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**IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

**CIVIL RIGHTS DEPARTMENT, FORMERLY THE
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING,
AN AGENCY OF THE STATE OF CALIFORNIA,**
Plaintiff and Appellant,

v.

**CATHY'S CREATIONS, INC., D/B/A TASTRIES,
A CALIFORNIA CORPORATION, AND
CATHARINE MILLER,**
Defendants and Respondents; and

**EILEEN RODRIGUEZ-DEL RIO AND
MIREYA RODRIGUEZ-DEL RIO,**
Real Parties in Interest.

**APPEAL FROM KERN COUNTY SUPERIOR COURT
J. ERIC BRADSHAW, JUDGE – CASE No. BCV-18-102633**

**RESPONDENTS' APPENDIX
File 3 of 8, Volume 3, pp. RA.0599-RA.0855**

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16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **COUNTY OF KERN**

18 DEPARTMENT OF FAIR EMPLOYMENT
19 AND HOUSING, an agency of the State of
California,

20 Plaintiff,

21 v.

22 CATHY'S CREATIONS, INC. d/b/a
TASTRIES, a California Corporation; and
23 CATHARINE MILLER, an individual,

24 Defendants.

25 EILEEN RODRIGUEZ-DEL RIO and MIREYA
RODRIGUEZ-DEL RIO,

26 Real Parties in Interest.

CASE NO.: BCV-18-102633

IMAGED FILE

**APPENDIX OF EXHIBITS,
VOLUME II, IN SUPPORT OF
DEFENDANTS CATHARINE
MILLER AND TASTRIES
BAKERY'S MOTION FOR
SUMMARY JUDGMENT**

Date: Nov. 4, 2021
Time: 8:30 a.m.
Dept: 11
Judge: Hon. David R. Lampe
Action Filed: Oct. 17, 2018

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Respectfully submitted,

LiMANDRI & JONNA LLP



Dated: September 8, 2021

By:

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EXHIBIT 13

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF KERN - METRO DIVISION

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING, an agency of the
State of California,

Case No.
BCV-18-102633

Plaintiff,

CERTIFIED COPY

vs.

CATHY'S CREATIONS, INC. dba
TASTRIES, a California
Corporation; and CATHARINE
MILLER, an individuals,

Defendants.

EILEEN RODRIGUEZ-DEL RIO and
MIREYA RODRIGUEZ-DEL RIO,

Real Parties in Interest.

VIDEOTAPED DEPOSITION OF EILEEN RODRIGUEZ-DEL RIO

Taken remotely via Zoom Videoconferencing
Keleher's Court Reporters
19237 Flightpath Way, Suite 100
Bakersfield, California
Thursday, July 29, 2021, at 9:08 a.m.

Reported by:

Shelly A. Davis, CSR #8947, RPR

JOB No. 21-101796

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APPEARANCES:

For the Plaintiff DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING, an agency of the State of
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VIDEOGRAPHER:

Kevin Johnson
The Sullivan Group of Court Reporters, Inc.

Also present:

Catharine Miller
Kate Peterson
Elizabeth Huss

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09:08:10

1 THURSDAY, JULY 29, 2021

09:08:25

2 THE VIDEO OPERATOR: Here begins media number 1
3 of the deposition of Eileen Rodriguez-Del Rio in the
4 matter of the Department of Fair Employment and
5 Housing vs. Cathy's Creations, Inc. Today's date:
6 July 29th, 2021. And the time is 9:08 a.m.
7 Eastern -- Pacific time. The deposition is taking
8 place at 19237 Flightpath Way, Suite 100,
9 Bakersfield, California 93308.

09:08:50

10 My name is Kevin Johnson. I'm the
11 videographer appearing on behalf of Sullivan.

12 Would counsel please identify yourself and
13 state whom you represent beginning with the
14 questioning attorney?

09:09:02

15 MR. JONNA: Good morning. My name is Paul
16 Jonna. I represent Cathy's Creations, Inc., as well
17 as Cathy Miller. I'm here with my client, as well
18 as my paralegal, Kate Peterson, and another parallel
19 in training, Elizabeth Huss.

09:09:18

20 MR. MANN: Good morning. Gregory Mann for the
21 Department of Fair Employment and Housing. I am
22 here alone except for the occasional pop in by child
23 or wife.

09:09:30

24 THE VIDEO OPERATOR: Our reporter today is
25 Shelly Davis with Sullivan.

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09:09:32

09:09:33

09:09:44

09:09:57

09:10:18

09:10:29

1 You may swear in the witness.
2 THE COURT REPORTER: Please raise your right
3 hand.
4 EILEEN RODRIGUEZ-DEL RIO,
5 having been sworn, testified as follows:
6 THE WITNESS: I do.
7 THE COURT REPORTER: Thank you.
8 EXAMINATION
9 BY MR. JONNA:
10 Q. Good morning, Ms. Del Rio. My name is
11 Paul Jonna. I represent Cathy Miller, and Cathy's
12 Creations, Inc., Tastries Bakery.
13 Can you please state your full name for
14 the record and spell it?
15 A. It's Eileen Rodriguez-Del Rio. It's
16 E-i-l-e-e-n R-o-d-r-i-g-u-e-z-d D-e-l capital R-i-o.
17 Q. Great. Do you mind if I call you by your
18 first name today?
19 A. No, I don't mind.
20 Q. Okay. Let me go over some of the ground
21 rules of a deposition and just start by asking:
22 Have you ever had your deposition before?
23 A. Yes.
24 Q. What -- how many times?
25 A. Just once.

10:45:17

1 A. I don't recall.

2 Q. If you -- if, in fact, Cathy had said that
3 the -- that the recipes were similar to the ones at
4 Gimme Some Sugar, you -- you wouldn't want a cake
5 that tasted like those, though; is that true?

10:45:32

6 A. That's true, but we didn't taste them so I
7 couldn't say whether they were or were not.

8 (Whereupon, Exhibit 550 was marked
9 for referenced.)

10:45:44

10 BY MR. JONNA:

11 Q. Okay. Let's pull up Exhibit 550. All
12 right. This is a Facebook post with a Bates number
13 CM1897. It's a post from Sam at 1:04 p.m. Do you
14 remember what time it was, approximately, that you
15 left the bakery?

10:46:13

16 A. No, I do not.

17 Q. Okay. Well, Sam says that "Tastries
18 Bakery, so we just went with some friends to do a
19 cake tasting for a wedding cake, and we were
20 referred to another bakery. Apparently they don't
21 believe in same sex marriage so they refused to make
22 a cake. I'm not even sure how to react or feel
23 right now, so just be aware if you choose to spend
24 your money there." Do you see that?

10:46:29

25 A. Uh-huh. Yes.

10:46:43

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10:47:49

10:48:01

10:48:16

10:48:37

10:48:54

10:49:15

1 bigot or hater if they have those beliefs?
2 A. They have their beliefs, just like
3 everybody else. The -- the fact is the law is the
4 law, and it was violated.
5 Q. Okay. Well, I'm -- we'll get to that part
6 of it, but my question is: Setting aside what you
7 think is a violation of law, if someone has those
8 traditional beliefs on marriage, does that
9 automatically make them a bigot or a hater?
10 MR. MANN: Objection. Asked and answered.
11 You can go ahead and answer, Eileen.
12 THE WITNESS: I believe she has her beliefs as
13 I have my beliefs. I wouldn't necessarily say she's
14 a bigot or a hater, I just believe she's a
15 discriminator. That's my answer.
16 BY MR. JONNA:
17 Q. Did you guys -- shortly after posting
18 these messages on Facebook, did you guys get offers
19 for free makeup and free photography at your
20 wedding?
21 A. Yes, we did.
22 Q. There was a message between Rosemary and
23 Mireya shortly after you guys left the second time,
24 and -- and let me just ask you this: Do you
25 remember the substance of those discussions with

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10:54:38

1 BY MR. JONNA:

2 Q. I'm just asking if you know.

3 A. I don't.

4 (Whereupon, Exhibit 553B was marked

10:54:41

5 for referenced.)

6 BY MR. JONNA:

7 Q. Okay. Take a look at Exhibit 553B. There

8 were a number of comments to your Facebook post, I'm

9 sure you remember. It was -- correct?

10:55:00

10 A. Can you repeat that? You cut out.

11 Q. There were a number of comments posted in

12 response to your post; is that right?

13 A. I believe so, yes.

14 Q. All right. So we went through the

10:55:15

15 comments, and I just want to ask you if you remember

16 some of these. I'm going to make it a little

17 bigger. I went through, and I looked at the ones

18 that you -- that you actually "liked." Sorry, give

19 me a second.

10:55:42

20 I'm going to go Whitney Weddell, Whitney

21 Weddell, you're commenting -- that's the same lady

22 we talked about earlier, right?

23 A. Yes, sir.

24 Q. Did -- and it says here -- you say, "She

10:56:04

25 took over the process and told us she does not

Document received by the CA 5th District Court of Appeal.

10:56:07

1 support the gays in any way." Do you see that?

2 A. Yep.

3 Q. Is that -- is that what she told you?

4 A. That's how I felt at the time.

10:56:16

5 Q. But she never said she doesn't support the
6 gays in any way, right? You felt that way, but she
7 didn't say that?

8 A. She told us she don't condone same sex
9 marriages.

10:56:27

10 Q. But she didn't say she doesn't support the
11 gays in any way, correct?

12 A. Correct.

13 Q. Okay. Here -- here someone else says,
14 "Don't make me fly from Maryland and whoop her ass,

10:56:40

15 too." Do you see that?

16 A. Uh-huh.

17 Q. And you actually "liked" that comment?

18 A. Yes.

19 Q. Do you think that someone should have

10:56:51

20 whooped her ass as a result of what happened to you?

21 A. No. Again, I was angry at the time.

22 Q. So do you think that's a comment that you
23 should have not endorsed?

24 A. Possibly. However, at that time, at that

10:57:19

25 moment, I was heated, so I "liked" the comment. I

Document received by the CA 5th District Court of Appeal.

10:57:25

1 can't take that back.

2 Q. Here on page 13 of the PDF, there's
3 another comment that says, "I hope they lose more
4 business for not working with you." Do you see
5 that?

10:57:56

6 A. Yes.

7 Q. You "liked" that comment, too, right?

8 A. I "liked" a lot of comments that day. It
9 doesn't mean that I agree with everybody that
10 commented what they commented, I just "liked" them
11 because I felt that the people on my Facebook were
12 supporting the fact that I was discriminated
13 against.

10:58:07

14 Q. How do you decide whether to "like" a
15 comment or not "like" a comment?

10:58:19

16 MR. MANN: Objection. Vague.

17 BY MR. JONNA:

18 Q. In general on Facebook, I mean, what's
19 your -- what's your criteria for whether you "like"
20 something or not "like" something?

10:58:31

21 A. Honestly, if somebody comments, I pretty
22 much "like" a comment. It doesn't have any
23 specifics.

24 Q. What if she -- what if someone said that
25 want -- they were planning to murder and rape

10:58:42

Document received by the CA 5th District Court of Appeal.
79

10:58:44

1 someone, would you "like" a comment like that?

2 A. No.

3 Q. Why not?

4 A. Why would I not "like" something for

10:58:55

5 murder and rape?

6 Q. Yes.

7 A. Because that's just not me. These people

8 were upset and feeling my pain, but no one was going

9 to go out to murder anybody. They just made

10:59:23

10 comments that they wanted to put on there.

11 Q. Well, there was someone that said they

12 wanted to fly out and whooped their ass, though, and

13 you "liked" that comment, right?

14 A. That was --

10:59:37

15 MR. MANN: Objection. Asked and answered.

16 It's argumentative.

17 BY MR. JONNA:

18 Q. Well, what's the difference between the

19 murder and rape one and whooping her ass? Is it

10:59:47

20 just because they might not kill her if they whoop

21 her ass?

22 A. The difference is I knew she wasn't coming

23 out here to whoop her ass.

24 Q. How do you know that?

11:00:02

25 A. Because I know the person that wrote it.

Document received by the CA 5th District Court of Appeal.

11:01:08

1 blasting"?

2 MR. MANN: Objection.

3 BY MR. JONNA:

4 Q. This is -- this is your name right here.

11:01:14

5 MR. MANN: Can you go back to the full post?

6 BY MR. JONNA:

7 Q. "They need a blasting. Who is she to

8 judge? You don't let that ruin your special day."

9 So my question is: What -- what do you understand

11:01:27

10 when you read that? What does it mean, "They need a

11 blasting"?

12 A. I "liked" it because they said, "Don't let

13 that ruin your day." Your reading what you want to

14 read into it, but the reality is I "liked" it

11:01:37

15 because my cousin said, "Don't let that ruin your

16 special day."

17 Q. What do you think she meant when she

18 said -- what did it mean to you when you read, "They

19 need a blasting"? What does that mean to you?

11:01:50

20 A. It doesn't mean anything because I didn't

21 even pay attention to that part.

22 Q. Okay. Well, now that you're looking at

23 it, what do you think that means?

24 A. I still don't have no thoughts as to it

11:02:01

25 meaning anything.

Document received by the CA 5th District Court of Appeal.

11:02:06

1 Q. Well, I mean, what -- it has to mean
2 something. When you read it, how do you interpret
3 it?

11:02:13

4 A. You would have to ask that person. I
5 don't --

6 Q. Right.

7 A. I don't interpret it in any way.

11:02:20

8 Q. I'm not asking you to tell me what she
9 meant, I'm asking you to tell me what you understand
10 that to mean as a -- as an intelligent person
11 reading it.

12 MR. MANN: Asked and answered.

13 BY MR. JONNA:

14 Q. You can answer the question.

11:02:33

15 A. Again, I didn't take it into any context.

16 Q. What does the word "blasting" mean to you?
17 Do you -- do you have an understanding of what that
18 word means?

11:02:46

19 A. It depends on how somebody is saying it.
20 Blasting could be talking to somebody and saying
21 something. Blasting could be blowing up. It's how
22 one interprets.

23 Q. You don't have an interpretation of it?

24 A. No, sir.

11:03:00

25 Q. In this context?

Document received by the CA 5th District Court of Appeal.

11:03:03

1 A. No, sir.

2 Q. Okay. How about people who were saying
3 here, "I hate wacko ignorant Christians"? Is that
4 you what consider Cathy Miller to be, a wacko
5 ignorant Christian?

11:03:46

6 A. No.
7 (Whereupon, Exhibit 555A was marked
8 for referenced.)
9 BY MR. JONNA:

11:03:56

10 Q. Let's take a look at Exhibit 555A. This
11 is a review of Tastries Bakery, one star, that you
12 provided on August 26, 2017, which says, "Because
13 the owner is a bigot and hates lesbians and gays and
14 refuses service to them, apparently gay and lesbian
15 money looks different and spends different. She
16 must be a Trump supporter." Did I read that
17 correctly?

11:04:31

18 A. Yes.

19 Q. Is that your review of Tastries on
20 August 26th, 2017?

11:04:40

21 A. I believe so.

22 Q. And why is it that you wrote down
23 understand that she -- "the owner is a bigot and
24 hates lesbian and gays"?

11:04:53

25 A. Again, it's the same day that it happened,

Document received by the CA 5th District Court of Appeal.

11:04:56

1 and that's how I felt. That's how she made me feel.

2 Q. She -- do you believe as you sit here
3 today that she hates lesbians and gays?

4 A. I have no idea. You would have to ask
5 her.

11:05:08

6 Q. Well, I'm asking what you believe, because
7 you wrote, "She hates lesbian and gays." You said
8 that was how you felt that day. I'm asking how you
9 feel about it now.

11:05:17

10 MR. MANN: Objection. Asked and answered.

11 You can go ahead and answer, Eileen.

12 THE WITNESS: Okay.

13 Yeah, to this day, I still think she does
14 not care for the LGBT community.

11:05:48

15 BY MR. JONNA:

16 Q. Do you think that you shouldn't have
17 written down on this -- on this public page that she
18 hates lesbians and gays? Do you regret writing
19 that?

11:05:59

20 A. No.

21 Q. Do you stand by that?

22 A. It's how I felt at the time and how I feel
23 now.

24 Q. In discovery in this case, you signed a --
25 or you -- you -- the DFEH served responses saying

11:06:17

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11:06:23 1 that you never posted this review. I don't want to
2 pull up your discovery responses right now, but I
3 think this clarifies that that was not correct, you,
4 in fact, did post this review on August 26, 2017; is
11:06:35 5 that right?

6 A. I do not recall. This is the first time
7 I've seen it since 2017.

8 Q. Do you still -- do you still have a
9 Facebook page?

11:06:50 10 A. A Facebook?

11 Q. Yes.

12 A. Uh-huh.

13 Q. Is that a yes?

14 A. Yes.

11:06:54 15 (Whereupon, Exhibit 555B was marked
16 for referenced.)

17 BY MR. JONNA:

18 Q. Okay. Let's take a look at Exhibit 555B.
19 Is this your Facebook page -- or was it at one point
11:07:11 20 in time?

21 A. It still is.

22 Q. Okay. At the very bottom of the Facebook
23 page, there's this reference to a review that you
24 made of Tastries August 26, 2017. Does that refresh
11:07:29 25 your recollection that you, in fact, did post that

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11:07:32

1 review which still shows on your profile to this
2 day?

3 A. I don't look at my profile.

11:07:40

4 Q. Well, if you were to look at it today and
5 see this, I think that would confirm that you did
6 make this post on August 26, 2017; would you agree?

7 A. If I did look at it today, but, again, I
8 don't -- I don't daily or yearly or weekly look at
9 my profile.

11:07:57

10 Q. Do you have any reason to believe that you
11 didn't write that post on August 26, 2017, the
12 review of Tastries?

13 A. Can you repeat the question?

11:08:09

14 Q. Do you have any reason to believe that you
15 did not write that review of Tastries that we looked
16 at earlier?

17 A. No, if it's on any Facebook. I just don't
18 recall writing it. Again, if it was written, it was
19 in the heat of the moment at that time.

11:08:35

20 Q. Do you know someone named Mia Velacima?

21 A. Not to my knowledge.

22 MR. JONNA: Let's take a five-minute break, if
23 that's okay.

24 THE VIDEO OPERATOR: Going off the record. The
25 time is 11:09.

11:09:14

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1 (Break taken.)

2 THE VIDEO OPERATOR: We're back on the record.

3 It's 11:21.

4 BY MR. JONNA:

11:21:36 5 Q. All right. Well, before we get started,
6 Eileen, I just want to say, you know, I -- during
7 the course of the deposition, I'm going to continue
8 asking you questions that are going to touch on
9 subjects that are probably going to be difficult for
11:21:49 10 you. I don't mean any disrespect, I don't mean to
11 cause you any distress today, I'm just going on my
12 job, so I just want to say that upfront so I don't
13 want to -- I'm not trying to be rude, I'm just doing
14 my job in asking you questions, so I -- I hope you
11:22:03 15 understand that.

16 A. Yeah.

17 Q. Okay. So just a couple of thoughts that I
18 want to clarify, questions I have before we go back
19 to the exhibits, in no particular order, so just
11:22:18 20 bear with me.

21 Did you guys -- do you remember if you
22 guys wanted a cake topper for your wedding cake that
23 you ordered?

24 A. Yes, we ordered a cake topper.

11:22:29 25 Q. What kind of cake topper was it?

