll ask the  
16      court reporter to read it back.

17   **A   Okay.**

18   **(LAST QUESTION WAS READ BACK BY THE COURT REPORTER.)**

19   **A   That I'm not endorsing their wedding.**

20                           MR. BRISTOL: Can you read back the  
21      question one more time, please?

22   **(LAST QUESTION WAS READ BACK BY THE COURT REPORTER.)**

23   **A   I'm not endorsing. I don't know how to answer that**  
24      **one.**

25   Q   (By Mr. Scott) Why don't you know how to answer it?

1   **A**    **I -- I don't know how to answer it.**

2                   MR. BRISTOL:  That question has been  
3       asked and answered.

4                   MR. SCOTT:  You've stated your  
5       objection.  I'm entitled to follow up.

6   **Q**    (By Mr. Scott) Can you tell me why you can't answer  
7       that?

8   **A**    **I'm not -- am I endorsing their wedding by selling**  
9       **them flowers?**

10  **Q**    Right.

11                  MR. BRISTOL:  No, that wasn't the  
12       question.

13  **Q**    (By Mr. Scott) I'm asking a new question, that's the  
14       question I'm asking you now, are you endorsing the  
15       Muslim wedding by selling them flowers?

16  **A**    **No.**

17                  MR. SCOTT:  Okay.  Let's take a  
18       short break.  I think I'm about done.

19                               (Recess, 1:27 to 1:34 p.m.)

20                  MR. SCOTT:  That's all I have at  
21       this time.  Thank you for your time, Ms. Stutzman.

22                  THE WITNESS:  Thank you.

23                  MR. BOWERS:  For the record, I don't  
24       have any questions, although the state would reserve  
25       the right, although I don't anticipate needing it.  We

1       just got your discovery, we reserve the right to reconvene  
2       the deposition later if I feel the need to ask any questions  
3       after I've reviewed discovery, although as I stated, I don't  
4       have any anticipation at this point in time that will be  
5       necessary. Thank you.

6                               MR. BRISTOL: We're done.

7                               (Deposition concluded at 1:36 p.m.)

8                               (Signature Reserved.)

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1     STATE OF WASHINGTON )     I, Susan E. Anderson, CCR, RPR,  
                                  ) ss     CCR # 2493, a duly authorized  
2     County of Yakima     )     Notary Public in and for the State  
   of Washington, residing at  
3                                     Yakima, do hereby certify:  
4

5                     That the foregoing deposition of BARRONELLE  
6     STUTZMAN was taken before me and completed on October 3,  
7     2013, and thereafter was transcribed under my direction; that  
8     the deposition is a full, true and complete transcript of the  
9     testimony of said witness, including all questions, answers,  
10    objections, motions and exceptions;

11                    That the witness, before examination, was by me  
12    duly sworn to testify the truth, the whole truth, and nothing  
13    but the truth, and that the witness reserved the right of  
14    signature;

15                    That I am not a relative, employee, attorney or  
16    counsel of any party to this action or relative or employee  
17    of any such attorney or counsel and that I am not financially  
18    interested in the said action or the outcome thereof;

19                    That I am herewith securely sealing the said  
20    deposition and promptly delivering the same to  
21    Attorney MICHAEL R. SCOTT.

22                    IN WITNESS WHEREOF, I have hereunto set my hand and  
23    affixed my official seal this            day of  
24                                    , 2013.  
25

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Susan E. Anderson, CCR, RPR  
Notary Public in and for the State  
of Washington, residing at  
Yakima.