

The Masterpiece Cakeshop III Case

Case Name: *Scardina v. Masterpiece Cakeshop*

Case Status: Appeal filed in the Colorado Court of Appeals

Significance: Whether a cake artist can be forced to create expression that violates his beliefs.



Background:

The day that the U.S. Supreme Court agreed to hear Jack’s first case in June 2017, attorney Autumn Scardina contacted Jack’s shop and requested a custom cake with a pink-and-blue design to celebrate and symbolize a gender transition. Jack’s shop declined that request because the cake would have expressed a message that violates Jack’s religious beliefs. A few months later, Scardina also asked for a cake with Satan smoking a joint, which Jack declined as well. Scardina admitted to making these cake requests to “test” Jack and to “correct the errors of [his] thinking.” Scardina filed a discrimination complaint against Masterpiece Cakeshop for declining to create the cake celebrating a gender transition with the Colorado Civil Rights Division. After Alliance Defending Freedom filed a federal lawsuit to protect Jack, the Colorado Civil Rights Commission dismissed the complaint against Jack in March 2019. But a few months later, Scardina filed a new lawsuit against Jack and Masterpiece Cakeshop in state court. On June 15, 2021, the court issued a ruling against Jack, but on August 2, 2021, ADF appealed the trial court ruling to the Colorado Court of Appeals.

Key Facts

- Autumn Scardina has acknowledged that the requested cake was to celebrate or symbolize a gender transition, before the Colorado Civil Rights Division and at trial.
- Scardina has been targeting and harassing Jack Phillips for nearly a decade.
 - Scardina has contacted Jack multiple times and called him a hypocrite and bigot.
 - Scardina contacted the Colorado Civil Rights Commission and volunteered to file a complaint against Jack for declining to create the custom wedding cake for original *Masterpiece I* plaintiffs Craig and Mullins if they did not file a complaint.
 - In their last face-to-face conversation in November 2020, Scardina told Jack that if the current case was dismissed for any reason, Scardina would come back the next day with a new cake request and sue Jack again.
- The relentless harassment of Jack Phillips – nearly a decade of litigation – has had a significant impact on Jack Phillips’ business. He once had ten employees and now it’s down to four. He has lost a big part of his business, in addition to the severe emotional toll.
- Jack has declined to create many different custom cakes that express messages or celebrate events in conflict with his deeply held beliefs. For example, he has declined to create cakes that:
 - Celebrate Halloween,
 - Advocate use of marijuana or illegal drugs, or
 - Disparage people, including people within the LGBT community.

The Bottom Line: Jack serves all customers; he simply declines to create custom cakes that express messages or celebrate events in violation of his deeply held beliefs.