

## **AFFIDAVIT OF STEPHANIE SCHMALZ**

I, Stephanie Ricker Schmalz, hereby affirm under penalty of perjury that the following statements are true:

1. I am a resident of Littleton, Colorado.
2. I have been in a committed relationship with another woman, Jeanine Schmalz, since 2005. We are raising three children together.
3. After several years together, Jeanine and I decided to hold a Family Commitment Ceremony. We invited friends and family from several states to celebrate with us at a gathering in Littleton.
4. We decided to serve cupcakes at our Family Commitment Ceremony. On January 16, 2012, Jeanine and I visited Masterpiece Cakeshop's retail location in Denver for the purpose of tasting and potentially ordering cupcakes for our event.
5. At the Cakeshop, we met with a female representative and discussed with her our interest in placing a large cupcake order. This woman explained our options in terms of flavors, delivery, rental of various stands or displays, pricing, and so forth.
6. After we had spoken with her for several minutes, the woman said, "Wait, who is this for? Is it for the two of you?" Jeanine and I confirmed that yes, the celebration would be for the two of us. At that point, the woman said that she would not be able to take our order because of Cakeshop policy. She said this was because the Cakeshop owners believed in the Bible and that same-sex marriage was not legal in the state of Colorado.
7. We left Masterpiece Cakeshop without being able to place a cupcake order.
8. Reflecting on what had happened, I wondered if the woman we met with had the authority to speak for the business and if the discriminatory policy she stated was really the policy of Masterpiece Cakeshop. Later that same day, I called the Cakeshop to ask about this. The same woman we had spoken with before answered the phone and said that she was one of the Cakeshop owners.
9. On the phone, the woman said that the Cakeshop's policy that resulted in their being unable to take our order was based on the owners' reading of the word of God. I told her that the God I know loves me and my family and instructed all people to love one

another.


10. I was very sad and shocked that Masterpiece Cakeshop refused our business. I felt that Jeanine and I had been discriminated against because we are lesbians.

11. Shortly after this incident took place, I posted a review of Masterpiece Cakeshop on the website Yelp.com, in which I described my experience of discrimination there. Someone identifying himself as "Jack P. of Masterpiece Cakeshop" posted a reply to my review, in which he said that "...a wedding [for gays and lesbians] is something that, so far, not even the State of Colorado will allow". He did not dispute that the Cakeshop has a policy of refusing to sell cakes for gay and lesbian couples' weddings and celebrations.

12. I saw press coverage in July 2012 about Charlie Craig and Dave Mullins also having been being denied service at Masterpiece Cakeshop. At that point, I decided to try an experiment. I called Masterpiece Cakeshop again and spoke with Jack Phillips. I told Mr. Phillips that I was a dog breeder and was planning to host a celebration on the occasion of breeding one of my dogs with a neighbor's dog. I specified that for the "dog wedding" I wanted a cake large enough to serve about 20 people, in the shape of a dog bone, and lettered with the names Roscoe and Buffy. Mr. Phillips stated no objection to filling this order; he quoted me a price of \$69.99 plus tax and asked when I needed the cake.

13. I then felt even more disgusted that the owners of Masterpiece Cakeshop were willing to take a cake order for a supposed wedding between two dogs, but were not willing to take an order for a celebration of the love and commitment between two women.

Dated: January 2, 2013

Signed: 

Subscribed and sworn to or affirmed before me this 2<sup>nd</sup> day of January in the year 2013.

Notary Public: 

(affix seal or stamp.)