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**STATE OF WASHINGTON
BENTON COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

Plaintiff,

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)

EXPERT DECLARATION OF JENNIFER
ROBBINS

ROBERT INGERSOLL and CURT FREED,

Plaintiffs,

v.

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

Defendants.

I, JENNIFER ROBBINS, am over the age of 18 and competent to testify, and
declare the following under oath and penalty of perjury of the laws of the State of
Washington that:

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I. BACKGROUND

1. I am a floral design artist and have served as the owner/operator of J Robbins Florist, a floral design studio located in Tacoma, Washington, for nearly twenty years. I am trained and educated in floristry. Part of my floral education included the history of floral arrangements. My educational and professional experience is summarized on the curriculum vitae attached to this declaration. See Exhibit 1.

2. Over the last nineteen years, I have designed and created flowers for over 1,500 weddings and other events of all budgets and types.

3. One of the primary focuses of my business is designing and creating floral arrangements for wedding ceremonies in the Seattle area.

4. I also collaborate with local floral design artists to design and create floral arrangements for large-scale weddings in Napa, California.

5. On November 18, 2013, I visited Mrs. Barronelle Stutzman at her business, Arlene's Flowers and Gifts, in Richland, Washington.

6. I spoke with Ms. Stutzman about the process she uses in designing and creating flower arrangements for wedding ceremonies, including her initial meeting with clients, cost estimates, subsequent client meetings, floral design and creation, and the process used to fulfill orders and place arrangements for a wedding ceremony.

7. I also viewed pictures of floral arrangements designed and created by Ms. Stutzman, which are attached as Exhibit 1 to the Declaration of Barronelle Stutzman.

8. In addition, I reviewed Ms. Stutzman's deposition testimony in (1) *State*

1 *of Washington vs. Arlene's Flowers, Inc., d/b/a Arlene's Flowers and Gifts, and*
2 *Barronelle Stutzman, Superior Court of the State of Washington for Benton County,*
3 *Cause No. 13-2-00871-5; and (2) Robert Ingersoll and Curt Freed vs. Arlene's Flowers,*
4 *Inc., d/b/a Arlene's Flowers and Gifts; and Barronelle Stutzman, Superior Court of the*
5 *State of Washington for Benton County, Cause No. 13-2-00953-3.*

7 **II. ASSUMPTIONS**

8 For purposes of rendering my opinions, I have assumed the following facts to be true:

9 9. Barronelle Stutzman is a Christian in the Southern Baptist tradition.

10 10. Ms. Stutzman is a florist, and she owns and works at a florist shop that she
11 operates as a business for profit.

12 11. The florist shop is separately incorporated as Arlene's Flowers, Inc.

13 12. The shop has had other florist-employees who do not necessarily share
14 Ms. Stutzman's faith, some of whom have been openly gay.

15 13. Robert Ingersoll and Curt Freed have been customers of the shop for some
16 period of time.

17 14. Ms. Stutzman arranged flowers for Messrs. Ingersoll and Freed knowing
18 that they identified as gay.

19 15. On March 1, 2013, Mr. Ingersoll went to the shop for the purpose of
20 asking Ms. Stutzman to design and create floral arrangements for a same-sex marriage
21 ceremony between him and Mr. Freed. Ms. Stutzman told him that she could not do it
22 because of her relationship with Jesus Christ.
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1 16. Ms. Stutzman declined to create the floral arrangements for the ceremony,
2 based on her religious belief that marriage should only be between one man and one
3 woman.

4 17. Ms. Stutzman and her shop design and create floral arrangements without
5 regard for the religious or philosophical beliefs of wedding participants, as long as the
6 marriage is between one man and one woman.

7 18. Ms. Stutzman is willing merely to sell flowers off the shelf to anyone,
8 even with the knowledge that the flowers would be used for a same-sex marriage
9 ceremony. However, she cannot *design and create* floral arrangements for a same-sex
10 marriage ceremony because she believes that would be contributing her creative and
11 artistic talents to support something she believes to be a sin against God.

12 19. As of 2006, the law of the State of Washington prohibits discrimination in
13 public accommodations based on sexual orientation. As of 2012, the law of the State of
14 Washington defines marriage as a civil contract between any two persons, who have each
15 attained the age of eighteen years, and who are otherwise capable, without regard for
16 their sex. The State of Washington and private plaintiffs contend that a florist shop is a
17 public accommodation, and that declining to create floral arrangements for use at a same-
18 sex marriage ceremony violates the legal prohibition of discrimination based on sexual
19 orientation.
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23 **III. SUMMARY OF OPINIONS**

24 20. Floral design artists must include many creative, artistic and expressive
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1 components when creating floral arrangements. The artist must focus on a variety of
2 components including, but not limited to, design, harmony, unity, balance, proportion,
3 scale, focal point, rhythm, line, form, color, space, depth, texture, and fragrance. See
4 Exhibit 2, pp. 30-97; Exhibit 3, pp. 20-37. The artist also often incorporates the meaning
5 and symbolism of particular flowers in the arrangements that she creates, which is
6 especially the case with wedding flower arrangements. The artist harmonizes all of these
7 components when creating a beautiful custom arrangement. See Exhibit 4. No floral
8 design artist will balance these components in precisely the same manner and clients
9 leave these components largely to the discretion of the floral design artist.
10