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11:22:32

1 A. It was with two females, however, it got
2 lost.

3 Q. Do you remember who ordered it? Was it
4 you or Mireya?

11:22:45

5 A. I ordered it.

6 Q. What do you mean "it got lost"?

7 A. It never arrived when it was supposed to,
8 and then they just wound up refunding my money.

9 Q. Did you look for another topper?

11:22:59

10 A. Yes.

11 Q. Did you find another one?

12 A. I believe so, however, we didn't even use
13 a cake topper.

14 Q. Why not?

11:23:10

15 A. The -- they wound up putting fresh flowers
16 on top of the cake.

17 Q. Okay. Did -- do you remember what kind of
18 cake -- I know you kind of eluded to this earlier,
19 so sorry, but can you just clarify what kind of cake

11:23:27

20 did you guys ask Tastries to make you? I know that
21 you said it looked similar to one on the -- on
22 display, but what -- can you describe for me -- you
23 said it was -- just use your own words to describe
24 what that cake looked like that you wanted them to
25 make you?

11:23:42

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11:23:43

11:23:59

11:24:14

11:24:28

11:24:44

11:25:02

1 A. Basically -- I don't remember if it was
2 two or three tiers, and the specifities of how it
3 looked was according to what my wife wanted.
4 Q. You don't remember if she wanted, like, a
5 square or a certain color or a certain --
6 A. It wasn't square. I believe it was round.
7 Q. Do you know if she -- what kind of texture
8 she wanted? Like, was it, like, a smooth texture or
9 kind of a wavy texture? Do you remember anything
10 like that?
11 A. I don't recall.
12 Q. Do you guys visit -- do you ever visit a
13 Smith's Bakery before you went to Tastries?
14 A. No.
15 Q. Did you ever consult with any home bakers
16 before going to Tastries?
17 A. No.
18 Q. What was the significance of the wedding
19 cake for you guys for your wedding? I mean, can you
20 explain what significance it had for you?
21 A. It was a part of our celebration and our
22 wedding. It wasn't the main part of our wedding,
23 but it was -- the cake is a part of the celebration.
24 Q. Would you say it was an important part?
25 A. We were the important part.

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11:25:04

1 Q. Right. But was the cake also an important
2 component to --

3 A. It was --

4 Q. -- you guys?

11:25:08

5 A. It was a component. There's always cake
6 at a celebration, so, yeah, I mean, it was -- it was
7 a part of it.

11:25:22

8 Q. Something else I wanted to clarify was you
9 mentioned -- I think the records show that you guys
10 put a deposit for the Metro back in August of 2016.
11 Does that sound right?

11:25:39

12 A. Sounds about right. Again, she's the one
13 that put the deposit, so -- I mean, as far as the
14 date, I -- I don't want to guess, but it sounds
15 about right.

16 Q. When you did that, were you also still
17 planning to have the ceremony in -- later in 2016?

18 MR. MANN: Objection. Vague.

19 MR. JONNA: I can rephrase that.

11:25:54

20 BY MR. JONNA:

21 Q. You had -- you had a ceremony in 2016, and
22 a celebration with another vow exchange in 2017,
23 correct?

24 A. Correct.

11:26:05

25 Q. I'm just taking you back, now you've got

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11:33:05

11:33:19

11:33:27

11:34:05

11:34:24

11:34:54

1 A. We just refer to it as "our bars."
2 Q. Would Pat and Sam also be there -- at
3 those bars?
4 A. Yes, they frequent the bars.
5 Q. Did they also play pool with you back
6 then?
7 A. Again, I don't recall the people that I
8 play with. I played pool with a lot of people.
9 (Whereupon, Exhibit 564 was marked
10 for referenced.)
11 BY MR. JONNA:
12 Q. Okay. Take a look at Exhibit 564. This
13 is a Facebook -- or, actually, it's a -- it's a Yelp
14 post from Serenity H. Do you know this person?
15 A. No.
16 Q. She says, "You pretty much f'ed yourselves
17 by being nazi bigots." She's referring to -- to
18 Tastries Bakery because they -- and she's referring
19 to the incident. This -- this was posted August 26,
20 2017, 3:26 p.m. Do you agree with this statement?
21 A. It's her opinion.
22 Q. Would you use those words, too?
23 A. No.
24 Q. Do you know someone named Enkel Brintrup?
25 A. No.

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11:34:58 1 Q. Okay. I'm going to scroll down a little
2 bit. Someone else posted something -- Kourtney.
3 "Hey Cathy Miller, hope you're -- hope you get your
4 ass beat for being a rude judgmental bitch." Do you
11:35:37 5 see that?
6 A. Uh-huh.
7 Q. Yes?
8 A. Yes, I see it.
9 Q. Do you think that that's a fair comment?
11:35:45 10 Do you agree with that?
11 A. No.
12 Q. Do you think that your prior comment
13 that -- declaring for the world that Cathy Miller
14 hates gays and lesbians contributed to this -- to
11:36:01 15 the violated reaction we're seeing here?
16 A. I think everybody has their opinion to
17 what they want to say, but I -- I can't respond to
18 how they felt at the time.
19 Q. Do you think that the comment that you --
11:36:18 20 that you posted that she's -- that she hates gays
21 and lesbians, do you think that contributes to
22 people who are reacting violently like this?
23 MR. MANN: Objection. Lacks foundation. Calls
24 for speculation.
11:36:35 25 THE WITNESS: I think that they just -- they

11:36:37

1 commented how they felt.

2 BY MR. JONNA:

3 Q. Did you see comments like this in the
4 ensuing days and weeks after the incident?

11:36:49

5 A. On Yelp?

6 Q. On -- anywhere online, did you see hateful
7 comments directed towards Tastries are?

8 A. I saw hateful comments towards Tastries as
9 well as myself.

11:37:01

10 Q. What kind of hateful comments did you get
11 directed towards yourself?

12 A. I don't recall exactly, but they were very
13 ugly and pretty hateful.

14 Q. You never received any death threats,
15 though, correct?

11:37:22

16 MR. MANN: Objection. Lack of foundation.

17 THE WITNESS: I don't -- I don't recall if I --
18 I received death threats because I stopped looking
19 at comments.

11:37:34

20 BY MR. JONNA:

21 Q. Right. So I'm only asking about what you
22 looked at. Did you ever see a comment that
23 threatened physical violence against you?

24 A. I don't recall.

11:37:51

25 Q. Do you know someone named Jim Blair?

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11:37:54

1 A. No.

2 Q. He says, "There are places in hell for
3 people like the people that own this bakery." Do
4 you agree with that statement?

11:38:04

5 A. No.

6 Q. Do you have a religious affiliation
7 currently?

8 A. I'm Catholic.

9 Q. Are you practicing?

11:38:11

10 A. No.

11 Q. Do you go to church?

12 A. No.

13 Q. Did you receive all the sacraments when
14 you were younger?

11:38:20

15 A. I was -- I was baptized, and I made my
16 communion, yes.

17 Q. Did you receive confirmation?

18 A. No.

19 Q. Did you receive first reconciliation?

11:38:33

20 A. No.

21 Q. Do you still consider yourself Catholic?

22 A. Yes.

23 Q. Do you know what the Catholic church
24 officially teaches about homosexual?

11:38:46

25 A. Yes, I do.

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11:57:27

1 business; isn't that true?

2 MR. MANN: Objection. Asked and answered.
3 Mischaracterizes prior testimony. Incomplete
4 hypothetical. Lacks foundation.

11:58:22

5 THE WITNESS: Again, the business owner should
6 follow the law.

7 BY MR. JONNA:

8 Q. Are you aware of whether Cathy Miller has
9 had gay employees or gay customers at Tastries over
10 the years?

11:58:38

11 A. No.

12 Q. Do you have any facts to suggest that
13 Cathy Miller has ever made a derogatory statement
14 towards gay people?

11:58:49

15 A. No. I just have how she treated me and
16 made me feel.

17 Q. Other than that, you have no evidence or
18 no facts that suggest that she's ever treated anyone
19 in the LGBT with anything other than respect and
20 care, true?

11:59:05

21 MR. MANN: Objection. Lack of foundation.
22 Calls for speculation.

23 THE WITNESS: Again, I just know how she
24 treated me and my wife.

25

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12:02:47

1 THE WITNESS: I believe if they're in business,
2 they should follow the law.

3 BY MR. JONNA:

12:02:55

4 Q. Even if that means that -- that doing the
5 act in question would violate their religious
6 beliefs, they should do it any way?

7 A. If they're not --

8 MR. MANN: Objection.

9 THE WITNESS: -- following the law.

12:03:03

10 MR. MANN: Okay.

11 BY MR. JONNA:

12 Q. You agree that there were many bakers in
13 Bakersfield who were willing to make a wedding cake
14 for you and Mireya, correct?

12:03:25

15 MR. MANN: Objection. Lack of foundation.

16 THE WITNESS: What do you mean by "many"?

17 BY MR. JONNA:

18 Q. Multiple. There were multiple bakers --
19 bakeries in Bakersfield that were more than happy
20 and willing and able to make you a wedding cake for
21 your wedding, true?

12:03:41

22 MR. MANN: Objection. Lack of foundation.

23 THE WITNESS: I'm still not understanding. You
24 mean after the Tastries incident?

25

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1 BY MR. JONNA:

2 Q. You went to Gimme Some Sugar before you
3 went to Tastries, you and Mireya, correct?

4 A. Correct.

12:04:05 5 Q. They were willing to make a wedding cake
6 for your same sex wedding, correct?

7 MR. MANN: Objection. Lack of foundation.
8 Assumes facts.

12:04:25 9 THE WITNESS: Wedding cake wasn't even
10 discussed at that time with Gimme Some Sugar.

11 BY MR. JONNA:

12 Q. Are you aware that of the owner of Gimme
13 Some Sugar is -- is a member of the LGBT
14 community -- or was?

12:04:35 15 A. I found out after.

16 Q. So she -- I mean, you have no reason to
17 believe she wouldn't be willing to make a wedding
18 cake for your -- for your same-sex wedding, correct?

19 A. Correct.

12:04:47 20 Q. And then De Coeur, you have no reason to
21 believe that they weren't willing to make a wedding
22 cake? In fact, they quoted you a price, \$400, for a
23 wedding cake, correct?

12:05:00 24 A. I don't know if it was \$400, but, yes,
25 they did quote my wife for a wedding cake.

12:05:04

1 Q. Do you have any reason to believe that
2 they weren't willing to make a wedding cake for a
3 same-sex wedding?

4 A. Not to my knowledge.

12:05:11

5 Q. And, in fact, after the Tastries incident,
6 you were approached by a few different people who
7 offered to make wedding cakes for you for free,
8 including Tiers of Joy; isn't that true?

9 A. This is true.

12:05:22

10 Q. And you did actually receive a wedding
11 cake from your wedding from Tears of Joy for free,
12 correct?

13 A. Correct.

12:05:31

14 Q. And are you aware that there are other
15 bakers in Bakersfield who have been more than
16 willing to make a wedding cake for your wedding with
17 Mireya?

18 MR. MANN: Objection. Lack of foundation.
19 Assumes facts not in evidence.

12:05:45

20 THE WITNESS: Yes.
21 BY MR. JONNA:

22 Q. I just want to keep on going through this
23 document that I've had up here. Sorry I haven't
24 taken it down yet. Just a couple more.

12:06:08

25 Do you know a guy named Cody Hatfield?

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12:06:12

1 A. No.

2 Q. He wrote here, "Bigoted scum, you -- like
3 you do not deserve to feel safe. Bricks through the
4 window can serve as excellent reminders that you are

12:06:23

5 not welcome in our modern society." That's on Bates
6 stamp CM1527. Do you see that?

7 A. I see it.

8 Q. Have you seen that message before today?

9 A. No.

12:06:35

10 Q. Do you condone messages like that?

11 A. No.

12 Q. Do you think that people should be
13 throwing bricks through Tastries' windows?

14 A. No.

12:06:47

15 Q. Do you know a gentleman named Matt Bjork,
16 B-j-o-r-k?

17 A. No.

18 Q. He says here, "I bet you like stuff like
19 this up your a-s-s," and then on -- and that's on

12:07:03

20 1533. On 1536, he says, "Those look disgusting. I
21 hope you get raped in the a-s-s." Do you see that?

22 A. Yes.

23 Q. What's your reaction to seeing these kind
24 of hateful comments?

12:07:24

25 A. They're ugly.

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12:07:25

1 Q. Do you think that this was fair for Cathy
2 to receive comments like this after your incident?

3 A. Again, I received the same.

12:07:36

4 Q. Did you get statements like this one from
5 him saying, "Hope you get raped by multiple men"?
6 Do you see that? Do you ever get statements like
7 that? He also said, "I hope someone violently rapes
8 you. God knows you deserve it."

9 A. No.

12:08:00

10 Q. Is this something that you see frequently
11 in the -- these kind of hateful comments? I mean,
12 when someone disagrees on the issue of same-sex
13 marriage, do people in the LGBT community react like
14 this or is this kind of unusual?

12:08:17

15 MR. MANN: Objection. Lack of foundation.
16 Vague. Calls for speculation.
17 BY MR. JONNA:

18 Q. I'm just asking for your experience being
19 part of the community. Is this something that you
20 see frequently?

12:08:33

21 MR. MANN: Same objections.
22 BY MR. JONNA:

23 Q. You can answer the question.

24 A. Oh, I was just reading the comments still.
25 Sorry.

12:08:59

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12:08:59

1 On Facebook, honestly, in any comment that
2 anybody puts up there, you're going to get
3 comments -- whether it be about her or about me or
4 about this person or that person, you're going to

12:09:22

5 have people taking one side or the other. And
6 that's -- and it's not just in the gay community,
7 it's across the board with anything that's out
8 there, even with the news, there's people that have
9 something to say.

12:09:41

10 BY MR. JONNA:

11 Q. What about this comment here, "I pray you
12 go bankrupt"? Do you know this lady, Tracy
13 Kawasaki?

14 A. No, I do not.

12:09:48

15 Q. "I wish -- I sincerely wish you homeless
16 and broke. You should be outcast, removed from
17 modern society."

18 Do you -- knowing that people do overreact
19 on social media as you said, do you think that

12:10:01

20 should guide how comments and posts are written,
21 like the one that you wrote that said that they hate
22 lesbians and gays? Maybe in light of all these
23 vitriolic remarks, do you think maybe you should
24 have toned down your rhetoric as well?

12:10:18

25 MR. MANN: Objection.

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12:10:18

1 THE WITNESS: Again --

2 MR. MANN: Vague.

3 THE WITNESS: -- I was -- go ahead, Greg.

4 Sorry.

12:10:22

5 MR. MANN: Objection. Vague.

6 Go ahead, Mireya. I'm sorry, go ahead,

7 Eileen.

8 THE WITNESS: Again, at the time I was angry

9 and upset and hurt, so I was not thinking of the

12:10:38

10 comments that were going to take place.

11 BY MR. JONNA:

12 Q. Right. And I'm not asking about at the

13 time, I'm asking about -- it's July 29th, 2021,

14 you're looking at all this with a fresh set of eyes

12:10:49

15 now. Looking back, do you -- do you regret the way

16 you phrased those early posts?

17 MR. MANN: Objection. Vague.

18 THE WITNESS: I don't regret posting it. I do

19 regret not being able to possibly turn off the

12:11:07

20 comments to not have the mass comments that took

21 place.

22 BY MR. JONNA:

23 Q. Do you regret "liking" some of those

24 comments that were, you know, saying they want to

12:11:21

25 whoop her ass and things like that? Do you -- do

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12:11:23

1 you think that was something you would have done

2 differently now?

3 MR. MANN: Objection. Vague.

4 BY THE WITNESS:

12:11:33

5 Q. I don't mean to distract you while looking

6 at this. I'm sorry, I can stop the share. Go

7 ahead. I'm sorry.

8 A. I'm all just like --

9 Q. I know. I know. It's not --

12:11:44

10 A. Sorry.

11 Q. No, it's my fault. Go ahead.

12 A. So you're asking me today -- can you ask

13 the question again?

14 Q. Like, do you -- looking back, do you

12:11:53

15 regret liking some of those more hateful comments

16 that were, you know, kind of expressing some desire

17 to have violence occur? Do you think maybe, looking

18 back, you shouldn't have done that?

19 MR. MANN: Objection. Lack of foundation.

12:12:09

20 States prior testimony. Vague.

21 THE WITNESS: Honestly, today, still I -- I

22 still feel the hurt, and-- four years down the road,

23 I'm still affected by what she did. It --

24 BY MR. JONNA:

12:12:25

25 Q. So you --

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12:12:26

12:12:35

12:12:46

12:12:55

12:13:03

12:13:12

1 A. It doesn't go away on how I feel, how she
2 made me feel.
3 Q. So you -- even looking back today, like,
4 you -- you don't regret "liking" the comment that
5 said I -- "She needs to get her ass whooped"? You
6 think that was fine to do?
7 MR. MANN: Objection. Hold on. Hold on.
8 Objection. Misstates prior testimony. Lack of
9 foundation. Vague.
10 Go ahead.
11 THE WITNESS: I don't regret "liking" it. Do I
12 want her to get her ass whooped? No.
13 BY MR. JONNA:
14 Q. What do you want to happen to her? Do you
15 want her to be -- do you want an order from a judge
16 saying you have to make same-sex wedding cakes or --
17 or don't make cakes? Is that what you want?
18 A. I want her --
19 MR. MANN: Objection.
20 THE WITNESS: -- to follow the law.
21 BY MR. JONNA:
22 Q. Right. Well, you're going to tell the
23 judge what you think the law is -- or your lawyer
24 will, but what do you want her to do? Do you have a
25 specific -- if you could write down the order

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01:19:16

01:19:33

01:19:50

01:20:10

01:20:35

01:20:41

1 one way or the other whether her beliefs are
2 actually sincere, you -- you don't really know; is
3 that true?
4 A. I'm not understanding the question.
5 Q. Cathy's position in this case is that she
6 has sincere religious beliefs about the nature of
7 marriage. I'm asking you if you have any
8 information or facts or evidence to suggest that her
9 religious beliefs are not sincere. Since you don't
10 know her, I assume the answer to that question is
11 no, you have no such facts, but I'm trying to
12 confirm that today.
13 A. Correct. No.
14 Q. And if you, Eileen, owned a bakery, and
15 a -- and a person walked in your bakery and asked
16 you to make a wedding cake saying that marriage is
17 between one man and one woman, and delivering that
18 wedding cake to -- to an event for a traditional
19 marriage organization, would you have any problem
20 doing that?
21 A. No.
22 MR. MANN: Objection.
23 THE WITNESS: Oh, sorry.
24 MR. MANN: Lack of foundation. Incomplete
25 hypothetical.

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01:32:03

01:32:15

01:32:47

01:34:06

01:34:14

01:34:26

1 allowed to pick and choose what she wants to serve,
2 whether it be cupcakes or cake.
3 BY MR. JONNA:
4 Q. I want to finish the last exhibit we were
5 looking at, which was -- let's see. It's still 564,
6 so -- I'm almost done with these.
7 Do you know a gentleman named Jonathan
8 Kaplan?
9 A. No.
10 Q. I want to -- have you seen this -- this
11 post that he made before? It was on August 30th.
12 Let me know -- take a look at it, let me know if you
13 recognize it. The Bates stamp is CM1876.
14 Have you had a chance to read that?
15 A. Yeah.
16 Q. Do you -- do you recognize this -- this
17 comment?
18 A. No.
19 Q. What's your reaction to reading this?
20 A. Again, it's that person's opinion. I
21 can't control what people were saying.
22 Q. Do you think this is appropriate?
23 MR. MANN: Objection.
24 THE WITNESS: No.
25 MR. MANN: Vague.

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01:34:26

1 BY MR. JONNA:

2 Q. What's that?

3 A. No.

4 Q. Do you think this is offensive?

01:34:37

5 A. Yes.

6 MR. MANN: Objection. Vague.

7 BY MR. JONNA:

8 Q. I'm sorry, I -- I don't know if you
9 answered or not.

01:34:50

10 A. Can you repeat the question?

11 Q. Do you think this is offensive?

12 A. It can be --

13 MR. MANN: Objection.

14 THE WITNESS: -- yeah.

01:11:09

15 BY MR. JONNA:

16 Q. Do you -- do you remember if you submitted
17 a second declaration in this case after the first
18 one we looked at?

