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Benton County Superior Court judge expected to make decision on Arlene's Flowers case

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Sara Schilling, Tri-City Herald

A Benton County Superior Court judge is expected to decide next week whether to throw out part of a discrimination lawsuit brought against Barronelle Stutzman and her Richland flower shop.

A gay couple, Robert Ingersoll and Curt Freed, sued Stutzman and Arlene's Flowers earlier this year after Stutzman refused to provide flowers for their wedding. She cited her religious beliefs.

In their lawsuit, Ingersoll and Freed allege violation of the Washington Law Against Discrimination and the Consumer Protection Act.

Attorneys for Stutzman argued Friday that the Consumer Protection Act claim doesn't hold up because a private consumer must show financial injury to their business or property, and Ingersoll and Freed haven't done that.

"They didn't allege (financial injury) in their complaint. There have been no facts that we discovered in the case to demonstrate financial injury," JD Bristol, one of Stutzman's attorneys, told the Herald following the afternoon hearing before Judge Sal Mendoza Jr. in Kennewick.

But attorneys for the couple argue a violation of the anti-discrimination law that happens in the course of business is of itself a violation of the Consumer Protection Act, and at any rate the couple did suffer injury in the form of wasted travel and time spent finding another florist.

"It does not matter for the purposes of finding a violation of the CPA that the expenses may be minimal ... they constitute injury," said attorney Michael Scott during the hearing.

The hearing lasted less than a half-hour; Mendoza said he'll issue a decision next week.

The state attorney general also has filed suit against Stutzman and her business under the Consumer Protection Act, and she's filed a countersuit claiming the state is trying to force her to act in opposition to her religious beliefs in violation of her constitutional rights.

Her suit has been moved to federal court.

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