11 21. While some florists may not approach their work as art, a floral design
12 artist like Barronelle Stutzman strives to incorporate artistic creativity, originality, custom
13 tailoring, and attention to detail in designing and creating floral arrangements. Formal
14 study and training is not necessary to design such original and expressive work. A floral
15 design artist displays a high level of talent, emotional and intellectual investment, and
16 skill. Based on my experience and observations, Mrs. Stutzman demonstrates this level of
17 commitment, intention, and skill when she designs arrangements.
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19 22. As with most artistic mediums, each floral designer has his or her own
20 style, which expresses itself in the final creation. Not only does Mrs. Stutzman express
21 her own unique artistic style, but Arlene's Flowers does as well. The shop strives for a
22 consistency of design and high level of quality. Mrs. Stutzman confirms that either she or
23 the store manager review completed wedding floral arrangements to ensure they meet her
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1 expectations. This unique style is evident from my observations and review of the shop's
2 work.

3 23. Florists like Mrs. Stutzman approach their work as an art form. The art of
4 floral design and arrangement dates back to ancient times. See Exhibit 5. Floral artists
5 incorporate components of previous eras and cultures. These components offer a great
6 variety of creativity and expression thanks to the evolution of floral design from other
7 cultures. Similarly, floral design artists like Mrs. Stutzman use fabrics, pictures, and a
8 variety of other objects to generate ideas and inspire them to create arrangements.
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10 24. Wedding floral arrangements require floral design artists to become even
11 more personally involved in the creative process and final design. A floral design artist
12 often forms a personal bond with clients. This typically occurs through several personal
13 meetings which results in a floral designer's feeling emotionally invested not only in the
14 final floral creation, but the ceremony. To serve the clients well, the artist must learn
15 about the couple's individual and shared history, their desires, and the particular wedding
16 dreams and details. The florist attempts to create a mood or feeling consistent with the
17 personalities of the couple and to create arrangements that express the unity of the
18 couple. While the designer may use books or pictures as a conversation starter with the
19 couple, she uses their preferences only as a guide. Ultimately, the arrangements not only
20 reflect the mood and look desired by the couple, but also the personal style and creativity
21 of the artist. The florist's personal style and creativity is recognizable from the designs
22 and arrangements that she creates, and it is common for those who view the
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1 arrangements, especially wedding arrangements, to ask who created them.

2 25. The artist's emotional and creative investment in the wedding
3 arrangements has nothing to do with the size or number of the arrangements. What many
4 clients perceive as the simplest of arrangements, with very few elements, usually requires
5 the artist to engage in even more intricate planning and creativity than larger
6 arrangements. Regardless of size, weddings require an artist to meaningfully engage in
7 the creative process. The floral design artist makes hundreds of decisions that factor in
8 shapes, shades, colors, stem height, geometry, flower and foliage availability, physical
9 location of the arrangements, and the overall presentation of every vase, flower, and
10 filler, and how all separate arrangements – from the boutonnieres, pew markers, table
11 centers, and bouquet – express their unique elements appropriate for their purpose.

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13 26. Based on my conversations with and observations of Mrs. Stutzman, I
14 concluded that Mrs. Stutzman brings intention, passion, and creativity to the
15 arrangements she creates as a floral design artist, that she approaches weddings
16 arrangements as an artist with a particular sense of responsibility and joy because of the
17 important role she has in helping to beautify and formalize the wedding ceremony, and
18 that any custom design wedding arrangement created by Mrs. Stutzman necessarily
19 requires her to become emotionally and creatively invested in that arrangement and
20 ceremony and the final creation reflects Mrs. Stutzman's style and expression.
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23 **IV. EXHIBITS**

24 The following documents are attached as exhibits to this declaration:
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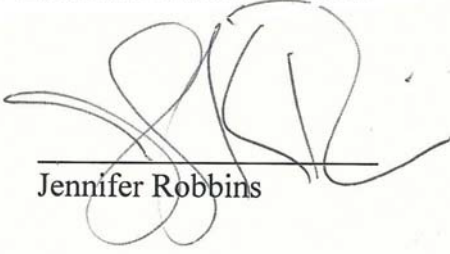
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- Exhibit 1 Curriculum Vitae of Jennifer Robbins
- Exhibit 2 Norah T. Hunters, THE ART OF FLORAL DESIGN (Delmar, 2nd ed. 2000)
- Exhibit 3 Gary L. McDaniel, FLORAL DESIGN & ARRANGEMENT (Prentice Hall, 3rd. Ed. 1996).
- Exhibit 4 THE LANGUAGE OF POETRY OF FLOWERS (DeWolfe, Fiske & Co.)
- Exhibit 5 Julie Berrall, A HISTORY OF FLOWER ARRANGEMENT (The Saint Austin Press, 1978).

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I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on December 8, 2014.



Jennifer Robbins