19 A. I don't recall.

01:35:10

20 (Whereupon, Exhibit 565 was marked
21 for referenced.)

22 BY MR. JONNA:

23 Q. Okay. Let's take a look at Exhibit 565.

24 This is a picture of Cathy Miller's car broken into.

01:35:38

25 That's broken glass right there. This is CM1392.

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01:35:44

1 Did you know that her car was broken into while this
2 case was in the news?

3 A. No. How would I know that?

01:36:11

4 Q. Do you know anyone named Adam Ramos and
5 Ted Freitas?

6 A. No.

7 Q. When did the -- when did the DFEH first
8 contact you?

01:36:38

9 MR. MANN: Objection. Assumes facts not in
10 evidence. Lack of foundation.

11 THE WITNESS: I don't recall.

12 (Whereupon, Exhibit 567 was marked
13 for referenced.)

14 BY MR. JONNA:

01:36:47

15 Q. Okay. So let me -- let me show you an
16 article, Exhibit 567. This is an article entitled,
17 "Lesbian couple rejected by Tastries Bakery says
18 they will pursue legal action." You recognize this?
19 This is an article that came out August 31, 2017.

01:37:23

20 A. Yes.

21 Q. Do you --

22 Second page of the article says -- sorry,
23 one second -- "Whitney Weddell, a leader in the
24 Bakersfield LGBTQ community, said the Department of
25 Fair Employment and Housing, which enforces the

01:37:44

Document received by the CA 5th District Court of Appeal.

01:47:57

1 know now about Facebook, I could have turned off the
2 comments.

3 BY MR. JONNA:

01:48:09

4 Q. Okay. Do you know that multiple Tastries
5 employees quit shortly after the incident because
6 they were bombarded with hateful phone calls and
7 e-mails and pornographic images? Are you aware of
8 that.

9 A. No.

01:48:18

10 MR. MANN: Objection.

11 THE WITNESS: How would I know?

12 MR. MANN: Lack of foundation. Assumes facts.

13 BY MR. JONNA:

01:48:30

14 Q. Are you aware that people were sending
15 pornographic images of -- of nude men engaging in
16 homosexual acts to Tastries Bakery shortly after
17 this became viral?

18 MR. MANN: Objection. Assumes facts. Lack of
19 foundation.

01:48:43

20 THE WITNESS: No.

21 BY MR. JONNA:

22 Q. Are you aware that they were sending
23 images of bestiality, pornographic images to Cathy
24 Miller and Tastries Bakery shortly after this story
25 became viral?

01:48:53

Document received by the CA 5th District Court of Appeal.

01:48:54

1 MR. MANN: Objection. Assumes fact. Lack of
2 foundation.

3 THE WITNESS: No.

4 BY MR. JONNA:

01:48:59

5 Q. You're -- you're aware now that she --
6 that Cathy Miller received threats of violent rape
7 and -- and other violent acts, but were you aware of
8 that before today?

9 A. No.

01:49:29

10 Q. Are you aware that Cathy had to hire a
11 security guard to protect herself and her family and
12 her employees and customers --

13 MR. MANN: Objection.

14 BY MR. JONNA:

01:49:37

15 Q. -- after this story became viral?

16 MR. MANN: Objection. Assumes facts.

17 THE WITNESS: No.

18 BY MR. JONNA:

19 Q. Do you know someone named Terry Nardiello?

01:50:12

20 A. No.

21 Q. How about Rose Leonard?

22 A. No.

23 Q. How about Dave Morris Hath?

24 A. No.

01:50:46

25 Q. How about Finney Gage?

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02:01:03

02:01:13

02:01:21

02:02:21

02:02:39

02:02:59

1 Q. How about --
2 A. -- don't recall.
3 Q. How about in the room?
4 A. I don't -- I don't believe so. I don't
5 recall.
6 (Whereupon, Exhibit 627A was marked
7 for referenced.)
8 BY MR. JONNA:
9 Q. Okay. I'm going to show you some photos.
10 This is Exhibit 627A. I don't know what's going on
11 here. Hold on. What is -- what is -- I'm just
12 going to go through these photos and tell me what
13 they depict. What does this photo depict?
14 A. That's right after we said our vows and we
15 were coming down as a couple for the first time.
16 Q. Okay. What about -- and that's on
17 DFEH295.
18 The text one is DFEH296. What does this
19 picture show?
20 A. That is a token for them to take home of
21 our appreciation for attending our wedding with our
22 names and our wedding date.
23 Q. What was inside it? Do you remember?
24 A. There was Hershey Kisses.
25 Q. Okay. DFEH297. Is this photo -- what

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02:03:06

1 does this show?

2 A. That's the upstairs where we held the --
3 where we did the wedding.

4 Q. So this is upstairs, and then your picture

02:03:27

5 before you walked down was also upstairs?

6 A. Yes.

7 Q. And then downstairs was where the party
8 was?

9 A. Yes.

02:03:35

10 Q. And that's where the cake was?

11 A. Yes.

12 Q. Okay. The next page is DFEH298. What
13 does this picture show? Is this the downstairs
14 where the party was?

02:03:49

15 A. Yes. And then we're upstairs, I
16 believe --

17 Q. Right here?

18 A. Yeah, right there.

19 Q. Okay. Do you remember -- strike that.

02:04:05

20 Did you guys look at other venues besides
21 this venue or is this the only one you toured and
22 looked at?

23 A. That's the only one we looked at.

24 Q. Okay. The next is on DFEH299. What does

02:04:16

25 this one show?

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02:04:33

02:04:43

02:05:13

02:05:26

02:05:39

02:05:48

1 A. Oh, that shows -- I can't tell if she's
2 upstairs or downstairs. I think that's our first
3 dance, maybe, I'm not sure. It's too dark.
4 (Whereupon, Exhibit 627B was marked
5 for referenced.)
6 BY MR. JONNA:
7 Q. Okay. I'm going to show you one more set
8 of pictures. 627B. Is this on your wedding day?
9 A. Yes, I believe so.
10 Q. Okay. That's -- that's -- okay. And we
11 looked at this one.
12 Can you tell me who's in this picture from
13 left to right, if you remember?
14 A. Yep. Right there where you're just
15 pointing to, that's Isabella, my niece.
16 Q. Okay.
17 A. That's Valerie, my sister.
18 Q. Okay.
19 A. The next one is Adrian, my wife's nephew.
20 Q. Okay.
21 A. The next one is Andrea, my sister.
22 Q. Okay. And this one right -- this little
23 girl here?
24 A. The little one is Breanna.
25 Q. Who is she?

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02:06:44

1 A. Yes, minus our mothers.

2 Q. Okay. Were your fathers -- are your
3 fathers alive, by the way?

4 A. Our fathers are deceased.

02:06:56

5 Q. I'm sorry.

6 (Whereupon, Exhibit 630 was marked
7 for referenced.)

8 BY MR. JONNA:

02:07:38

9 Q. Take a look at 630. Oh, I'm sorry. I did
10 the same thing again. I meant to go to the next
11 one. I thought they were one exhibit, so bear with
12 me.

13 (Whereupon, Exhibit 631 was marked

14 for referenced.)

02:07:46

15 BY MR. JONNA:

16 Q. All right. 631. Okay. What does this
17 picture show? This is DFEH175.

18 A. It's a cake.

02:08:12

19 Q. Is it just a cake or is this your wedding
20 cake?

21 A. It's the wedding cake.

22 Q. Is it -- it's your wedding cake for your
23 wedding in 2017, correct?

24 A. I believe so, yes.

02:08:26

25 Q. And this is the design that you -- is it

Document received by the CA 5th District Court of Appeal.

02:08:30

1 the design that you asked for or Mireya?

2 A. My wife's the one that took care of that.

3 Q. Were you happy with the way it looked?

4 A. I'm happy she was happy.

02:08:42

5 Q. You kind of didn't really care too much
6 how it looked?

7 A. I cared, it's just she's more of a detail
8 person, not me.

9 Q. How -- how did the cake taste? Was it
10 pretty good?

02:08:56

11 A. It was -- yeah, it was good.

12 Q. And it was only one -- one real cake, and
13 then the other two layers were styrofoam; is that
14 right?

02:09:07

15 A. Correct.

16 Q. Why did you guys do it that way?

17 A. Because we went with the cake bar.

18 Q. Okay. And why did you go with the cake
19 bar instead of just having all the cake here?

02:09:26

20 A. At that point, after thinking about it, it
21 sounded like a really good idea to have the variety
22 instead of just cutting into the one cake.

23 (Whereupon, Exhibit 580 was marked
24 for referenced.)

02:09:39

25 ///

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02:27:40

1 A. He violated the company's -- give me a
2 second to think of what the words were. He violated
3 the -- the -- my manager stated he violated the
4 company's breach of confidentiality about our
5 company to our client.

02:28:14

6 Q. In one of the messages from Patrick to
7 Mireya, Patrick says that "Cathy f'ed up big time
8 and she will learn the hard way. Karma will come to
9 get her ass." Do you agree with that statement?

02:28:44

10 A. I don't agree or disagree.

11 Q. Do you remember seeing comments that ask
12 people that -- to "burn this f'ing bakery to the
13 ground, bigots don't deserve to feel safe"? Do you
14 remember seeing that?

02:29:23

15 A. I don't recall.

16 Q. How about "Pray for her soul. It is
17 rotted"? Do you remember seeing that? "This is the
18 face of a rotten soul."

19 A. I don't recall.

02:29:41

20 Q. How about, "I think she just signed her
21 death sentence"? Do you remember seeing something
22 like that?

23 A. I don't recall.

24 Q. Do you remember seeing comments that were
25 comparing the cake that she made on their Facebook

02:29:54

Document received by the CA 5th District Court of Appeal.

02:29:57

1 page to -- to female anatomy?

2 A. I don't recall, no.

02:30:23

3 Q. There was another couple -- same-sex
4 couple that apparently visited Tastries, and they
5 wrote down that "Had it been disclosed to us upfront
6 during our initial visit that Tastries does not
7 cater to same-sex couples, we would have gladly
8 taken our business elsewhere." Is that -- do you
9 agree with that statement? Would you -- would you
10 have done that, too?

02:30:38

11 MR. MANN: Objection. Vague. Lack of
12 foundation.

13 THE WITNESS: Again, I may or may not have.
14 I -- I don't know at that time.

01:11:09

15 BY MR. JONNA:

16 Q. How often do you communicate with the
17 folks at the DFEH? Like, on a weekly basis, a
18 monthly basis? Like, how often are you in touch
19 with them?

02:31:13

20 MR. MANN: I'm -- I'm going to -- hold off on
21 that one under attorney-client privilege and work
22 product.

23 So don't answer that one.

24 BY MR. JONNA:

02:31:21

25 Q. Do you -- do you stay up -- do you like to

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REPORTER'S CERTIFICATION

I, Shelly A. Davis, a Certified Shorthand Reporter in and for the State of California, holding Certificate No. 8947, do hereby certify:

That the foregoing witness was by me duly sworn; that the deposition was then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed into typewritten form under my direction; that the foregoing is a true record of the testimony and proceedings taken at that time.

I further certify that I am neither counsel for, nor in any way related to any party to said action, nor in any way interested in the outcome thereof.

IN WITNESS WHEREOF, I have subscribed my name on August 5, 2021.

Shelly A Davis

Shelly A. Davis, CSR #8947, RPR

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EXHIBIT 14

Document received by the CA 5th District Court of Appeal.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF KERN - METRO DIVISION

DEPARTMENT OF FAIR EMPLOYMENT) Case No. BCV-18-102633
AND HOUSING, an agency of the)
State of California,)

CERTIFIED COPY

Plaintiff,)

vs.)

CATHY'S CREATIONS, INC. dba)
TASTRIES, a California)
Corporation; and CATHARINE)
MILLER, an individual,)

Defendants.)

EILEEN RODRIGUEZ-DEL RIO and)
MIREYA RODRIGUEZ-DEL RIO,)

Real Parties in Interest.)

VIDEOTAPED DEPOSITION OF
MIREYA RODRIGUEZ-DEL RIO

Taken Via Zoom Videoconference

Wednesday, July 28, 2021 at 9:55 a.m.

Reported by: Jennifer E. Hennagin, CSR #13559

JOB No. 21-101794

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APPEARANCES

(All Appearances Via Zoom Videoconference)

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The Videographer: Mr. Kevin Johnson

Also Present: Ms. Catharine Miller

Ms. Kate Peterson

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INSTRUCTIONS NOT TO ANSWER

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1 THE VIDEOGRAPHER: Good morning. Here begins
2 media number one of the deposition of Mireya
3 Rodriguez-Del Rio in the matter of Department of Fair
4 Employment and Housing versus Cathy's Creations.

09:55:06 5 Today's date, July 28, 2021, and the time is
6 9:55 a.m. eastern time. This deposition is taking
7 place at 19237 Flightpath Way, Suite 100, Bakersfield,
8 California, 93308. The videographer is Kevin Johnson,
9 appearing on behalf of Sullivan.

09:55:33 10 Would counsel please identify yourself and
11 state whom you represent, beginning with the
12 questioning attorney.

09:55:42 13 MR. JONNA: Good morning. My name is Paul
14 Jonna. I represent Cathy's Creations, Inc., and Cathy
15 Miller. And I'm here today with my clients, as well as
16 my paralegal, Kate Peterson.

17 MR. MANN: Good morning. Gregory Mann for the
18 Department of Fair Employment and Housing.

09:55:58 19 THE VIDEOGRAPHER: Our court reporter today is
20 Jennifer Hennagin with Sullivan. You may now answer in
21 the witness.

22 MIREYA RODRIGUEZ-DEL RIO,
23 having been sworn, testified as follows:

24 EXAMINATION BY MR. JONNA

09:56:16 25 Q. Good morning, Mireya. We spoke earlier today.

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1 headaches that, you know, sometimes they are more
2 severe than others, that it doesn't happen all the
3 time, that nervous and full of different kinds of
4 emotions. Angry, frustrated, mad, things like that.
10:16:29 5 It's just -- it was overwhelming.

6 Q. Is it fair to say that that has now subsided
7 since it's been some time since the incident or you're
8 no longer experiencing that level of distress anymore?

9 A. I mean, it's been less. Not as frequent as it
10:16:48 10 was at the beginning. It has -- it's less.

11 Q. Are you seeking -- in this case, are you
12 seeking any damages, as far as you understand?

13 Let me rephrase the question.

14 What are you -- what's your understanding of
10:17:07 15 what the DFEH is seeking in this case? Like, in other
16 words, what's the point of this case, as far as you
17 understand it?

18 A. I just -- I believe that we all should be
19 treated equally and not treated or, you know, talked to
10:17:32 20 the way that we were talked to once we were there. And
21 that was feelings of discrimination just because we are
22 lesbians.

23 Q. So -- and I understand that. And I'm -- what
24 I'm -- I'm asking something a little bit more specific,
10:17:54 25 which is, what is your understanding of what -- if the

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1 DFEH were to win this case, what's your understanding
2 of what they would be asking the judge or the jury to
3 do?

4 A. It would be like our emotional distress
5 compensation.

6 Q. Okay. So you would be -- your understanding
7 is that the DFEH would seek compensation for your
8 emotional distress?

9 A. Yes.

10 Q. Anything else?

11 A. No. Not that I could think of.

12 Q. Do you know what amount of compensation you
13 would seek for your emotional distress? Have you given
14 any thought to what that number should be?

15 A. No.

16 Q. Have you ever filed a lawsuit before?

17 A. No.

18 Q. Have you ever been a party to a lawsuit?

19 A. No.

20 Q. Have you ever testified in court in the past?

21 A. No.

22 Q. Have you ever been -- I'm sorry. I just have
23 to ask. I ask every witness. Have you ever been
24 convicted of a felony?

25 A. No.

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1 controversial in any way? Did you ever think that that
2 might be an issue?

3 A. No.

4 Q. Have you ever heard of like those other cases,
5 like Masterpiece Cakeshop, things like that? Have you
6 heard of those cases in the news before?

7 A. No, until after.

8 Q. Did you ever get the sense when you were in
9 Tastries Bakery that it was a Christian bakery?

10 A. No, I did not know that.

11 Q. Did you notice, I mean, like, for example, the
12 religious objects in the bakery? The crosses, the
13 Bible verses, the Christian music?

14 A. There was no music. I just figure, you know,
15 they sell a little bit of everything there, but not
16 specifically to the religion.

17 (Exhibit 231 previously marked.)

18 Q. (By MR. JONNA) Let me just show you

19 Exhibit 231 really quick. Oh, sorry. I'm going a

20 little bit out of order. So just bear with me for a

21 second. Okay. All right. I'm just going to show you

22 a few pictures of images in the bakery. Sorry this is

23 hard to see. It's sideways. I can rotate it, but let

24 me just keep showing you like different images that are

25 in the bakery. I'm just going to show you them and

Document received by the CA 5th District Court of Appeal.

1 then I'm going to ask you a couple questions.

2 Do you remember seeing -- now that you've seen
3 these images, does this refresh your memory as to
4 whether there were Christian symbols, crosses, Bible
5 verses in the bakery when you were in there?

6 MR. MANN: Objection. Vague and lack of
7 foundation.

8 You can answer, Mireya.

9 A. I remember some, but I thought -- you know, I
10 thought that that was just a little something that they
11 also sell there, but not tie it up to the whole bakery
12 about being, you know, religious.

13 Q. (By MR. JONNA) Sure. What do you remember
14 seeing? I know that it was a while ago, but just give
15 me the best -- your best memory as to what you remember
16 seeing in this regard in the bakery.

17 A. I do remember the cross. I don't think it was
18 necessarily the one that you're showing me now in the
19 picture, but there was some verses. But like I said, I
20 was -- I'm a teacher. So the books kind of like was
21 one of the things that kind of caught my attention
22 more.

23 Q. Do you have a particular faith that you
24 associate yourself with currently? A faith tradition?

25 A. I just believe in God. I don't follow any

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1 to say that and to have that belief? Would that be
2 discrimination or not?

3 MR. MANN: Objection. Asked and answered.
4 Lack of foundation.

11:17:55 5 A. I guess anybody could interpret it however
6 they want.

7 Q. (By MR. JONNA) Why was it important for you
8 to have a wedding cake at your celebration?

9 A. It was one of the -- one of the things that
11:18:21 10 are usually in a celebration of any kind.

11 Q. What was the significance of the cake to you
12 personally? Like did it convey a certain message or
13 what do you think the cake signified for you guys
14 personally?

11:18:35 15 A. Personally, for me, it is one of the main
16 things to have in a celebration, to enjoy and share
17 with others.

18 Q. Would you respect someone who told you that
19 they sincerely believed -- even though they loved LGBT
11:19:08 20 people, they sincerely believed that marriage
21 between -- it should be between a man and a woman,
22 would you respect someone who had those beliefs? Would
23 you respect their beliefs?

24 A. Of course. Everybody has their own beliefs.

11:19:17 25 Q. Would you want to force them to express

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1 beliefs that they don't agree with?

2 A. I would not force anybody, no, to believe what

3 I believe.

4 Q. Would you force anybody -- would you want to

5 ever force anybody to say something that they don't

6 believe?

7 A. No. I would like for them to be honest.

8 Q. Would you ever want to force anyone to do

9 something that violates their sincere beliefs?

10 MR. MANN: Objection. Vague.

11 MR. JONNA: I can be more specific.

12 Q. (By MR. JONNA) Would you ever want to force

13 someone to go to an event, for example, that they don't

14 agree with, an event that they think is objectionable?

15 Would you ever want to force someone to go to an event

16 like that?

