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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF WASHINGTON**

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

13 Plaintiff,

14 v.

15 ROBERT W. FERGUSON, in his
16 official capacity as ATTORNEY
17 GENERAL for the STATE OF
18 WASHINGTON,

19 Defendant.

No. 13-cv-05094-RMP

20
21 **DECLARATION OF DAVID MULKEY**
22

23 I, DAVID MULKEY, declare the following under oath and penalty of
24 perjury of the laws of the State of Washington.
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DECLARATION OF DAVID MULKEY

ALLIANCE DEFENDING FREEDOM
15100 North 90th Street
Scottsdale, Arizona 85260
(480) 444 - 0020

I. BACKGROUND

1.1 I am a floral design artist and have served in the floral industry for 6 years.

1.2 I have designed and created flowers for thousands of customers and for all budgets and types. I have worked in large and small floral shops.

1.3 I worked as a floral design artist at Arlene's Flowers from approximately April 2012 to August 2012. I now live in San Francisco, California, where I am a floral design artist. The primary focus of my business is designing and creating floral arrangements for high-end clientele and events.

1.4 Because I have family and friends in the Tri-Cities area, I have returned to the area periodically since then. When I'm in the area for an extended period, Arlene's Flowers has asked me to work in the store particularly during holiday seasons. Most recently, I worked at Arlene's for about five months in the summer of 2012.

1.5 While I disagree with Barronelle Stutzman's position on same-sex marriage and I wish she had not referred the same-sex wedding to another shop, I had a very positive experience working at Arlene's Flowers. It was a pleasant, friendly work environment. She was a great boss and I enjoyed my time there. I never witnessed her make unkind, demeaning, derogatory, rude, or insulting comments to any employees or customers. Nor did I hear other employees or

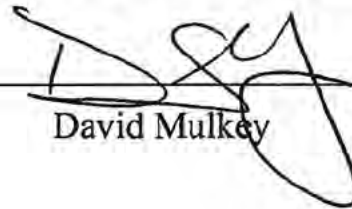
1 customers make those kind of comments in the shop. I never felt like Barronelle
2 treated me differently because of my sexual orientation even though she was very
3 religious. She made no secret of the fact that she believed her shop was "God's
4 business" and that she kept the shop closed on Sundays because it was "God's
5 day." Regardless of her religious views (or perhaps because of them), Barronelle
6 is a very kind woman. In fact, she's one of the nicest women I've ever met.
7

9 1.6 Arlene's Flowers is a fairly standard shop for a small town. Many of
10 the orders require the floral designer to follow the FTD instructions and do not
11 involve custom design work. For standard work, FTD provides pictures and
12 instructions detailing what kind and how many flowers to use. Arlene's Flowers
13 did receive some custom design orders while I was there.
14

16 1.7 Custom design floral work is truly an art form, requiring originality
17 and experience. One cannot create something beautiful without becoming
18 personally invested in it. That's true for floral design as much as any other form
19 of creative expression. The artist attempts to create a mood or look that will not
20 only complement other aspects of the event, but also pleases the customer and the
21 designer. A well-done custom arrangement requires artistic creativity and the
22 designer becomes personally invested in the process. Although the customer pays
23 for the product, the final floral design is the personal creation and expression of
24 the artist. While artists who work on large-scale events may in some cases have
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1 more training or experience, custom design work can occur at small floral shops,
2 too. What matters is whether the artist approaches the project with the intention
3 and commitment to create an original floral design.
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5 Signed at San Francisco, California, this 13 day of March, 2014.

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8 David Mulkey
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