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WASHINGTON STATE  
SUPREME COURT  
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# THE SUPREME COURT OF WASHINGTON

ROBERT INGERSOLL, et al.,	)	
	)	NO. 91615-2
Respondents,	)	
	)	<b>ORDER SETTING</b>
v.	)	<b>BRIEFING SCHEDULE</b>
	)	
ARLENE'S FLOWERS, INC., et al.,	)	
	)	
Appellants.	)	
_____	)	

This case arose out of two cases filed in the superior court against Arlene's Flowers, Inc, and its owner, Baronelle Stutzman. One case was initiated by the State of Washington; it sought injunctive and other relief under the Consumer Protection Act, chapter 19.86 RCW, and the Washington Law Against Discrimination, RCW 49.60.215. A separate private lawsuit was filed by Robert Ingersoll and Curt Freed. The superior court consolidated the cases and granted summary judgment in favor of the State, Ingersoll, and Freed. Arlene's Flowers and Stutzman sought direct review by this Court, which was granted. After oral argument, the Court filed a unanimous opinion affirming the superior court on February 16, 2017. The Clerk of this Court filed the mandate on March 14, 2017, advising the superior court and the parties that the case was now final.

On April 14, 2017, the Court became aware that review by the U.S. Supreme Court had been sought when a letter was received from the U.S. Supreme Court advising that an extension of time to file a writ of certiorari had been granted. On June 28, 2018, the Court received an order from the U.S. Supreme Court that granted the petition for writ of certiorari filed by Arlene's

Flowers and Stutzman. The order further provided that the judgment was vacated and the case was remanded to this Court for further consideration in light of *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Comm'n*, 584 U.S. \_\_\_, 138 S. Ct. 1719, 201 L. Ed. 2d 35 (2018). This Court received the mandate from the U.S. Supreme Court on July 27, 2018.

On July 20, 2018, the State, Ingersoll, and Freed filed a motion to recall the mandate and set a briefing schedule. Appellants Arlene's Flowers and Stutzman filed an answer requesting that the Court remand the case to the superior court for further proceedings rather than setting a briefing schedule. The reply to the answer objected to the request to remand the case to the superior court. At the September 6, 2018, En Banc Conference, the Court considered the motion and decided by a majority to enter the following order.

Now, therefore, it is hereby

ORDERED:

The motion to set a schedule for additional briefing is granted in part. The request by Appellants Arlene's Flowers and Stutzman to remand this case to the superior court is denied at this time. The parties and amicus that have already appeared in this case should serve and file briefs in accordance with the U.S. Supreme Court's remand of the case to this Court for further consideration in light of *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Comm'n*, on the following schedule:

Appellants' Opening Brief, not to exceed 50 pages in length: October 10, 2018.

Respondents' Response Briefs, not to exceed 50 pages in length: November 9, 2018.

Appellants' Reply Brief, not to exceed 25 pages in length: December 10, 2018.

Amicus Briefs, not to exceed 20 pages in length: December 21, 2018.

Answers to Amicus Briefs, not to exceed 20 pages in length: January 7, 2019.

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DATED at Olympia, Washington this 12<sup>th</sup> day of September, 2018.

For the Court

Fairhurst, C.J.  
CHIEF JUSTICE