17 MR. MANN: Objection. Vague.

18 A. I wouldn't want them to go if they really feel

19 uncomfortable. I would like to just anybody go

20 wherever they please and be welcome and enjoy the time

21 there.

22 MR. MANN: Paul, can we take just a quick like
23 three, four minute break?

24 MR. JONNA: Sure.

25 THE VIDEOGRAPHER: We are going off the

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1 meaning my wife, Eileen; my mother-in-law, Margaret;
2 and myself.

3 Q. Okay. And when was it that you first saw
4 Cathy Miller?

5 A. On the day of the cake tasting.

6 Q. Okay. And what do you remember about what she
7 said to you that day?

8 A. That she was taking over Rosemary's -- the
9 information. That she was just taking over. And of
10 course when she said that she didn't condone same sex
11 marriage.

12 Q. Well, is the first thing that she said -- do
13 you remember she said, "Which one of you is the groom?"
14 Do you remember that?

15 A. That was one of the things she did say.

16 Q. And then who answered that question? Do you
17 remember?

18 A. I did. I told her that there was no groom.
19 What about a bride, another bride?

20 Q. Do you remember one of the guys, Patrick or
21 Sam, pointing to Eileen and said she is? Do you
22 remember that?

23 A. I believe she -- he did point to my wife.
24 Yes.

25 Q. Do you remember her telling you that she

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1 couldn't do the cake, but she had an arrangement with
2 another baker who did really good wedding cakes that
3 should be able to do the cake for you? Do you remember
4 that?

11:39:56 5 A. That she would refer us to the other bakery.
6 Yes.

7 Q. What do you remember her saying about that?

8 A. That she had an agreement with that other
9 bakery and that she would refer -- send over our

11:40:12 10 information. And that --

11 Q. What --

12 A. And that they had similar recipes.

13 Q. And do you remember what you said in response?

14 A. That I was under the impression that we were
11:40:32 15 getting our cake done there at Tastries.

16 Q. And why is it that you -- you hadn't tasted
17 any Tastries cakes at that point, though; correct?

18 A. No, we had not.

19 Q. That is correct; right?

11:40:46 20 A. Yes. Correct.

21 Q. And but you decided that you wanted your cake
22 at Tastries, even though you hadn't tasted their cakes;
23 true?

24 A. Yes. The price was right for us at that time.

11:41:01 25 Q. So it didn't matter what the cake tasted like,

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1 A. No.

2 (Exhibit 527 previously marked.)

3 Q. (By MR. JONNA) Okay. Let's take a really
4 quick look at your declaration, which is Exhibit 527.

5 Okay. "Declaration of Mireya Rodriguez-Del Rio in
6 Support of DFEH's Petition and Ex Parte Application for
7 Temporary Restraining Order in Order to Show Cause
8 Regarding Preliminary Injunction."

9 You've seen this before; correct?

10 A. Yes.

11 Q. That's your signature on the bottom?

12 A. Yes.

13 Q. Okay. In the very first page, you say, "The
14 wedding cake was very important to Eileen and me."

15 By the way, let me just ask you this. Is this
16 a declaration that was written for you that you just
17 reviewed and approved or did you actually write this?

18 A. It was reviewed and approved.

19 Q. So who wrote it?

20 A. DFEH.

21 Q. And the wedding cake was important to you and
22 Eileen because it was an important part of the wedding
23 that legitimized the wedding; isn't that right?

24 MR. MANN: Objection. Assumes facts.

25 Document speaks for itself.

Document received by the CA 5th District Court of Appeal.

1 MR. JONNA: Answer the question.

2 A. It was part of the wedding.

3 Q. (By MR. JONNA) It was an important part of
4 the wedding. Wouldn't you agree?

5 MR. MANN: Same objections.

6 Q. (By MR. JONNA) I think we went over this
7 earlier and you said it was an important part of the
8 wedding. You agree with that; right?

9 MR. MANN: Same objections.

10 Go ahead, Mireya.

11 A. It was. It was one of the things that we
12 wanted to have in our wedding.

13 Q. (By MR. JONNA) If you look at paragraph 9, it
14 says, "Eileen and I were very pleased with this initial
15 experience at Tastries. Having had no luck at other
16 bakeries, we planned to place an order for a Tastries
17 wedding cake after the cake tasting."

18 Do you see that?

19 A. Yes.

20 Q. But you decided to place an order for Tastries
21 wedding cake before you actually tasted any of their
22 wedding cakes; correct?

23 MR. MANN: Objection. Misstates testimony.
24 Lack of foundation.

25 A. We told Rosemary because of the cost was

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1 Q. Okay. Do you see here there's a comment that
2 says, "Go somewhere else. Because someone doesn't
3 support same-sex marriage does not make them a bigot or
4 a hater."

12:29:39 5 Do you agree with that?

6 MR. MANN: Objection. Vague.

7 A. That's their opinion, I guess. Not mine.

8 Q. (By MR. JONNA) Do you think that people who
9 don't support same-sex marriage are bigots and haters?

12:30:04 10 A. I don't even know what bigot means.

11 Q. Do you think they are haters?

12 A. Maybe they just don't agree. I don't know
13 about haters.

14 Q. Can good, decent people just not agree on that
15 issue and still be good, decent people?

16 A. They can be, as long as they don't treat
17 them -- treat other people, as long as everybody is
18 treated equally.

19 Q. Uh-huh. Do you remember people reaching out
12:30:43 20 to you guys offering free makeup and hairstylists and
21 free photography after Sam wrote this message?

22 A. They offered their services.

23 Q. For free; right?

24 A. There was no money exchanged.

12:31:07 25 Q. Right. I'm saying do you remember people

Document received by the CA 5th District Court of Appeal.

1 If you give me a second, my wife just text me.
2 I could ask her about the nine o'clock in the morning
3 tomorrow.

4 MR. MANN: I already asked her. Sorry.

01:10:51 5 A. Oh, you did? Okay. Did she answer you?
6 Okay. That's what I saw on my phone come up.

7 MR. MANN: Yeah. She's okay for 9:00, Paul.

8 MR. JONNA: Okay. Good.

01:11:09 9 Q. (By MR. JONNA) I'm going to read from a
10 discovery response that you gave. If you don't
11 remember this, I'll show it to you. But we sent
12 interrogatories to you, to DFEH, and they responded for
13 you. And one of them was asking to identify whether
14 you or Eileen's wedding ceremony or wedding reception
01:11:30 15 for their wedding included any events, customs,
16 rituals, or practices that they believe would typically
17 occur at weddings. And then it asks the DFEH to
18 identify and describe all those events, customs,
19 rituals, and practices.

01:11:43 20 The answer was, "Real parties," which is you
21 guys, "had what they considered a traditional wedding
22 ceremony and reception. Mireya walked down the aisle
23 with her mom, they exchanged vows in front of their
24 family and friends, and they hosted a reception."

01:12:01 25 Do you see -- do you remember that response or

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1 should I show it to you so you can see it? Is that --

2 let me just ask you one simple question.

3 Is that an accurate answer?

4 A. It sounds right.

01:12:16 5 Q. Okay. So earlier I asked you about, you know,

6 wanting a traditional wedding and you said can you be

7 more specific. Does this refresh your memory that you

8 guys were, in fact, looking for a traditional wedding

9 ceremony with these traditional elements of a wedding?

01:12:30 10 A. Yes. Traditionally from just what -- to the

11 weddings I have gone to, which it hasn't been that

12 many, or just, you know, what I've seen on TV, of

13 course, you know, have an idea of what it consisted of.

14 Walking down the aisle in a dress with a bouquet, you

01:12:55 15 know, in front of families, close friends, and

16 exchanging those vows in front of them. Yes.

17 Q. Why was that important to you?

18 A. We only get to do it once. The other times is

19 just -- you know, hopefully there's no other times for

01:13:16 20 us, but that was something important to do. I'm the

21 only girl in my family. I'm the oldest and the only

22 girl from my immediate family. So I wanted something

23 like that.

24 Q. We talked earlier about Rosemary. You guys

01:13:36 25 had discussed that she was going to help you cut the

Document received by the CA 5th District Court of Appeal.

1 MR. MANN: Objection. Objection. Vague.
2 Incomplete hypothetical.

3 A. As long as they're obeying the law and it's a
4 public service, public business.

5 (Exhibit 555A previously marked.)

6 Q. (By MR. JONNA) Okay. Let's take a look at
7 Exhibit 555A. This is Eileen's Facebook post. Sorry.
8 Review. Review of Tastries on Facebook. It's DF --
9 sorry -- CM1903 is the Bates number.

10 And it says, "Because the owner is a bigot and
11 hates lesbian and gays and refuses service to them.
12 Apparently gay and lesbian money looks different and
13 spends different. She must be a Trump supporter."

14 Do you see that?

15 A. I see it. Yes.

16 Q. Do you remember seeing this before, while
17 Eileen was drafting this?

18 A. No.

19 Q. Have you seen it before today?

20 A. Yes.

21 Q. Does this refresh your memory as to what it
22 means to be a bigot?

23 A. I don't use that word, so then I -- I don't
24 know.

25 Q. Is it your position that Cathy Miller hates

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1 lesbians and gays?

2 A. I don't know if she hates them. I don't know
3 her personally.

4 Q. Do you think that not believing in same-sex
5 marriage means you hate lesbians and gays?

6 MR. MANN: Objection. Asked and answered.
7 Vague.

8 A. Not to me.

9 Q. (By MR. JONNA) Would you agree that this is
10 not really a fair statement?

11 MR. MANN: Objection. Argumentative.

12 A. That's what my wife thinks.

13 Q. (By MR. JONNA) Do you think it's fair?

14 MR. MANN: Same objection.

15 A. I really can't say.

16 Q. (By MR. JONNA) Do you think a statement like
17 this could incite violence? If someone is very, you
18 know, in favor of supporting the LGBT community and
19 they see that someone hates lesbians and gays, do you
20 think a statement like this could incite violence and
21 cause people to react in a violent way towards Tasteries
22 Bakery?

23 MR. MANN: Objection. Calls for speculation.
24 Lack of foundation.

25 A. I don't know what they would think.

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1 (Exhibit 564 previously marked.)

2 Q. (By MR. JONNA) Okay. I'm going to show you

3 Exhibit 564. This is Bates stamped CM1112. And it

4 says, "You pretty much F'd yourselves by being Nazi

5 bigots. Not in my town you don't. Turn away gay

6 couples who are ready and willing to give you their

7 hard-earned money. Then I see you take down your

8 Facebook page instead of handling it head on. Cowardly

9 and bigoted. Soon out of business."

10 Do you see that?

11 A. I see it. Yes.

12 Q. Do you think that Cathy Miller and Tastries

13 should be out of business?

14 A. No.

15 Q. Do you think they should be out of business if

16 they choose not to do things that they say violates

17 their sincere religious beliefs?

18 MR. MANN: Objection. Vague. Lack of

19 foundation.

20 A. It doesn't have to do anything with me. So

21 it's her choice, if that's what she wants to do.

22 Q. (By MR. JONNA) This was posted at 3:26 p.m.,

23 the same day that you guys were at Tastries; is that

24 right?

25 A. That's what it says on the post, on the paper.

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1 Q. Do you agree with the first sentence here?

2 "You pretty much F'd yourselves by being Nazi bigots."

3 A. I don't agree or disagree.

4 Q. When you guys started seeing comments like

5 this, did you ever take any action to calm people down,

6 sort of lower the temperature a little bit?

7 MR. MANN: Objection. Assumes facts. Lack of

8 foundation.

9 A. I tried not to comment. I don't believe I

10 made any comments.

11 Q. (By MR. JONNA) Okay. If you go down a little

12 bit further, there's another comment by some guy

13 named -- oh, by the way, I should ask. Do you know who

14 around Arnaldo -- sorry.

15 Do you know who Serenity H is that wrote that

16 other comment?

17 A. Serenity. No. The name doesn't sound

18 familiar.

19 Q. Okay. How about do you know someone named

20 Matthew Sullivan?

21 A. No.

22 Q. He says here, "F them. They're about to feel

23 the wrath."

24 Do you see that?

25 A. I see it. Yes.

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1 Q. And do you agree with that statement?

2 A. I don't agree or disagree with it. That's
3 what he thinks.

4 Q. Okay. Let's go down to the Bates stamp 1302.

5 Kourtney. She says here, "Hi, Cathy Miller. I hope
6 you get your ass beat for being a rude, judgmental
7 bitch."

8 Do you see that?

9 A. Yes.

10 Q. Do you know who this person is, Kourtney?

11 A. No.

12 Q. Do you agree with that statement?

13 A. I don't agree or disagree. That's her --
14 that's Kourtney saying that, not me.

15 Q. So you don't disagree that she should get her
16 ass beat?

17 MR. MANN: Objection. Misstates --

18 A. I don't agree or disagree.

19 MR. MANN: Misstates prior testimony.

20 Mischaracterizes prior testimony.

21 Go ahead, Mireya.

22 A. I don't agree or disagree. That's her
23 opinion.

24 Q. (By MR. JONNA) Okay. Do you know someone
25 named Jim Blair?

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1 A. No.

2 Q. He says here, "What Christian values you have.

3 Not. You're hateful, deplorable, fake Christians.

4 There are places in hell for people like the people

5 that own this bakery."

6 Do you see that?

7 A. Yes.

8 Q. Do you think that -- do you agree with this

9 statement, too?

10 A. I don't agree or disagree with it.

11 Q. How about someone named Cody Hatfield? Do you

12 know who that is?

13 A. No.

14 Q. Cody said, "Burn this F-ing bakery to the

15 ground. Bigots don't deserve to feel safe. Here's

16 hoping you get run out of business and out of town soon

17 enough."

18 Do you agree with that statement?

19 A. I don't -- like I said, I don't agree or

20 disagree. That's what they want to say. I didn't tell

21 them to say that.

22 Q. But you did -- you and Eileen -- I should say

23 Eileen did tell them that they hate gays and lesbians.

24 Didn't she say that?

25 A. That's what she put on her Facebook.

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1 Q. Right. You don't think that contributes to
2 this attitude of violence and hate?

3 MR. MANN: Objection. Calls for speculation.
4 Lack of foundation. Lack of evidence.

02:03:40 5 Q. (By MR. JONNA) Are you going to answer the
6 question?

7 A. Everyone can interpret things however they
8 want. That's all.

9 Q. You should be free to say whatever you want.

02:03:55 10 And if someone acts violently in response, that's their
11 own problem?

12 MR. MANN: Objection. Misstates prior
13 testimony. Lack of foundation.

02:04:06 14 Q. (By MR. JONNA) How about this statement from
15 Cody Hatfield? "Bigoted scum like you do not deserve
16 to feel safe. Bricks through the window can serve as
17 excellent reminders that you are not welcome in our
18 modern society."

19 Do you agree with that?

02:04:18 20 A. I don't agree that they should do any of that,
21 but I can't control what they say or do.

22 Q. Do you know a gentleman named Matt Bjork or
23 Jork? B-j-o-r-k.

24 A. No.

02:04:39 25 Q. He says, "You're going to get gang raped."

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1 just going for a tasting that day. I could have went
2 to another place, but Rosemary made us feel warm and
3 welcome and the price just was right for us.

4 (Exhibit 565 previously marked.)

02:14:20 5 Q. (By MR. JONNA) Let's take a look really quick
6 at Exhibit 565. Have you seen -- this is a photo of
7 Cathy Miller's car that was broken into. That's
8 shattered glass right there. This was after -- this
9 was during one of the days that there was lots of news
02:14:49 10 coverage on this case.

11 Did you ever hear about Cathy Miller's car
12 getting broken into?

13 A. No.

14 Q. Did you know that she was the victim of crime
02:15:07 15 as a result of this media publicity in this case?

16 A. Can you say that again?

17 Q. Did you know that she was the victim of crime
18 as a result of the media publicity surrounding this
19 case?

02:15:27 20 A. I learned to know after.

21 Q. And how did you react when you learned that?

22 A. I wasn't happy about it. I'm not happy that
23 anybody could get broken into or have damaged goods.

24 (Exhibit 567 previously marked.)

02:16:20 25 Q. (By MR. JONNA) There's another article I want

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1 Q. (By MR. JONNA) Is that right?

2 A. I, myself, tried to stay out of the social
3 media and not read or inner -- inner -- what's that
4 word? Like add on or anything to what was going on.

02:24:27 5 Q. Are you aware that Tastries' assistant manager
6 quit shortly after this incident?

7 A. I heard something after. But at the moment,
8 no.

9 Q. How did you react when you heard that?

02:24:47 10 A. I was not happy or sad. I don't know.

11 Q. Did you hear that other important employees,
12 after they got all the phone calls and e-mails and
13 after Tastries hired armed security, did you hear that
14 they also resigned?

02:25:17 15 A. I don't recall hearing that part about
16 everyone resigned.

17 Q. No. Not everyone. But people who were
18 receiving lots of phone calls and hateful e-mails and
19 dealing with, you know, having to have armed security,
02:25:35 20 that they shortly after that resigned.

21 Did you ever hear that?

22 A. I just heard that one person, but I don't even
23 know like the name of the person.

24 Q. Did you ever know that people regularly and
02:25:54 25 routinely sent pornographic images of nude men engaging

Document received by the CA 5th District Court of Appeal.

1 in homosexual acts to Tastries?

2 A. No, I did not know that.

3 Q. Did you know that many people signed up

4 Tastries to receive e-mails from pornographic websites

5 on a regular basis; that young, minor girls even had to

6 open at Tastries when they were working there?

7 A. No, I did not know that.

8 Q. Do you know that there were pornographic

9 images of bestiality being sent to Tastries?

10 A. No, I did not know that.

11 Q. Do you know that Cathy received death threats

12 and that her employees received death threats?

13 A. No.

14 Q. What's your reaction to hearing all that?

15 A. Horrible.

16 Q. Do you know that people would call on a daily

17 basis and describe in great detail how they were going

18 to rape the employees and Cathy to show them how it's

19 done?

20 A. Can you repeat it again?

21 Q. Several self-identified LGBT people would call

22 daily and descriptively detail how they were going to

23 rape Cathy and her female employees to show them,

24 quote, how it is done.

25 Did you know that?

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1 A. I didn't know that. I just heard later on.

2 Q. What did you hear?

3 A. Just about what you're saying, that people

4 were saying things to them, posting things on Facebook.

5 But like I said, I haven't -- I tried to stay away from

6 hearing and watching and looking on the social media --

7 Facebook, basically -- about what saw that.

8 Q. Do you remember who told you or how you

9 learned about these comments that were being made or

10 these --

11 A. Nobody specifically. It was just postings and

12 stuff.

13 Q. Did you talk about that with Eileen at any

14 point?

15 A. We did. We did talk about it because it made

16 both of us sick about just listening to that kind of

17 stuff or them calling us and telling us. Basically

18 there was a lot of messages also going to my wife cell

19 phone and messenger about rude comments, as well.

20 Q. Did you guys ever get any graphic death

21 threats or threats of rape or anything like that?

22 A. I, myself, did not. I don't know all that

23 went into my wife's cell phone.

24 Q. I'm trying to skip over some stuff, so bear

25 with me for a second.

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1 Do you remember soliciting or sending e-mails
2 to people after the event and asking for -- following
3 up on offers for like free photography?

4 A. I, myself, did not get that.

02:30:36 5 Q. Okay.

6 A. I --

7 Q. You guys got offers for free photography;
8 correct?

9 A. Yes.

02:30:41 10 Q. And you got offers for a free wedding cake;
11 correct?

12 A. Yes. That was sent to my wife's phone.

13 Q. And you guys got offered to have free hair and
14 makeup; correct?

02:30:55 15 A. Yes.

16 MR. JONNA: Let's take a really -- let's take
17 a ten-minute break, if that's okay.

18 THE WITNESS: Okay.

19 MR. MANN: Sounds good.

02:31:53 20 THE VIDEOGRAPHER: We are going off the
21 record. The time is 2:32.

