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IN THE SUPERIOR COURT OF WASHINGTON FOR BENTON COUNTY

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| ROBERT INGERSOLL and CURT FREED, | No. |
| Plaintiffs, | COMPLAINT |
| v. | |
| ARLENE’S FLOWERS, INC., d/b/a ARLENE’S FLOWERS AND GIFTS; and BARRONELLE STUTZMAN, | |
| Defendants. | |

Washington law prohibits business owners operating places of public accommodation from discriminating against customers based on factors such as race, religion, sex, and sexual orientation. The law prohibits such discrimination because it “threatens not only the rights” of Washington residents, “but menaces the institutions and foundation of a free democratic state.” RCW 49.60.010. This is a case about protecting people in Washington from unlawful discrimination on the basis of sexual orientation.

Plaintiffs Robert Ingersoll and Curt Freed, for their causes of action against Defendant, allege as follows:

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I. PARTIES

1. Plaintiffs Robert Ingersoll and Curt Freed are gay men. They have been in a romantic relationship since 2004 and are engaged to marry each other. Plaintiffs reside together in Kennewick, Washington.

2. Defendant Arlene’s Flowers, Inc., d/b/a Arlene’s Flowers and Gifts (“Arlene’s Flowers”) is a for-profit Washington corporation that sells goods and services to the general public from its retail store at 1177 Lee Boulevard, Richland, Washington.

3. Defendant Barronelle Stutzman is the president, owner, and operator of Arlene’s Flowers. On information and belief, Ms. Stutzman resides in Eltopia, Washington.

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II. JURISDICTION AND VENUE

4. This action arises from Ms. Stutzman’s refusal, as owner of Arlene’s Flowers, to sell flowers to Plaintiffs on the basis of their sexual orientation. The incident occurred at the Arlene’s Flowers store in Richland, Washington.

5. This Court has personal jurisdiction over all parties.

6. This Court has subject matter jurisdiction over all causes of action.

7. Benton County is the proper venue for this action.

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III. FACTS

8. Mr. Freed was born and raised in the Tri-Cities. He has been on the faculty of Columbia Basin College since 1994 and is currently Vice President of Instruction.

9. Mr. Ingersoll was raised in Colorado and New Mexico. He moved to Washington in the late 1990s. Mr. Ingersoll currently works as the Operations Manager at Goodwill Industries in Richland, Washington.

1 10. Mr. Freed and Mr. Ingersoll met in September 2004. They hiked through the
2 Yakima area for their first several dates, and they began to fall in love. The two men have
3 been a couple ever since.

4 11. Mr. Freed has been a customer of Arlene's Flowers his entire adult life.
5
6 Mr. Ingersoll also became a customer after he met Mr. Freed.

7 12. Mr. Freed and Mr. Ingersoll estimate that they have spent thousands of dollars
8 at Arlene's Flowers. Among other purchases, they frequently bought flowers for each other
9 for birthdays, anniversaries, and Valentine's Days. They have also purchased flowers for
10 family members and friends, and recently for their housewarming party.

11 13. After sharing their lives with each other for eight years, Mr. Freed proposed to
12 Mr. Ingersoll in December 2012 and they plan to marry in September 2013.

13 14. Mr. Freed and Mr. Ingersoll planned to buy flowers for their wedding from
14 Arlene's Flowers, which regularly advertises and sells flowers for all occasions, including
15 weddings. Arlene's Flowers advertises on the Internet and maintains a web page. Arlene's
16 Flowers serves a large portion of the general public, delivering flowers and gifts to customers
17 located in Richland, Kennewick, Pasco, Finley, Burbank, and Benton City. Arlene's Flowers
18 also serves funeral homes, hospitals, churches, and nursing homes in the Tri-Cities.
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22 15. Mr. Ingersoll went to Arlene's Flowers on March 1, 2013, where he spoke with
23 Ms. Stutzman about placing an order for the event. Ms. Stutzman knew at that time that
24 Mr. Ingersoll is gay and is in a long-term, romantic, and committed relationship with Mr. Freed.
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26 16. Ms. Stutzman refused to sell flowers to Mr. Ingersoll and Mr. Freed for their
27 wedding because they are a gay couple.
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1 17. Arlene’s Flowers has sold, and continues to sell, wedding flowers to
2 heterosexual couples.