22 (A recess was taken.)

23 THE VIDEOGRAPHER: We are back on the record.
24 It is 2:45.

02:44:52 25 (Exhibit 627A previously marked.)

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1 Q. (By MR. JONNA) All right. I'm going to show
2 you Exhibit 627A. And this is Bates stamped DFEH295.
3 I'm just going to go through these pictures and if you
4 can just tell me what they show.

02:45:15 5 A. That's me and my wife at the top of the
6 staircase at Metro Galleries.

7 Q. You are on the left here and Eileen is on the
8 right?

9 A. Correct.

02:45:27 10 Q. Okay. And then what does this show here?

11 A. The --

12 Q. Sorry. This is Bates number DFEH296.

13 A. That was just one of the little -- what are
14 they called? The -- what people who have in memory of
02:45:51 15 our wedding.

16 Q. Party favor?

17 A. Yes.

18 Q. What was in there, do you know?

19 A. Hershey Kisses, if I remember correctly.

02:45:58 20 Q. Okay. And what does this picture on 297 show?

21 A. That was the upstairs, where we exchanged our
22 vows.

23 Q. Okay.

24 A. Chairs in rows.

02:46:16 25 Q. And then the next page is 298. What does this

Document received by the CA 5th District Court of Appeal.

1 show?

2 A. That's we were up at the top, thanking

3 everybody who had went that day.

4 Q. Okay. How about this picture on 299?

5 A. That was doing our -- we were dancing our

6 first song.

7 Q. And the one -- let's see here. Okay.

8 All right. Let me -- and who did you say

9 married you guys that day? Who -- I mean, who

10 performed the vow ceremony?

11 MR. MANN: You're talking the August exchange;

12 right, Paul?

13 MR. JONNA: August? You mean --

14 MR. MANN: I'm sorry. October. October.

15 MR. JONNA: Yeah. Yeah.

16 A. The officiant. He's actually an officiant.

17 His name is Ed. I don't recall his last name.

18 (Exhibit 627B previously marked.)

19 Q. (By MR. JONNA) Okay. And then 627B is --

20 what is this picture? Is that from the wedding day or

21 the day of the vow renewal?

22 A. Yes. It's a picture of that same day.

23 Q. Do you have pictures from the first ceremony,

24 the actual wedding ceremony?

25 A. Yes.

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1 A. Yes.

2 Q. (By MR. JONNA) But it's more like a
3 traditional ring that a man would wear, basically? Is
4 that the idea?

02:49:24 5 MR. MANN: Women wear bands, wedding bands,
6 too.

7 MR. JONNA: I'm not asking you, Greg. I
8 appreciate it, though.

9 MR. MANN: I'm sorry. I thought that was a
02:49:34 10 fact everybody knew. I'm sure your wife has a regular
11 band as well as --

12 MR. JONNA: Actually, she just wears -- no. I
13 do know that is a thing, but she doesn't do that. But
14 yeah. Anyway.

02:49:46 15 A. She didn't like the one that had the one
16 individual diamond one, but the band does have some on
17 there and it's -- I think it's like a crisscross one.

18 (Exhibit 631 previously marked.)

19 Q. (By MR. JONNA) Okay. Let's take a look at

02:50:04 20 Exhibit 631. Tell me what this depicts, Exhibit 631.

21 A. That's the cake that Tiers of Joy did for us.

22 Q. So that is your actual wedding cake?

23 A. For the October celebration, yes.

24 Q. And is this the cake that you wanted Tastries

02:50:39 25 to make for you?

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1 A. It's not exactly, but it's very similar.

2 Q. What's the difference?

3 A. It was more of a scaly, not just like -- I
4 can't -- it was a little bit more scaly on the tiers.

02:51:01 5 Q. What does scaly mean? Like more of these
6 waves, you mean, like we see here?

7 A. Well, those look -- like you said, they look
8 more like waves. The other one had more like if it was
9 like the scales of a fish kind of or like in the
02:51:15 10 mermaids.

11 Q. Yeah.

12 A. Yeah. Yeah.

13 Q. Okay. So that's what you wanted Tastries to
14 make. And were these all real layers of cake? I think
02:51:26 15 you talked about that earlier. Can you explain that
16 now that we're looking at the picture?

17 A. Okay. The two bottom ones are Styrofoam and
18 they are just covered in the frosting. And the top
19 one, it's a real cake, and that's the one that we cut
02:51:46 20 into and we gave each other some cake with.

21 Q. Why did you guys do it like that? Why didn't
22 you just make the whole thing a real cake?

23 A. That was the reason of -- because we couldn't
24 decide of what flavors and fillings and all that that
02:52:02 25 it had. So we ended up having those other loaves of

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1 bread with the different frosting and fillings on the
2 side.

02:52:14 3 Q. You guys couldn't agree on the flavors? What
4 was the -- what was the debate between? What did you
5 want and what did Eileen want?

02:52:33 6 A. It was more like what to be cautious for
7 others, if they had any kind of allergy. And yeah.
8 She didn't like the lemon, like I would have liked the
9 lemon. We did agree with the banana nut, though, and
10 that's what the first top one was. And because it was
11 for us and because, like I said, it was the peanut
12 allergy, the nut allergy, that we didn't want anybody
13 else to get sick from.

02:52:49 14 Q. And are these real flowers or fake? Do you
15 know?

16 A. They are real.

17 Q. Okay. Do you know how long it took to make
18 this cake?

19 A. I do not.

02:52:58 20 Q. And you guys didn't pay her anything for this
21 cake? It was a donation, essentially?

22 A. Yes. She gave it to us.

23 Q. Did you guys ever thank her later or repay her
24 in some way or --

02:53:15 25 A. I believe that we just gave her -- like

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1 anybody asking for cakes or things like that, we became
2 friends or we added each other to the Facebook. So we
3 would just recommend other people to go to her if they
4 asked us to, you know, recommend somebody.

02:53:42 5 Q. Do you think it's a beautiful cake?

6 A. For me, it is.

7 Q. What do you like about it?

8 A. Everything.

9 Q. What about the cake do you think is

02:53:55 10 particularly nice, from your perspective? What do you
11 appreciate about this cake, this design, this style of
12 cake? Like tell me what you like it about it.

13 A. Like I said, I didn't want something
14 elaborate, too many colors or too many designs on it.

02:54:17 15 So it was basic. It was white. It was, you know,
16 she -- the scaling was not all there, but, you know, it
17 looked presentable.

18 And the flowers were the add-on. Because we
19 did have a topper, but we didn't like it when it came
02:54:37 20 in. So the florist, the girl that was helping us with
21 flowers and my bouquet, had these flowers and she added
22 them to the cake.

23 Q. What was the topper that you guys chose? What
24 did it look like?

02:54:51 25 A. It was the bride and bride. One in a dress

Document received by the CA 5th District Court of Appeal.

1 and one in the pantsuit.

2 Q. Why didn't you like it?

3 A. It was made out of paper.

4 Q. Who ordered it? Was that the cake maker who
5 ordered it?

6 A. No, no, no. We order it through online.

7 Q. Did you guys try putting it on to see how it
8 looked or you didn't even try?

9 A. We didn't even try it. We just didn't like
10 the way that it looked. We like how it looked on the
11 picture on the Facebook. I believe it was on Facebook.
12 And then we just didn't -- when it came in, it
13 wasn't -- yeah. It wasn't what we were expecting.

14 Q. How come you wanted the scaly look from
15 Tastries, but then for Tiers of Joy you got this other
16 kind of wavy look instead?

17 A. I told her what kind of scaling and this is
18 what she came up with. Everybody has a little bit of
19 understanding -- different understanding -- of what it
20 actually means, I guess.

21 Q. Yeah. Okay. So this wasn't exactly how you
22 were expecting it to look, but you're still happy with
23 it, but you wanted it to look more like what you were
24 describing earlier with the scaly -- I don't know if
25 that's the right term. I'm sure there's --

Document received by the CA 5th District Court of Appeal.

1 Q. (By MR. JONNA) Do you have any reason to
2 doubt the fact that Cathy Miller is a devout Christian?

3 A. That's what she said. I don't know.

4 Q. Yet you have no reason to think otherwise,
5 though; right?

6 MR. MANN: Objection. Asked and answered.

7 A. If that's what she said.

8 Q. (By MR. JONNA) Okay. Do you remember ever
9 being interviewed by the DFEH before you launched
10 this -- before they launched this case?

11 MR. MANN: Objection. Vague.

12 A. Did you need like a specific time, date? I
13 don't have it.

14 Q. (By MR. JONNA) No. I'm just asking if you
15 ever remember being interviewed by them before they
16 initiated this action. Do you remember them
17 interviewing you, calling you, meeting you in person,
18 taking down your story?

19 A. Yes.

20 Q. How many times would you say that occurred?

21 MR. MANN: Objection. Vague.

22 A. I don't remember exactly how many times.
23 (Exhibit 664 previously marked.)

24 Q. (By MR. JONNA) Let's take a look at
25 Exhibit 664. This is a message chat between all four

Document received by the CA 5th District Court of Appeal.

1 going to one of their meetings.

2 Q. What do you remember about the meeting?

3 A. It was just general information, like it shows
4 on there. How we met. We told them that we couldn't
5 say anything. We didn't want to talk about what was
6 going on with the case. And we just kept it to where
7 how we met and how it came about, you know, her asking
8 me to be her wife.

9 Q. Did you guys talk about the case a little bit,
10 too?

11 A. We left that out. We told them that we
12 couldn't talk about it, that we didn't want to talk
13 about it.

14 (Exhibit 230 previously marked.)

15 Q. (By MR. JONNA) Okay. Let's take a look at
16 Exhibit 230. What -- I'm just going to show you a few
17 pictures and ask you some questions. These are some
18 Tastries cakes. I just want to get your impression.
19 Would you agree that this cake is beautiful?

20 A. You need to share the screen.

21 Q. Yeah, I know.

22 A. Sorry.

23 Q. Is that a pretty cake?

24 A. It's okay.

25 Q. Do you think that involves some artistic

Document received by the CA 5th District Court of Appeal.

1 skills there?

2 MR. MANN: Objection. Vague. Lack of

3 foundation. Calls for speculation.

4 Q. (By MR. JONNA) I'm just asking for your

5 personal opinion.

6 A. There's not a lot of artistic into it, I don't

7 think.

8 Q. Do you think it's easy to do? You think you

9 could do that?

10 A. No, not at all. That's why I'm not a baker.

11 Q. Yeah. What about like this? Do you think

12 that's a pretty cake?

13 A. That almost looks like mine, but that's a

14 four-tier.

15 Q. Would you agree that's a nice-looking cake?

16 A. It's nice.

17 Q. Would you agree that there's some artistic

18 skill there making a cake like that?

19 MR. MANN: Objection. Calls for speculation.

20 Lack of foundation.

21 Q. (By MR. JONNA) I'm just asking for your

22 opinion, Mireya.

23 A. I guess. Sure.

24 Q. Okay. What about this cake here?

25 That was on CM978. The first one was on

Document received by the CA 5th District Court of Appeal.

1 CM938. The third one is on CM990.

2 How about this cake on 990? Does that involve
3 some artistic skill, you think?

4 A. Oh, yes.

5 Q. Yeah.

6 A. That one, I do believe it has artistic skills.

7 Q. How about 937, this one? Does that take some
8 artistic skill?

9 A. Well, like you said, I wouldn't be able to do
10 none of that dripping or -- but, I mean, I guess for
11 the baker.

12 Q. How about this kind of cake? That's pretty
13 nice, isn't it?

14 A. It's okay.

15 Q. 939.

16 949, right here. Do you think -- would you
17 agree that this also reflects some artistic talent
18 there?

19 A. Yeah. That's too much.

20 Q. How about 1028, this cake? I mean, that's --
21 you would agree that there's art involved in making
22 this cake?

23 MR. MANN: Objection. Calls for speculation.

24 A. Yes.

25 MR. MANN: Lack of foundation.

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REPORTER'S CERTIFICATION

I, Jennifer E. Hennagin, a Certified Shorthand Reporter in and for the State of California, holding Certificate No. 13559, do hereby certify:

That the foregoing witness was by me duly sworn; that the deposition was then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed into typewritten form under my direction; that the foregoing is a true record of the testimony and proceedings taken at that time.

I further certify that I am neither counsel for, nor in any way related to any party to said action, nor in any way interested in the result or outcome thereof.

IN WITNESS WHEREOF, I have subscribed my name on August 3, 2021.



Jennifer E. Hennagin, CSR #13559

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EXHIBIT 15

SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN
METROPOLITAN DIVISION

CERTIFIED COPY

DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING,
an agency of the State
of California,

No. BCV-18-102633

Plaintiff,

vs.

CATHY'S CREATIONS, INC.
dba TASTRIES, a California
corporation; and CATHARINE
MILLER, an individual,

Defendants.

EILEEN RODRIGUEZ-DEL RIO and
MIREYA RODRIGUEZ-DEL RIO,

Real Parties in Interest.

DEPOSITION OF SAMUEL REYES SALAZAR, JR.

Taken at

Keleher's Litigation Services
19237 Flightpath Way, Suite 100
Bakersfield, California

Friday, July 30, 2021 at 9:37 A.M.

Reported by:

Jean Keleher, CSR #4136

JOB No. 21-101478A

APPEARANCES:

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(Via Zoom Videoconference)

Also present:

Ms. Cathy Miller (Via Zoom Videoconference)
Mr. Mike Miller (Via Zoom Videoconference)
Ms. Kate Peterson (Via Zoom Videoconference)

The Videographer:

Mr. Kevin Johnson

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1 THE VIDEOGRAPHER: Here begins media number
2 one of the deposition of Samuel Salazar in the matter
3 of Department of Fair Employment and Housing versus
4 Cathy's Creations, Inc.

09:38:01 5 Today's date is July 30, 2021 and the time is
6 9:38 A.M.

7 This deposition is taking place at
8 19237 Flightpath Way, Suite 100, Bakersfield,
9 California, 93308.

09:38:24 10 The videographer is Kevin Johnson, appearing
11 on behalf of Sullivan.

12 Would counsel please identify yourselves and
13 state whom you represent, beginning with the
14 questioning attorney.

09:38:34 15 MR. JONNA: Good morning. My name is Paul
16 Jonna. I represent Cathy's Creations, Inc. and Cathy
17 Miller.

18 I'm here with my clients, as well as my
19 paralegal, Kate Peterson.

09:38:45 20 MR. MANN: Gregory Mann on behalf of the DFEH.
21 I'm here alone.

22 THE VIDEOGRAPHER: Our court reporter today is
23 Jean Keleher with Sullivan.

24 Could you please swear in the witness.

09:38:52 25

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1 SAMUEL REYES SALAZAR, JR.,
2 having been sworn, testified as follows:

3 EXAMINATION BY MR. JONNA

4 Q. Good morning, Mr. Salazar. How are you doing?

09:39:07 5 A. Good. How are you?

6 Q. Good.

7 My name is Paul Jonna. I represent Tastries
8 Bakery, Cathy Miller, and I'm going to be asking you
9 some questions today.

09:39:15 10 So I'll get started by just asking if you've
11 ever had your deposition taken before.

12 A. No.

13 Q. Okay. Why don't you go ahead and just spell
14 your full name -- state your full name and spell it for
09:39:29 15 the record.

16 A. Samuel Reyes Salazar, Jr. S-a-m-u-e-l
17 R-e-y-e-s S-a-l-a-z-a-r.

18 Q. And Mr. Salazar, are you represented by
19 counsel today?

09:39:47 20 A. No.

21 Q. Is there anyone else in the room with you
22 today?

23 A. No.

24 Q. Okay. Would you prefer that I refer to you as
09:39:58 25 Mr. Salazar or Sam or Samuel? How do you prefer to be

1 A. Bakersfield College.

2 Q. Did you ever obtain a degree?

3 A. No.

4 Q. Okay. I have to ask this because I ask it of
09:53:39 5 every witness. Have you ever been convicted of a
6 felony?

7 A. No.

8 Q. Have you ever been arrested?

9 A. Yes.

09:53:43 10 Q. For what?

11 A. 2005, I believe it was, a petty theft.

12 Q. Were you charged with a crime?

13 A. Misdemeanor. I think it was on there as petty
14 theft. And then --

09:54:07 15 Q. Sorry. Go ahead.

16 A. And then a couple of years later I was
17 arrested for not paying that fine.

18 Q. Not paying the misdemeanor fine?

19 A. Correct.

09:54:18 20 Q. Did you serve jail time?

21 A. I spent one night. I was bailed out.

22 Q. How large was the fine? What was the amount?

23 A. Oh, I -- it wasn't very much. At that time it
24 seemed like a lot. But probably about a thousand
09:54:33 25 dollars, somewhere in that range.

Document received by the CA 5th District Court of Appeal.

1 Q. Did you end up paying it later?

2 A. Yes.

3 Q. What was the nature of the petty theft? Where
4 did that occur?

09:54:43 5 A. At my employer.

6 Q. Which employer?

7 A. Famous Footwear.

8 Q. What did you steal?

9 A. Basically I did a false return for cash.

09:54:57 10 Q. How much cash?

11 A. I don't recall. I think it was somewhere in
12 line with the fine. Probably like a thousand dollars.

13 Q. Okay. Sorry, you probably told me what year
14 that was. 2005?

09:55:13 15 A. I think it was about 2005.

16 Q. Have you been arrested at any other time other
17 than those occasions?

18 A. There was one incident, I don't know if it's

19 on my record as an arrest, but I did get stopped for

09:55:26 20 driving intoxicated, but there were no charges, no DUI.

21 I spent a night in the drunk tank, basically, and they

22 let me out the next morning.

23 Q. Wow. How did you pull that off?

24 A. I do not know. But I never drank and drove

09:55:40 25 after that, so --

Document received by the CA 5th District Court of Appeal.

1 Q. Wow. What year was that, would you say?

2 A. That was in the same time frame, probably

3 around two thousand -- yeah, 2008.

4 Q. Do you remember what your blood alcohol levels
5 were?

6 A. I don't think they even checked that.

7 Q. Okay. Were you under the influence of drugs
8 or alcohol or both?

9 A. Alcohol.

10 Q. Okay. Were you involved in a collision?

11 A. No.

12 Q. Okay. Any other occasions where you've been
13 arrested other than those that you've mentioned?

14 A. No.

15 Q. Have you ever been a party to a lawsuit?

16 A. No.

17 Q. Have you testified in court?

18 A. No.

19 Q. Have you ever made -- have you ever been a
20 claimant in a personal-injury claim?

21 A. No.

22 Q. Workers' compensation claim?

23 A. No.

24 Q. Okay. Why don't you briefly summarize your
25 employment history, starting with after high school.

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1 A. Mireya and Patrick are obviously, you know,
2 very close, much closer than I am. I'm -- I don't want
3 to say I'm there by default because I'm very close with
4 them, also. But just because we were all, you know,
5 two couples together on this group text.

6 Q. Okay. So you would say Patrick was kind of
7 more involved than you?

8 A. Yes.

9 Q. Okay. Exhibit 505 is another string with
10 everybody. And the very first part, this is also
11 produced by PAT, it's PAT 6, Patrick 6, it says here,
12 "Let me know if I can help with any wedding stuff."

13 And then below that Mireya says, "Thank you,
14 my friend. I do need to look for a bouquet, shoes,
15 cake." Do you see that?

16 A. Yes.

17 Q. Was that your understanding, that Patrick was
18 helping with the cake?

19 A. Correct. Yes.

20 Q. What was his role in helping with the cake, as
21 far as you remember?

22 A. Basically just helping her find it and pick
23 it.

24 Q. Later on she says, "I'm depending on you for
25 the cake."

Document received by the CA 5th District Court of Appeal.

1 As far as you know, did Patrick kind of think
2 he had -- was supposed to take the lead in helping to
3 locate the cake?

4 A. I don't remember clearly, but I want to say
5 that he had offered to pay for it as part of his gift.

6 Q. Why do you say that? Do you remember that
7 being discussed?

8 A. I just kind of recall it.

9 Q. Okay. Do you know if he had a certain budget
10 in mind, like he was willing to go up to a certain
11 amount, or did he just say I'll pay for the cake and
12 didn't mention a number?

13 A. I don't recall if there was like a budget or
14 number.

15 Q. Is that something that he would have shared
16 with Eileen and Mireya, or was that something he just
17 told you?

18 A. I feel like I recall that kind of in passing.
19 I don't even remember if it was a formal discussion. I
20 just kind of feel like he said he was going to pay for
21 it.

22 Q. Do you think that's something that he was
23 going to do as a surprise for them, or you think he
24 already told them? As far as you remember, again.

25 A. I don't recall, to be honest with you. And

Document received by the CA 5th District Court of Appeal.

1 Q. Do you remember what this could be referring
2 to? I know you said you don't remember, but I'm just
3 confirming.

4 A. I don't remember.

10:16:01 5 Q. Over here towards -- if you scroll down a few
6 pages, he says, this is Patrick, "I just want to get
7 your cake squared away so you guys don't have to worry
8 about it."

9 Is that kind of what you were referring to
10:16:20 10 earlier when he said he wanted to take care of the
11 cake?

12 MR. MANN: I'm sorry. Go ahead, finish your
13 question, Paul.

14 MR. JONNA: Sorry. I was kind of finished.
10:16:29 15 Go ahead.

16 MR. MANN: Objection, calls for speculation,
17 lack of foundation.

18 Q. (By Mr. Jonna) You can answer the question.
19 That's going to happen a lot today.

10:16:39 20 A. That's okay. Can you repeat the question?

21 Q. Well, here we see he says, "I just want to get
22 your cake squared away so you guys don't have to worry
23 about it."

24 A. Uh-huh.

10:16:49 25 Q. And that made me think that that could be, you

Document received by the CA 5th District Court of Appeal.

1 know, consistent with what you said earlier, that he
2 wanted to take care of the cake and pay for it.

3 Is that what you think is being discussed
4 here?

10:17:00 5 A. That's what I believe that is referring to.

6 MR. MANN: Objection, calls for speculation,
7 lack of foundation.

8 Sam, if I do object, if you can wait until I
9 finish my objection to answer, it will help the court
10:17:16 10 reporter so we're not talking over each other.

11 A. Sure thing.

12 Q. (By Mr. Jonna) Sam, I would answer my
13 questions as fast as possible so he doesn't have time
14 for any objections.

10:17:27 15 A. Okay. I'll keep that in mind.

16 Q. All right. I'm just joking.

17 Anyway, then below that he says, "What types
18 of flavors do you guys like, chocolate, vanilla,
19 strawberry, others?" Do you see that?

10:17:40 20 A. Uh-huh. Yes.

21 Q. Why do you think he was getting into that kind
22 of detail? I mean, again based on what you know about
23 the situation.

24 MR. MANN: Objection, calls for speculation.

10:17:55 25 A. I don't know.

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1 Q. Do you remember Eileen, when she was filling
2 out the form, laughing because she still has trouble
3 remembering to write Del Rio-Rodriguez? Do you
4 remember that joke where she forgot her name, her last
10:29:17 5 name, had changed?

6 A. I don't specifically remember that, no.

7 Q. Do you remember Cathy Miller asking where the
8 wedding was taking place and they responded at the
9 Metro?

10:29:29 10 A. Yes.

11 Q. Do you remember Cathy Miller asking about the
12 time of the wedding and that they said it was probably
13 around 4:00? Do you remember that?

14 A. I don't recall that.

10:29:41 15 Q. Do you remember Cathy wanting to know the --
16 whether they had the early set-up or the late set-up at
17 the Metro?

18 A. I don't recall that.

19 Q. Do you remember Cathy telling them that she
10:30:04 20 could not do the wedding cake but that she had an
21 arrangement with another baker who did amazing wedding
22 cakes and would be able to do the cake for them?

23 A. I do recall that, yes.

24 Q. Do you remember Cathy saying that person was
10:30:17 25 Stephanie at Gimme Some Sugar?

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1 A. I don't remember specifically the details, but
2 I know that she did indicate who it was.

3 Q. I'm going to give you a little rendition of
4 how that conversation might have gone, and I want to
5 see if that's consistent with your memory.

6 A. Okay.

7 Q. Do you remember Cathy saying something along
8 the lines of, "Stephanie at Gimme Some Sugar is a great
9 baker and decorator. I even offered her a job when I
10 first opened the bakery. I'd be happy to set up an
11 appointment with you to meet with her if you would
12 like. But you are more than welcome to continue the
13 cake tasting. I can't create a cake for a same-sex
14 wedding or other events that would go against my
15 religious beliefs." Do you remember her saying those
16 words?

17 MR. MANN: Objection, assumes facts not in
18 evidence, lack of foundation.

19 A. I recall the conversation basically going that
20 way. I don't know if it was those exact words, but
21 that was the gist of what was said.

22 Q. (By Mr. Jonna) Do you remember after she said
23 those words then being asked by I think it was Eileen
24 or Mireya, "Why won't you bake our cake?" Do you
25 remember that question being asked?

Document received by the CA 5th District Court of Appeal.

1 A. I do.

2 Q. And do you remember Cathy Miller saying, "It
3 would hurt my Lord Jesus"?

4 A. I don't.

10:31:33 5 MR. MANN: Objection, lack of foundation,
6 assumes facts not in evidence.

7 A. I don't recall the exact words.

8 Q. (By Mr. Jonna) Do you remember her saying
9 something along those lines?

10:31:43 10 A. Yes.

11 Q. Do you remember Cathy also saying, "The Bible
12 does not allow me to participate in a same-sex
13 wedding"?

10:31:54 14 A. I remember her saying something along those
15 lines.

16 Q. Do you remember her also welcoming you guys to
17 still taste the cupcakes, nonetheless?

18 A. I don't recall.

19 Q. Do you remember -- you said Eileen was a
10:32:13 20 little short-tempered at that moment. What do you
21 remember her saying after Cathy said that?

22 A. I don't recall because I think we were all a
23 little bit like stunned from what had just happened.
24 You know, it was kind of sinking in.

10:32:27 25 So I know for me personally, I just recall

Document received by the CA 5th District Court of Appeal.

1 looking for, I think you said earlier you remember --
2 you remember something about three tiers. Do you
3 remember any other details?

4 A. No.

10:48:15 5 Q. Do you remember if they said that they wanted
6 a smooth buttercream square cake with teal blue ribbon
7 around the bottom of each layer? Does that ring a bell
8 in any way?

9 A. No.

10:48:26 10 Q. Do you remember if they said they wanted a
11 square cake versus a round cake?

12 A. I don't recall.

13 Q. Do you remember if they said they wanted --
14 okay. You don't recall any details other than three
10:48:40 15 tiers?

16 A. Correct.

17 Q. Do you remember Cathy saying that Gimme Some
18 Sugar, the place she was going to refer them to, had
19 similar decorating skill as her bakery?

10:49:07 20 A. I don't recall her specifically saying that.
21 I know that she did speak highly of them. She did, you
22 know, compliment them.

23 Q. Have you ever been to Gimme Some Sugar?

24 A. A couple of times.

10:49:20 25 Q. Have you been -- what did you think about

Document received by the CA 5th District Court of Appeal.

1 the -- about the bakery?

2 A. I had gone in to get just like cupcakes in

3 passing and I thought they were very good.

4 Q. Do you know the owner?

5 A. No.

6 Q. Do you know if she's also a member of the LGBT
7 community?

8 A. I have heard that she is.

9 Q. Let's take a look at Exhibit 550. All right.

10 This is a Facebook post that you publicly posted on
11 August 26th at 1:04 P.M., Bates stamp is CM1897. Just
12 take a quick look at it and tell me if you recognize
13 it.

14 A. Yes, I do.

15 Q. And you posted that shortly after leaving
16 Tastries?

17 A. Yes.

18 Q. Do you remember how long it was after you left
19 that you posted this?

20 A. I remember after leaving the bakery, we went
21 to the Starbucks downtown, probably a 10-minute drive,
22 we ordered some drinks, and I remember posting it
23 sitting at the table.

24 Q. Do you remember if you ran the post by anyone
25 else to get their, you know, approval or to see if you

Document received by the CA 5th District Court of Appeal.

1 might want to know that before going there.

2 Q. But there's a comment under the post that
3 says, "Go somewhere else. Because someone doesn't
4 support same-sex marriage does not make them a bigot or
10:52:06 5 hater." Do you see that?

6 A. I do.

7 Q. Do you agree that someone cannot support
8 same-sex marriage and still not be a bigot or a hater?

9 A. That's something I'm very torn on. I guess
10:52:25 10 it's possible, yes.

11 Q. After you posted that, that post, there was
12 some people who offered their services for free, free
13 make-up, free photographers. Do you remember that?

14 A. Yes.

10:52:44 15 Q. And were these people that you knew, Candy
16 Cruz and Cindy Venyor, or were those random people?

17 A. Random people.

18 Q. Did you pass on those leads to Eileen and
19 Mireya?

10:52:57 20 A. Yes.

21 Q. Do you identify with a certain religious
22 tradition currently?

23 A. I do not.

24 Q. Do you identify as an atheist, agnostic?

10:53:14 25 A. No. I don't really have any kind of religious

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1 Q. Okay. And then she says this, and then she
2 uses the N word. Do you see that?

3 A. Yes. Yes.

4 Q. Do you know why she -- is that just something
5 she does, she just refers to you guys with that word,
6 or what's the story there?

7 A. That's just a word that she has used as long
8 as I've known her, as inappropriate as it is.

9 Q. Okay. Keep on scrolling down. It says, "The
10 lady, Rosemary, is invited, so she will cut it.
11 Sweet."

12 And then do you know what this is referring
13 to? Again, I don't want you to speculate. I just want
14 to -- if you have a recollection, I just want to know
15 what you remember about that.

16 A. I don't recall.

17 Q. Do you remember them telling you that there
18 was going to be a Tastries employee that would come to
19 the reception and cut the cake?

20 A. I don't specifically recall that.

21 Q. Did you guys -- after you left Tastries, did
22 you guys actually drive to Gimme Some Sugar?

23 A. I feel like we went directly to Starbucks
24 after that.

25 Q. Okay. I'm going to show you Exhibit 557.

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1 from all the Bakersfield conservatives." Do you see
2 that?

3 A. Yes.

4 Q. What do you mean by that?

5 A. Exactly what it says.

6 Q. Do you believe that she's not being sincere,
7 that she's just playing a sweet little old Christian,
8 she's not really a sweet Christian?

9 A. I do believe that.

10 Q. What makes you so sure of that?

11 A. Like I said earlier, I think I would have a
12 little more empathy towards her side of it if it was
13 just her back there making the cakes, I could kind of
14 wrap my head around the idea of her not wanting to
15 physically be a part of that. But knowing that that's
16 not the case makes me feel like she went out of her way
17 to deny the service.

18 Q. What about the fact that this is the company
19 that she owns and the name is associated with her and
20 when they deliver cakes people know it's coming from
21 her bakery and they see her cards on the table, do you
22 think that kind of is relevant, too?

23 A. Relevant to her --

24 Q. Whether she would still not want to allow
25 anyone from her bakery to deliver a cake to a gay

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1 wedding because that bakery's a bakery she owns and
2 people at the wedding would know that came from
3 Tastries.

4 MR. MANN: Objection, lack of foundation,
5 assumes facts not in evidence, vague, calls for
6 speculation.

7 A. I think I can understand that point of view,
8 but I don't think it gives her the right to still deny
9 the service.

10 Q. (By Mr. Jonna) Do you think that perhaps you
11 kind of judged her too quickly in saying she was just
12 playing a sweet little old Christian card without
13 hearing her side of things? Do you think perhaps maybe
14 she does have sincere religious beliefs and she's
15 really a loving and caring person who's just trying to
16 do what's pleasing to God?

17 MR. MANN: Objection, calls for speculation,
18 lack of foundation, vague.

19 A. I think it's possible, but I don't know her to
20 make that judgment personally.

21 Q. (By Mr. Jonna) Do you think it's possible for
22 someone to be sincerely loving and caring and still,
23 you know, not want to participate in a gay wedding?

24 MR. MANN: Objection, vague, assumes facts not
25 in evidence, lack of foundation, calls for speculation.

1 A. Do I think it's possible, yes. But I also
2 think nobody was asking her to participate in it.

3 Q. (By Mr. Jonna) Okay. Well, obviously
4 "participate" is a loaded word.

11:10:45 5 I mean, if it means different things to
6 different people, for her making the cake, having it
7 delivered to a gay wedding, having it showcased and her
8 cards on the table and making -- you know, using her
9 artistic talents to design a cake, she considers that
10 participating. Do you disagree?

11 MR. MANN: Objection, assumes facts not in
12 evidence, lack of foundation, vague, calls for
13 speculation.

14 A. I disagree because it did not need to be her
11:11:14 15 hands physically making it or her creative point of
16 view making it.

17 Q. (By Mr. Jonna) Okay. Do you remember your
18 Facebook post actually making the news, being showed
19 for the world to see on ABC 23?

11:11:39 20 A. I do.

21 Q. How did you feel when you saw that?

22 A. Things kind of became real. And since then
23 I've kind of been sick to my stomach that it's actually
24 gone as far as it has.

11:11:55 25 Q. Were you looking for media attention, or were

1 you just venting at the moment that you were kind of
2 upset?

3 A. I was upset, it was a little bit of a venting
4 session, and I think for the most part it was more just
11:12:08 5 letting people know. You know, as part of the gay
6 community I know I'm somewhat aware of where I spend my
7 money and don't spend my money, and so it was more in
8 regards to that. You know, knowing that I had -- have
9 a lot of friends on my social media that are part of
11:12:24 10 the community, just kind of, you know, making them
11 aware of this.

12 Q. Also Patrick said at one point to Mireya that
13 she, being Cathy, "F'd up big time and she will learn
14 the hard way. Karma will come and get her ass."

11:12:45 15 Do you remember Patrick making statements like
16 that at the time?

17 A. I don't specifically recall.

18 Q. Do you agree with that statement?

19 A. I do.

11:12:53 20 Q. And why is that?

21 A. I think the -- for me, personally, the
22 insulting part of the situation was when she went on
23 the news later that evening and basically admitted to
24 what she had done. That was like a little bit of a
11:13:17 25 jab, I guess.

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1 Q. Why was that? Why was this a jab?

2 A. Because it kind of felt like she was proud of
3 what she did.

4 Q. Okay. I'm going to show you that thread.

11:13:33 5 This is -- the Bates stamp is PAT 83. This is that
6 statement where he said she F'd up big time, she will
7 learn the hard way, karma will come to get her. And
8 then after that Mireya and Patrick are joking around.
9 This is -- by the way, this is August 26th at 7:06 P.M.

11:14:01 10 He says, "Sammy is taking all of the attention
11 for you guys." Do you see that?

12 A. Yes.

13 Q. Were you guys looking for attention?

14 A. No.

11:14:19 15 Q. Were you happy that you received some
16 attention?

17 A. Definitely not.

18 Q. Says here, "Whitney told us not to comment any
19 more." Do you see that?

11:14:32 20 A. Yes.

21 Q. Were you part of that discussion with Whitney,
22 too?

23 A. I don't recall.

11:14:42 24 Q. And then later it says, "It's okay. He's
25 being an attention whore." Do you see that?

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1 A. Yes.

2 Q. Is that a joke, do you think, or you think you
3 were actually seeking out attention at the time?

4 A. It's a joke. He'll tell me that joke daily.

11:14:53 5 Q. Okay. I'm going to show you another exhibit,
6 561. This is also a thread that you're on. And I
7 think -- let's see here. This is August 27, 2017,
8 9:16 A.M. And you posted something or you shared
9 something from Kyle O'Connor. Who's that, do you
11:16:00 10 remember?

11 A. I recognize the name as someone who I have on
12 Facebook. I don't know him personally, but I could put
13 a face to the name just off of social media.

14 Q. Do you know Ted Freitas and Adam Ramos?

11:17:02 15 A. No.

16 Q. Let me show you Exhibit 564. These are some
17 Yelp reviews.

18 Do you know this lady, Serenity H.?

19 A. Doesn't sound familiar.

11:17:43 20 Q. Okay. She says, "You pretty much F'd
21 yourselves --" this is August 26, 2017 at 3:26 P.M.,
22 Bates stamped CM1112, and she says, "You pretty much
23 F'd yourselves by being Nazi bigots." Do you see that?

24 A. Yes.

11:18:22 25 Q. You think that's a fair statement?

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1 A. I feel that might be a bit extreme.

2 Q. Do you know someone named Mary Tibbetts?

3 A. I do.

4 Q. Who is she?

5 A. She is a friend of my sister's. They used to
6 work together years ago.

7 Q. Does she live in Bakersfield?

8 A. She lives in Santa Maria.

9 Q. Do you know roughly how old she is?

10 A. She's got to be in her, I would say, late 50s,
11 maybe early 60s.

12 Q. Is she part of the LGBT community?

13 A. No.

14 Q. Well, you guys had a little exchange here.

15 "Big mistake, huge ass hats."

16 And then you said, "Exactly, Mary, because my
17 fat ass eats a lot of pastries. She could have made a
18 killing off me." Do you see that?

19 A. I do.

20 Q. Do you remember this post?

21 A. Sounds like something I would say. I don't
22 remember the post, though.

23 Q. I'm sorry. Could you say that again?

24 A. I don't specifically remember the post, but
25 that's something that I would say.

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11:19:48 1 Q. And then she says, "That woman has a stick up
2 her ass, anyway. Bad career move. I think you need to
3 get the word out. Everyone post it on Facebook. Sorry
4 that happened and sorry some people suck." Do you see
5 that?

6 A. Yes.

7 Q. Do you remember this exchange now?

8 A. Not specifically.

11:19:58 9 Q. Did you take her advice and try to get the
10 word out further after she said that?

11 A. I don't know if I necessarily did anything
12 additional to get the word out further because that
13 initial post kind of got the word out.

14 Q. This is on CM1135, I should say.

11:20:13 15 Do you know a gentleman named Matthew
16 Sullivan?

17 A. I do.

18 Q. Who is he?

19 A. He's a friend of mine.

11:20:19 20 Q. Are you guys currently friends?

21 A. Yes.

22 Q. He says, "F them. They're about to feel the
23 wrath." Do you see that?

24 A. Yes.

11:20:33 25 Q. Did you talk to him about that after he posted

1 that?

2 A. I don't remember having a conversation with
3 him after that.

4 Q. What do you think he meant when he said,
5 "They're about to feel the wrath"?

6 A. That they're --

7 MR. MANN: Calls for speculation.

8 A. That they're going to get some backlash.

9 Q. (By Mr. Jonna) Do you think that that was an
10 appropriate response?

11 A. To the situation?

12 Q. Yes.

13 A. Yes.

14 Q. You think that potentially could incite
15 violence?

16 A. No.

17 Q. Why is that?

18 A. It's really more about a backlash to the
19 business than any sort of violence.

20 Q. But it doesn't say that, though, right?

21 A. It also doesn't say anything about violence.

22 Q. Do you know if there was any violence directed
23 towards the business or the employees or the owner
24 after the incident?

25 A. Not that I'm aware of.

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1 Q. Do you know someone named Ankel Brintrup?

2 A. That name does not sound familiar.

3 Q. I'm going to show you something else. Someone
4 named Kourtney posted this, "hope you get your ass beat
5 are being a rude judgmental bitch. See where your God
6 is then." Do you see that?