3 18. Mr. Freed and Mr. Ingersoll have not secured a florist for their wedding.
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5 **IV. FIRST CAUSE OF ACTION: UNLAWFUL DISCRIMINATION**

6 19. The Washington Law Against Discrimination prohibits discrimination based
7 on sexual orientation and preserves “[t]he right to be free from discrimination.”
8 RCW 49.60.030(1).

9 20. “The right to be free from discrimination” includes “[t]he right to the full
10 enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of
11 public resort, accommodation, assemblage, or amusement.” *Id.*; accord RCW 49.60.215. The
12 statute applies to any person or entity who offers “the sale of goods, merchandise, services, or
13 personal property, or for the rendering of personal services....” RCW 49.60.040(2).
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16 21. Arlene’s Flowers sells goods, merchandise, services, and renders personal
17 services – including providing all the supplies and services necessary for wedding floral
18 arrangements.

19 22. Arlene’s Flowers’ commercial practices are subject to the Washington Law
20 Against Discrimination.
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22 23. Arlene’s Flowers is a place of public accommodation under the Washington
23 Law Against Discrimination.

24 24. On March 1, 2013, the Defendants refused to sell flowers to Mr. Ingersoll and
25 Mr. Freed for their wedding solely on the basis of their sexual orientation.
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1 25. The Defendants have deprived the plaintiffs of the “accommodations,
2 advantages, facilities, or privileges of [a] place of public resort, accommodation, assemblage,
3 or amusement,” in violation of RCW 49.60.030(1)(b) and RCW 49.60.215.
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5 26. Pursuant to RCW 49.60.030 and RCW 49.60.215, the Defendants’ refusal to
6 sell goods and services constitutes unlawful discrimination against the Plaintiffs on the basis
7 of their sexual orientation.

8 **V. SECOND CAUSE OF ACTION: AIDING A VIOLATION OF THE**
9 **WASHINGTON LAW AGAINST DISCRIMINATION**

10 27. Because she refused to sell flowers to Mr. Ingersoll and Mr. Freed for their
11 wedding, defendant Barronelle Stutzman aided Arlene’s Flowers in violating the Washington
12 Law Against Discrimination by discriminating against the Plaintiffs on the basis of their
13 sexual orientation.
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15 28. Ms. Stutzman violated RCW 49.60.220 by so aiding Arlene’s Flowers.

16 **VI. THIRD CAUSE OF ACTION: VIOLATION OF THE CONSUMER**
17 **PROTECTION ACT**

18 29. Unfair acts or practices in the conduct of trade or commerce are unlawful
19 violations of the Washington Consumer Protection Act. RCW 19.86.020. Violations of
20 Washington’s Law Against Discrimination are per se violations of the Consumer Protection
21 Act. RCW 49.60.030(3)
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23 30. The defendants’ actions constitute an unfair act or practice in trade or
24 commerce and an unfair method of competition that runs contrary to the public interest of
25 Washington State. The defendants’ actions injured the plaintiffs, and the defendants are
26 therefore liable under the Washington Consumer Protection Act.
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VII. PRAYER FOR RELIEF

THEREFORE, Plaintiffs demand:

1. That the Defendants and all other persons acting or claiming to act for, on behalf of, or in active concert or participation with the Defendants, be enjoined from engaging in the unlawful discriminatory conduct described above, which violates RCW ch. 49.60 and RCW ch. 19.86;


2. A judgment against the Defendants, jointly and severally, pursuant to RCW 49.60.030(2) and RCW 19.86.090, for damages in an amount to be proved at trial, including trebling as permitted by statute.

3. An award of reasonable attorneys' fees and costs that the plaintiffs incur in connection with this action; and

4. Such other relief as the Court deems just and proper.

DATED this 18th day of April, 2013.

HILLIS CLARK MARTIN & PETERSON P.S.

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