7 A. Yes.

8 Q. That's August 31st, 2017.

9 Do you know who this lady is?

10 A. Without seeing a last name, I'm not sure, but
11 it doesn't sound familiar. The spelling of the first
12 name doesn't look familiar.

13 Q. Do you think that that's an appropriate
14 response?

15 A. No.

16 Q. You think that's inciting violence?

17 A. I agree that that would be inciting violence.

18 Q. Did you see statements like this around the
19 time after the incident when it was all going viral on
20 social media?

21 A. Not that I really paid attention to or recall.

22 Q. Were statements like that what led you to
23 earlier say, you know, don't respond to comments on
24 Facebook, they can get out of hand? Remember we talked
25 about that?

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1 A. Somewhat. But also, you know, kind of making
2 these kind of comments on our end, you know, like
3 someone pushing us to the point of saying something
4 extreme like this.

11:23:10 5 Q. Do you know someone named Jim Blair?

6 A. That name doesn't sound familiar.

7 Q. How about Cody Hatfield?

8 A. Doesn't sound familiar.

9 Q. He said, "Burn this F'ing bakery to the

11:23:46 10 ground. Bigots don't deserve to feel safe." Do you
11 see that?

12 A. Yes.

13 Q. Do you think that's appropriate?

14 A. No, I do not.

11:23:52 15 Q. That's on CM1420.

16 CM1527, another statement from Cody Hatfield,

17 "Bigoted scum like you do not deserve to feel safe.

18 Bricks through the window can serve as excellent

19 reminders that you are not welcome in our modern

11:24:45 20 society." Do you see that?

21 A. I do.

22 Q. Do you agree with that statement?

23 A. No, I do not.

24 Q. Do you know someone named Matt, the last name

11:24:58 25 is B-j-o-r-k?

1 A. No. I don't think so.

2 Q. Does it sound somewhat familiar?

3 A. Like I probably maybe have him on social
4 media, but I don't know him.

11:25:11 5 Q. He said, "I bet you like stuff like this up
6 your ass. You're going to get gang raped."

7 This looks like someone who's a friend of
8 yours on social media?

9 A. Possibly.

11:25:26 10 MR. MANN: Objection, lack of foundation,
11 assumes facts not in evidence.

12 Q. (By Mr. Jonna) Obviously that's completely
13 inappropriate, you would agree, right?

14 A. Yes.

11:25:37 15 Q. And then, again, "Those look disgusting. I
16 hope you get raped in the a-s-s." You see that?

17 A. Yes.

18 Q. That should not be posted in response to this
19 incident, you agree, correct?

11:25:48 20 A. I agree.

21 Q. He also goes on to say, on CM1540, "I hope you
22 get raped by multiple men." Do you see that?

23 A. I do.

24 Q. Do you know if -- you think that's
11:26:12 25 inappropriate, correct?

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1 A. I do.

2 Q. That people should not be talking like that,
3 right?

4 A. Correct.

11:26:17 5 Q. You see how the initial posts that were
6 suggesting that Cathy Miller hates gays and lesbians,
7 do you see how that can lead to stuff like this?

8 MR. MANN: Objection, calls for speculation,
9 lack of foundation, assumes facts not in evidence.

11:26:32 10 A. I think that's -- you know, these people
11 making these posts, that's their opinion.

12 Q. (By Mr. Jonna) Right. But don't you think
13 that you guys contributed to this climate of animosity
14 by saying that she hates gays and lesbians when, in
11:26:47 15 fact, you had no basis whatsoever to conclude that?

16 MR. MANN: Objection, mischaracterizes prior
17 testimony, lack of foundation, assumes facts not in
18 evidence, argumentative, vague, calls for speculation.

11:27:03 19 A. I don't know that I can like fairly answer
20 that. I mean --

21 Q. (By Mr. Jonna) Do you think that in light of
22 seeing some of these hateful, despicable posts that
23 maybe you guys should have toned down the rhetoric
24 early on?

11:27:17 25 MR. MANN: Objection, calls for speculation,

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1 you see that?

2 A. Yes.

3 Q. What's your reaction to seeing that?

4 A. I think that is a horrible statement.

11:28:49 5 Q. Just one last one on this exhibit and we'll
6 move on.

7 CM1876, do you know a Jonathan Caplan?

8 A. That doesn't sound familiar.

9 Q. Okay. Take a look at what he wrote and tell
11:29:19 10 me when you're done.

11 A. I'm finished.

12 Q. This is on CM1876.

13 What's your reaction to reading that
14 statement?

11:29:53 15 A. I think that is a horrible statement, also.

16 Q. Did you know that there were statements like
17 this being sent to Tastries?

18 A. No.

19 Q. Are you aware that Cathy Miller's car was
11:30:08 20 broken into while this case was in the news one day?

21 A. I wasn't aware of that.

22 Q. Exhibit 565 shows pictures of her broken
23 window with the Tastries logo on the side.

24 Is this the first that you've heard that her
11:30:32 25 car was broken into?

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1 A. From what I recall, this is the first I've
2 heard of this.

3 Q. What's your reaction to hearing that?

4 A. I think that is very unfortunate, also.

5 Q. I'm going to show you Exhibit 568. This is
6 Eileen sharing on Facebook publicly the bakersfield.com
7 article and tagging 87 people.

8 I think you're on here, right here, Sam. Do
9 you see that?

10 A. Yes.

11 Q. Do you know why she tagged all these people?

12 A. I don't know why.

13 Q. Did she want this story to go viral?

14 A. I don't know.

15 MR. MANN: Objection, calls for speculation.

16 A. I don't know if that was her intention with
17 tagging those people.

18 Q. (By Mr. Jonna) Do you think that's a
19 reasonable conclusion based on knowing her?

20 MR. MANN: Objection, calls for speculation.

21 A. I don't know if knowing her would make me
22 believe she would or wouldn't.

23 I know that they're pretty far in this, you
24 know, and I think that it would obviously be beneficial
25 to like really put it out there, so I'm sure it's

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1 reasonable to assume that, you know, she wanted
2 attention brought to the post.

3 Q. (By Mr. Jonna) This was August 31st, just a
4 few days after, but you think it's she wanted to bring
5 public awareness and attention to their story?

6 MR. MANN: Objection, calls for speculation.

7 A. I think that might be a fair statement.

8 Q. (By Mr. Jonna) Are you aware that multiple
9 Tastries employees quit shortly after the story became
10 public because they were bombarded with hate calls and
11 emails and pornographic images at the bakery?

12 A. I wasn't aware of that.

13 Q. Are you -- do you know -- did you ever send
14 any pornographic images to Tastries Bakery?

15 A. No.

16 Q. Do you know anyone that did?

17 A. No.

18 Q. Is that the first time you've heard that that
19 happened?

20 A. Yes.

21 Q. Do you know anyone who called Tastries Bakery
22 to make threats of violent rape and murder?

23 A. I do not.

24 Q. Do you know anyone who called Tastries Bakery
25 making threats of violence?

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1 A. No.

2 Q. You interacted with people at Tiers of Joy to
3 get the wedding cake for Mireya and Eileen's wedding?

4 A. Yes.

5 Q. Who did you interact with?

6 A. I haven't talked to her for a while.

7 Q. Jessica Criollo?

8 A. Kassy. Her name was Kassy.

9 Q. Kassy?

10 A. Yes.

11 Q. Tell me about that. How did you come to meet
12 her, and describe that.

13 A. I remember she reached out to me, I want to
14 say on Facebook, basically letting us know that she
15 used to work there, that she's branched out, she has
16 her own -- not storefront, but she does baking, and
17 that she would like to provide a cake at no charge to
18 Mireya and Eileen.

19 Q. Did she end up providing a cake at no charge
20 to Mireya and Eileen?

21 A. Yes.

22 Q. What do you remember about the cake? What did
23 it look like?

24 A. I know that the actual cake was more of a cake
25 bar, kind of like buffet sort of setup where you go

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1 through and pick a flavor of cake, pick a filling, pick
2 topping.

3 I remember there was like an artificial cake,
4 I don't remember if that was provided by them or not,
11:36:23 5 but the actual cake that guests ate was a cake bar.

6 Q. Do you remember where the cake was situated in
7 the wedding? Like when you first got there you could
8 see the cake?

9 A. The faux cake was kind of in the middle of the
11:36:41 10 venue.

11 Q. Were you there for the cake cutting?

12 A. I don't recall if there was an actual
13 cake-cutting because, like I said, the cake we ate was
14 cake bar. So I don't recall like an actual cutting
11:36:58 15 part.

16 Q. Do you remember if the cake had a topper on
17 it?

18 A. I don't recall.

19 Q. Do you remember if Eileen and Mireya discussed
11:37:08 20 getting a topper?

21 A. I remember in the very beginning they had
22 purchased a topper I think online. I don't recall if
23 it was on the actual faux cake, though.

24 Q. Do you remember ever seeing the one that they
11:37:22 25 purchased or seeing pictures of it?

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1 A. I know I saw it. I don't remember if it was
2 in person or in pictures. I remember it was like
3 black, rainbow glitter. I don't recall what the shape
4 of it was, but I do remember seeing it.

11:37:37 5 Q. Was it black, rainbow glitter, with two women
6 on top?

7 A. That sounds like that's what it would have
8 been, I'm sure.

9 Q. And do you know why it ended -- do you know
11:37:52 10 whether they ended up deciding not to use it or what do
11 you know about the cake topper?

12 A. I don't remember if it was on the cake or not.

13 Q. What do you remember about the decision of
14 whether or not to use it? Do you remember talking
11:38:06 15 about that with Eileen and Mireya?

16 A. I don't remember.

17 Q. Do you remember saying one way or the other
18 whether you thought it was nice?

19 A. I don't remember.

11:38:19 20 Q. How about Patrick?

21 A. I don't remember.

22 Q. I'm going to show you Exhibit 580. This is a
23 chat Bates stamped PAT 23, so Patrick produced it, with
24 all four of you guys, August 28, 2017. You, Sam, share
11:38:51 25 a news clip or something from Facebook, KGET. And then

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1 Q. Okay. All right. Do you have any memory of
2 discussing the case with anyone else besides Eileen and
3 Mireya? I know it's a broad question, but do you
4 remember any specific conversations about this lawsuit
11:57:38 5 with anyone else other than the two women at issue?

6 A. Just a couple of close friends. My family,
7 I'm sure.

8 Q. Any of those discussions stand out in your
9 memory in terms of what was said or what was discussed?

11:57:56 10 A. No. Just people asking, you know, what
11 happened.

12 Q. Do you remember anyone asking about the
13 expected outcome of the case and what you thought the
14 outcome of the case would be?

11:58:13 15 A. No.

16 Q. Do you know if Eileen or Mireya ever told you
17 that they wanted to take Tastries down and make sure
18 they were shut down?

19 A. I don't know if it was ever said to me in
11:58:32 20 those words, you know.

21 Q. But they said something along those lines,
22 that they should be closed, they should be shut down?

23 A. Yes.

24 MR. MANN: Objection, misstates prior
11:58:43 25 testimony, lack of foundation, assumes facts not in

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1 evidence.

2 Q. (By Mr. Jonna) Did they ever tell you that
3 they wanted to get compensation for emotional distress
4 from Tastries?

5 A. No.

6 Q. What do you remember them telling you about
7 what they were looking for in this case?

8 A. Basically that the goal is for the bakery to
9 close, to not be in business.

10 Q. Okay. Do you know if that was Eileen or
11 Mireya or both?

12 A. I don't remember specifically. I kind of feel
13 like both, you know. At least implied from both of
14 them.

15 Q. Is there anything else that you want to tell
16 me today while you're here under oath about this case
17 or any other relevant information you think you want to
18 share?

19 A. No.

20 MR. JONNA: Okay, I don't have any other
21 questions for you at this time. I thank you for your
22 time today.

23 MR. MANN: I do.

24 MR. JONNA: There you go.

25 MR. MANN: It won't be very long, Sam.

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1 A. Correct.

2 Q. (By Mr. Mann) Do you remember Miss Miller on
3 the day of the tasting saying that she did not condone
4 same-sex marriage?

5 MR. JONNA: Objection, leading.

6 A. I remember her saying something along those
7 lines, but I don't remember the exact words.

8 Q. (By Mr. Mann) Do you remember her giving any
9 explanation as to why she did not condone same-sex
10 marriage?

11 MR. JONNA: Objection, leading.

12 A. Yes. Based on her religious beliefs.

13 Q. (By Mr. Mann) After the incident, you
14 testified that you went to Starbucks. Is that correct?

15 A. Yes.

16 Q. And how did you get to Starbucks?

17 A. I believe we went in two separate cars, the
18 same way we got to the bakery.

19 Q. So you and Patrick were in your own car?

20 A. Yes.

21 Q. Do you remember who got there first?

22 A. I don't.

23 Q. Do you remember if the Rodriguez-Del Rioses
24 made a stop someplace else first?

25 A. I don't recall.

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REPORTER'S CERTIFICATION

I, Jean Keleher, a Certified Shorthand Reporter in and for the State of California, holding Certificate No. 4136, do hereby certify:

That the foregoing witness was by me duly sworn; that the deposition was then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed into typewritten form under my direction; that the foregoing is a true record of the testimony and proceedings taken at that time.

I further certify that I am neither counsel for, nor in any way related to any party to said action, nor in any way interested in the result or outcome thereof.

IN WITNESS WHEREOF, I have subscribed my name on August 4, 2021.



Jean Keleher, CSR #4136

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EXHIBIT 16

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN
METROPOLITAN DIVISION

CERTIFIED COPY

DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING,
an agency of the State
of California,

No. BCV-18-102633

Plaintiff,

vs.

CATHY'S CREATIONS, INC.
dba TASTRIES, a California
corporation; and CATHARINE
MILLER, an individual,

Defendants.

EILEEN RODRIGUEZ-DEL RIO and
MIREYA RODRIGUEZ-DEL RIO,

Real Parties in Interest.

DEPOSITION OF PATRICK GRIJALVA SALAZAR

Taken at

Keleher's Litigation Services
19237 Flightpath Way, Suite 100
Bakersfield, California

Friday, July 30, 2021 at 1:31 P.M.

Reported by:

Jean Keleher, CSR #4136

JOB No. 21-101478B

1 APPEARANCES:

2
3 For the Plaintiff:

4 CA Department of Fair Employment & Housing
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10 (Via Zoom Videoconference)

11 For the Defendants:

12 Freedom of Conscience Defense Fund
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16 858-759-9948
17 pjonna@limandri.com
18 (Via Zoom Videoconference)

19 Also present:

20 Ms. Cathy Miller (Via Zoom Videoconference)
21 Mr. Mike Miller (Via Zoom Videoconference)
22 Ms. Kate Peterson (Via Zoom Videoconference)

23 The Videographer:

24 Mr. Kevin Johnson
25

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1 THE VIDEOGRAPHER: We're on the record.

2 Here begins media number one of the deposition
3 of Patrick Grijalva Salazar in the matter of Department
4 of Fair Employment and Housing versus Cathy's
13:30:52 5 Creations, Inc.

6 Today's date is July 30, 2021. The time is
7 1:31 P.M.

8 The deposition is taking place at
9 19237 Flightpath Way, we're in Suite 100, Bakersfield,
13:31:09 10 California, 93308.

11 The videographer is Kevin Johnson, appearing
12 on behalf of Sullivan.

13 Would counsel please identify yourself and
14 state whom you represent, beginning with the
13:31:22 15 questioning attorney.

16 MR. JONNA: Good afternoon. My name is Paul
17 Jonna. I represent Cathy's Creations, Inc. as well as
18 Cathy Miller, and I'm here with my clients.

19 MR. MANN: Good afternoon. Gregory Mann
13:31:35 20 representing the Department of Fair Employment and
21 Housing. Here alone.

22 THE VIDEOGRAPHER: Our court reporter today is
23 Jean Keleher with Sullivan.

24 You may now swear in the witness.

13:31:44 25

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1 PATRICK GRIJALVA SALAZAR,
2 having been sworn, testified as follows:

3 EXAMINATION BY MR. JONNA

4 Q. Good afternoon, Patrick. My name is Paul
5 Jonna. We met briefly before the deposition.

6 Do you mind if I just call you by your first
7 name today?

8 A. Sure.

9 Q. Okay. Great.

10 Have you ever had your deposition taken
11 before?

12 A. No, I have not.

13 Q. Okay. I'll go over some of the ground rules
14 of a deposition, but why don't you start by just
15 stating your full name and spelling it for the record.

16 A. Sure. It's Patrick, P-a-t-r-i-c-k, Grijalva,
17 G-r-i-j-a-l-v-a, Salazar, S-a-l-a-z-a-r.

18 Q. Okay. So just to quickly go over some of the
19 ground rules for today, the first and most important of
20 which is that you are under oath, and the oath that you
21 just took is the same oath that you would take in a
22 court of law before a judge and jury and the same
23 penalties of perjury apply. Do you understand that?

24 A. Yes, I do.

25 Q. Okay. And you just gave a great verbal

1 the cake and bouquet. I can't do no more cake
2 tasting." That's Eileen. That's now in May of 2017.
3 Do you see that?

4 A. Yes, I do.

14:12:05 5 Q. Go ahead. I'm sorry, please, answer.

6 A. No. I was just going to say yes, helping with
7 the cake, yes.

8 Q. And Sam had mentioned that you actually
9 offered to buy the cake. Is that correct?

14:12:19 10 A. Yes.

11 Q. Did you tell that to them, or was that going
12 to be a surprise?

13 A. I did -- I did offer. I did offer to pay for
14 the cake, yes.

14:12:33 15 Q. I mean, did you tell them that, or did you
16 just -- I assume that means you told them, correct?

17 A. Yes.

18 Q. Okay. And did you tell them there was a
19 certain budget for the cake, or did you just kind of
14:12:46 20 say generally that you'd like to buy the cake?

21 A. There was no budget on it. I just offered.

22 Q. That's kind of you.

23 Was there a reason why you offered? Did they
24 ask you, or was it just something you wanted to do out
14:13:04 25 of your generosity?

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1 A. It was just something I wanted to do.

2 Q. Let's take a look at Exhibit 506. So this is
3 a string with just you and Mireya. It's Bates stamped
4 PAT 60. This is July of 2017 and, again, you say here,
5 "I'll have to arrange a cake tasting soon."

6 MR. MANN: Paul, we can't see it.

7 MR. JONNA: Oh, I'm sorry. I did that again.
8 Forgive me. I'm sorry. All right. This thing is -- I
9 thought I would have gotten used to it by now. Sorry,
10 Greg.

11 MR. MANN: No problem. You're talking about
12 it, at least.

13 MR. JONNA: Yeah, I know.

14 Q. (By Mr. Jonna) July 2017, and you say here,
15 "I'll have to arrange a cake tasting soon."

16 Do you remember -- I mean you recognize this
17 chat as something that you exchanged with Mireya,
18 correct?

19 A. Yes.

20 Q. And do you remember where you first -- tell me
21 about where you first went to look for a cake. Up to
22 the point where you went to Tastries, let's just talk
23 about everything you remember doing to help them locate
24 a cake.

25 A. Okay. So I basically was, you know, doing a

Document received by the CA 5th District Court of Appeal.

1 A. She had told me that she had -- she had
2 ordered a cake topper and she said that she had sent it
3 to me and -- oh, wait a minute. Oh, no, wait.

4 So the cake topper was from before. And so
14:28:05 5 she had sent me some other like pictures of flowers and
6 I didn't see them.

7 Q. So what do you remember about the cake topper?
8 Who ordered the cake topper?

9 A. Mireya ordered the cake topper.

14:28:20 10 Q. Did you look at it, as well, before she
11 ordered it?

12 A. No.

13 Q. Did you look at it after she ordered it?

14 A. Yeah. She sent -- she told me about it after.

14:28:35 15 Q. What did she tell you about it?

16 A. About the cake topper?

17 Q. Yeah. Like what did the cake topper look
18 like? What kind of cake topper was it?

19 A. I can't fully recall what the cake topper
14:28:54 20 looked like.

21 Q. I think Sam said something about rainbow
22 sparkles and two women. I don't know if that is
23 consistent with your memory, though.

24 A. I believe -- yeah, I want to say I do believe
14:29:13 25 there was two women. I don't remember a rainbow, but I

Document received by the CA 5th District Court of Appeal.

1 do -- I do recall the women.

2 Q. And do you know if -- so you know she ordered
3 it. Do you know if it came in? Did she receive it, as
4 far as you know?

14:29:32 5 A. I don't think she did.

6 Q. Do you remember it coming in and they just
7 didn't like the way it looked so they got a different
8 one?

9 A. I do not recall.

14:29:45 10 Q. Did you ever -- then there's another reference
11 down here to like maybe you guys should try this other
12 place and it's Sugar Twist Bakery.

13 Did you guys ever go to Sugar Twist Bakery?
14 This is on PAT 78, right here.

14:30:07 15 A. No, we never went there.

16 Q. See, this is -- and then she says -- in
17 response to that she says, "So this place, they put out
18 they're almost like a buffet kind of thing and they
19 don't charge. It's half the price of what the place we
14:30:28 20 went to on Tuesday. She said they have mini cupcakes
21 of different kinds and then the fillings in a line for
22 us to put on the cupcakes to taste."

23 Do you see that?

24 A. Yes.

14:30:37 25 Q. Do you know if that's referring to Sugar

Document received by the CA 5th District Court of Appeal.

1 Q. What do you remember about the decor?

2 A. I mean, there was -- we were looking at some
3 of the different cakes and just kind of, you know,
4 mentioning to each other oh, these are really nice, you
14:45:03 5 know.

6 And also I noticed that there was, you know,
7 some kind of -- what do you call it, like some
8 different like -- I don't even know what to call it.
9 Like some like different things, like pictures and just
14:45:24 10 other types of decor that were in there.

11 Q. Do you remember any pictures in particular
12 that stand out or types of pictures?

13 A. No.

14 Q. Did you see any like religious decor, crosses
14:45:39 15 or cups with Bible verses, things like that?

16 A. I did.

17 Q. What do you remember about that?

18 A. I just remember seeing them there.

19 Q. What was your reaction when you saw them
14:45:52 20 there?

21 A. I didn't think anything of it.

22 Q. Do you remember hearing Christian music?

23 A. No.

24 Q. When you got in the bakery, do you remember
14:46:17 25 just saying that you're waiting for some friends, not

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1 determine the delivery window, if it was afternoon or a
2 late setup? Do you remember that?

3 MR. MANN: Objection, assumes facts, lack of
4 foundation, vague.

14:52:50 5 A. Yes.

6 Q. (By Mr. Jonna) Do you remember that they said
7 they didn't really know the answer to that question at
8 that time, they didn't know the setup time?

9 A. Right.

14:52:59 10 MR. MANN: Objection, lack of foundation,
11 misstates the record.

12 Q. (By Mr. Jonna) That sounds right?

13 A. Yes.

14 Q. At some point Cathy Miller figured out or, you
15 know, realized this was a wedding cake for a same-sex
16 wedding and she said that Stephanie at Gimme Some Sugar
17 is a great baker and decorator, and she said she even
18 offered her a job when she first opened the bakery, and
19 she'd be happy to set up an appointment for you to meet
14:53:17 20 with her, if you'd like, but you're more than welcome
21 to continue the cake-tasting. I can't create a cake
22 for a same-sex wedding or other events that would go
23 against my religious beliefs.

24 Do you recall Cathy Miller saying that?

14:53:54 25 MR. MANN: Objection, assumes facts not in

Document received by the CA 5th District Court of Appeal.

1 evidence, lack of foundation, vague.

2 A. Yes.

3 Q. (By Mr. Jonna) And then one of the girls

4 said, "Well, why wouldn't you bake our cake," I think

5 Eileen said that a few times, and Cathy said something

6 along the lines of, "It would hurt my Lord Jesus."

7 Do you remember her saying that?

8 MR. MANN: Objection, assumes facts not in

9 evidence, lack of foundation, vague.

10 A. Yes.

11 Q. (By Mr. Jonna) Do you remember her also

12 saying, "The Bible does not allow me to participate in

13 a same-sex wedding"?

14 MR. MANN: Objection, assumes facts not in

15 evidence, lack of foundation, vague.

16 A. I don't recall that part.

17 Q. (By Mr. Jonna) Okay. And you do remember

18 Cathy saying that you guys were still obviously welcome

19 to stay and taste the cakes? You remember that?

20 MR. MANN: Same objections.

21 A. Yes.

22 Q. (By Mr. Jonna) You remember Cathy saying that

23 it would go against her conscience or her religious

24 beliefs to participate in a same-sex wedding?

25 MR. MANN: Objection, lack of foundation,

Document received by the CA 5th District Court of Appeal.

1 assumes facts not in evidence, vague.

2 A. Yes.

3 Q. (By Mr. Jonna) Do you know any -- have you
4 ever heard of a venue called Party Palace?

14:55:59 5 A. No.

6 Q. Do you know if Eileen or Mireya were
7 considering any other venues besides the Metro?

8 A. No.

9 Q. No, you don't know or no, they were not?

14:56:15 10 A. Not to my knowledge that they were considering
11 other venues.

12 MR. JONNA: Would you like to take a short
13 five-minute break?

14 A. Actually, yes.

15:56:40 15 MR. JONNA: Let's do that right now.

16 A. Okay.

17 THE VIDEOGRAPHER: We're going off the record.
18 It's 2:56.

19 (A recess was taken.)

15:03:06 20 THE VIDEOGRAPHER: We're back on the record.
21 It's 3:03.

22 Q. (By Mr. Jonna) All right. Are you doing
23 okay, Patrick? Holding up okay?

24 A. Yes, I am. Thank you.

15:03:20 25 Q. All right. I'll try to get through this as

Document received by the CA 5th District Court of Appeal.

1 quick as I can. So thank you again for your patience
2 today.

3 Let me just show you really quickly

4 Exhibit 231. You said you saw some Christian decor

5 when you were in the bakery, but I just want to show

6 you some of these pictures and see if this is similar

7 to the kinds of things you saw, cups with Bible verses,

8 you know, images of, you know, crosses and Bible

9 verses, things like that.

10 Is that the kind of stuff you saw when you

11 were there?

12 A. Yeah, that was some of it.

13 Q. And then at some point after you guys left --
14 actually, let me go back to something else I forgot to
15 ask you.

16 Do you remember -- after Eileen got upset
17 about the fact that they would not make the wedding
18 cake, do you remember either you or Sam grabbing the
19 clipboard from Cathy?

20 MR. MANN: Objection, assumes facts.

21 A. I believe -- I know -- I believe, yes, that
22 happened, I just don't remember who did.

23 Q. (By Mr. Jonna) You don't remember if it was
24 you or Sam?

25 A. No, I don't remember.

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1 Q. Do you think that Cathy Miller -- although you
2 strongly disagree with her views, do you think she
3 handled it in a kind way, at least?

4 MR. MANN: Objection, vague.

5 A. Yes. I believe she was kind.

6 Q. (By Mr. Jonna) And do you remember when you
7 were -- you went to Starbucks after you left the
8 bakery. Is that correct?

9 A. Correct.

10 Q. And you were there with Sam and with Mireya,
11 Eileen, and Eileen's mother?

12 A. Yes.

13 Q. And Sam had posted on Facebook a public post
14 about what happened to him -- what happened to you guys
15 at Tastries Bakery. Do you remember that?

16 A. Yes.

17 Q. I'm going to show you 550, Bates stamped
18 CM1897.

19 Do you recognize this post, Patrick, as Sam's
20 post around 1:04 P.M. on August 26th?

21 A. Yes.

22 Q. Did he run this post by you before he posted
23 it, or did he just do this on his own?

24 A. He did it on his own.

25 Q. Did you also write a post on Facebook?

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1 you know, may have consequences.

2 Q. I think Sam said that Eileen and Mireya, in
3 this case they want to see Cathy's bakery shut down.
4 Is that your understanding, too?

15:32:47 5 A. Yes.

6 Q. Did they both tell you that or just one of
7 them?

8 MR. MANN: Objection, assumes facts.

9 A. Both of them.

15:33:03 10 Q. (By Mr. Jonna) Here it says -- if you scroll
11 down on PAT 84, it says here, "Sammy's taking all of
12 the attention for you guys. He's being an attention
13 whore."

14 Do you see that?

15:33:22 15 A. Yes.

16 Q. What did you mean when you were saying that?

17 A. It was just a joke that, you know, I always
18 make fun of him and tell him, you know, that you love
19 attention. So it was just kind of a joke.

15:33:36 20 Q. I'm sorry. Just give me one minute. All
21 right. Sorry about that.

22 Do you know a couple or two gentlemen named
23 Ted Freitas and Adam Ramos?

24 A. No, I do not.

15:35:28 25 Q. Did you ever hear about another same-sex

Document received by the CA 5th District Court of Appeal.

1 couple that had a similar experience at Tastries Bakery
2 besides Eileen and Mireya?

3 A. No, not to my knowledge.

4 Q. I should say claimed to have a similar
15:35:44 5 experience.

6 All right, I'm going to show you Exhibit 564.

7 You're aware, Patrick, I'm sure, that after

8 this incident there was a lot of nasty comments and

9 hate mail and all kinds of terrible things on the

10 internet about Tastries Bakery. I'm sure you remember

11 some of that?

12 A. Yes.

13 Q. Before we look at some examples, what do you

14 remember? What stands out in your memory, just

15:36:12 15 generally?

16 A. Just a lot of that she's a bigot and she, you

17 know, doesn't like gay people and, you know, don't

18 go -- don't go to that bakery anymore. You know,

19 people saying I'm not going to give them my money

15:36:42 20 anymore. Just some of those kinds of things.

21 Q. Okay. Do you know someone named Serenity?

22 Before we talk about this, do you know someone named

23 Serenity?

24 A. No, I do not.

15:37:09 25 Q. So she posted this on Yelp, just the first

Document received by the CA 5th District Court of Appeal.

1 line, "You pretty much F'd yourselves by being Nazi
2 bigots."

3 Do you see that?

4 A. Yes.

15:37:19 5 Q. Had you seen this post before?

6 A. No.

7 Q. Do you agree with this statement?

8 A. I don't agree with the Nazi piece.

9 Q. Okay. Do you know someone named Mary Tibbits?

15:37:52 10 A. I know of her. I don't really know her.

11 Q. What do you know about her?

12 A. If it's the same person I'm thinking it is,
13 it's a family friend of Sam's.

14 Q. All right. So that first message was actually
15:38:17 15 CM1112.

16 The one from Mary Tibbetts is right here, it's
17 on CM1135. I'm going to make this a little smaller so
18 you can see the whole thing.

19 Just take a look at that little exchange right
15:38:37 20 there and tell me when you're done.

21 A. Okay.

22 Q. Is this the same Mary Tibbetts you were
23 thinking of?

24 A. Yes, I believe so.

15:38:56 25 Q. Do you agree with her comment here that

Document received by the CA 5th District Court of Appeal.

1 everybody -- "You need to get the word out. Everyone
2 post it on Facebook"?

3 A. Yes.

4 Q. That's kind of the same thinking that Eileen
5 and Mireya had at the time. Wouldn't you agree?

6 A. Yes.

7 Q. Do you know a Matthew Sullivan?

8 A. Yes.

9 Q. Who is he?

10 A. He's a friend.

11 Q. Is he also LGBT?

12 A. No.

13 Q. He wrote, "F them. They're about to feel the
14 wrath." Do you see that?

15 A. Yes.

16 Q. What does that mean to you when you read that,
17 "They're about to feel the wrath"?

18 A. I think it's -- it's similar to Mary's
19 statement about posting it, you know, on social media.

20 Q. You think that's an appropriate statement to
21 make publicly?

22 MR. MANN: Objection, vague.

23 A. I mean, that's his social media. I mean, he
24 can post what he wants.

25 Q. (By Mr. Jonna) Do you know someone named

Document received by the CA 5th District Court of Appeal.

1 Ankel Brintrup? B-r-i-n-t-r-u-p. Ankel, A-n-k-e-l.

2 A. No.

3 Q. Do you know someone named Kourtney who spells
4 her name with a K?

5 A. I don't believe so.

6 Q. Here on CM1302 it says, "Hi, Cathy Miller,
7 hope you get your ass beat for being a rude, judgmental
8 bitch." Do you see that?

9 A. Yes.

10 Q. Do you remember reading this comment ever?

11 A. No, I don't.

12 Q. Do you think that's a fair statement to make?

13 A. I don't -- I don't condone any violence
14 against anybody.

15 Q. Do you think statements like Eileen's earlier
16 that Cathy hates gays and lesbians, do you think that
17 would contribute to people reacting violently like
18 this?

19 A. I don't believe so.

20 Q. Do you know someone named Jim Blair?

21 A. No, I don't.

22 Q. Do you know someone named Cody Hatfield?

23 A. It does not sound familiar.

24 Q. He wrote, "Burn this F'ing bakery to the

25 ground. Bigots don't deserve to feel safe." You see

Document received by the CA 5th District Court of Appeal.

1 that?

2 A. Yes.

3 Q. Have you read that comment before?

4 A. No.

15:42:39 5 Q. Do you agree with that statement?

6 A. No.

7 Q. He also said, "Bricks through the window can

8 serve as excellent reminders that you are not welcome

9 in our modern society." Have you seen that comment

15:43:10 10 before?

11 A. No.

12 Q. Do you agree with that statement?

13 A. No.

14 Q. Are you used to seeing reactions like this

15:43:26 15 from people in the LGBT community when they don't like

16 someone who claims to be a religious person and not in

17 favor of same-sex marriage?

18 A. I have seen stuff like that, yes.

19 Q. In light of that, do you think maybe people

15:43:45 20 should be more careful about what they say on social

21 media because it could incite all these people with

22 crazy, hateful thoughts?

23 MR. MANN: Objection, vague, calls for

24 speculation.

15:43:56 25 A. I don't believe so.

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1 Q. Do you know someone named Bill Fink?

2 A. No, I don't.

3 Q. How about Tracy Kawasaki?

4 A. No.

15:46:03 5 Q. How about Jonathan Caplan?

6 A. No.

7 Q. This is a post that Jonathan Caplan wrote on

8 August 30th. Have you seen this post before?

9 A. No, I do not.

15:46:28 10 Q. Do you think this is an appropriate post to

11 write?

12 A. No.

13 Q. Are you aware that Cathy's car was broken into

14 on one of the days that this case was in the news?

15:46:51 15 A. No, I was not aware of that.

16 Q. Here's pictures of her car with shattered

17 glass.

18 Do you remember hearing about this ever?

19 A. No, I did not hear about this.

15:47:10 20 Q. What's your reaction hearing about it now?

21 A. That's very unfortunate that that happened.

22 Q. You think she deserves that?

23 A. No, I do not.

24 Q. Is this the karma that you were referring to

15:47:36 25 earlier?

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1 A. No.

2 Q. Okay. This is Eileen's post on Exhibit 568
3 with 87 people that were tagged. This is of a
4 bakersfield.com article, August 31, 2017.

15:47:53 5 Do you remember this?

6 A. Yes.

7 Q. I think she also tagged you.

8 Is that you right there?

9 A. Yes.

15:47:59 10 Q. And, again, this is a public post. Is that
11 correct?

12 A. Yes.

13 Q. And the reason it was public, as far as you
14 know, is because they wanted to get the word out so
15:48:10 15 that they could tell their story, get as much public
16 support as possible. Is that your understanding?

17 A. Yes.

18 MR. MANN: Objection, calls for speculation,
19 vague, misstates testimony.

15:48:24 20 Q. (By Mr. Jonna) Actually, you commented, I
21 can't see the whole thing, but it says, "I'm very proud
22 of you both what you -- it takes a lot of courage.
23 I'll stand by you through the --" something ahead.

24 A. The journey ahead.

15:48:37 25 Q. Journey ahead.

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1 Patricia?

2 A. I don't remember if I did. It's so long ago.

3 Q. Does that name ring a bell, though?

4 A. It kind of sounds familiar, and like I was
15:54:42 5 told in passing by Mireya and Eileen.

6 Q. Do you remember early on after the incident
7 and after you were speaking to Whitney, do you remember
8 having conversations with -- let me rephrase that.

9 Do you remember the DFEH contacting Mireya and
15:55:12 10 Eileen? Do you remember hearing about that for the
11 first time?

12 A. I do remember hearing something about that.

13 Q. What do you remember about that?

14 A. What I remember is that I guess that they were
15:55:25 15 involved in it.

16 Q. Did they ever interview you?

17 A. I want to say Sam was interviewed, but I don't
18 believe I was, to my recollection.

19 Q. Did you have any conversations with any DFEH
15:55:59 20 folks at any time?

21 A. No, not to my recollection.

22 Q. Okay. Are you aware that a number of Tastries
23 employees quit shortly after the incident because they
24 were bombarded with hate calls, hate emails,
15:56:13 25 pornographic images at their office? Do you remember

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1 that? Did you ever hear about that?

2 MR. MANN: Objection, lack of foundation,

3 vague.

4 A. I vaguely remember hearing something about

5 that.

6 Q. (By Mr. Jonna) What do you remember?

7 A. I just remember hearing that some employees

8 left.

9 Q. Were you happy to hear that?

10 A. I don't think I was happy.

11 Q. Do you also want to see Tastries shut down?

12 MR. MANN: Objection, assumes facts, lack of
13 foundation.

14 A. I guess it wouldn't bother me, no.

15 Q. (By Mr. Jonna) If they were shut down?

16 A. Yeah.

17 Q. And would you -- do you want them to go
18 bankrupt?

19 A. I don't know.

20 Q. If you heard on the news that Tastries was
21 fined and shut down and they were forced to work -- pay
22 attorney's fees in millions of dollars, would that make
23 you happy?

24 MR. MANN: Objection, lack of foundation,
25 vague, calls for speculation.

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1 A. Yeah.

2 Q. (By Mr. Jonna) Okay. So you'd be happy if
3 they were financially destroyed.

4 Would you be also happy if they were
15:57:49 5 physically harmed?

6 MR. MANN: Objection, mischaracterizes prior
7 testimony, assumes facts not in evidence, lack of
8 foundation.

9 A. I don't want anybody physically harmed.

15:58:01 10 Q. (By Mr. Jonna) But you don't mind if they're
11 financially destroyed and homeless, that's fine?

12 MR. MANN: Objection, leading question,
13 assumes facts, vague.

14 A. Yeah. No, that doesn't -- it doesn't matter
15:58:19 15 to me.

16 Q. (By Mr. Jonna) Do you think it's -- is it
17 also okay with you to bombard their emails with
18 pornographic images? Is that -- do you think that's
19 appropriate?

15:58:33 20 A. No.

21 Q. Were you ever involved in doing that?

22 A. No.

23 Q. Do you know anyone who was involved in sending
24 them pornographic images, homosexual acts?

15:58:45 25 A. No.

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1 Q. Do you know anyone who sent them pornographic
2 images of bestiality?

3 A. No.

4 Q. Do you know anyone who called them and
5 threatened violent rape and murder to Cathy and her
6 employees?

7 A. No.

8 Q. Why do you think it's inappropriate to bombard
9 their emails with pornographic images?

10 A. I didn't say that was okay to do that.

11 Q. No, I said why do you think that's not okay?
12 I mean, just trying to get a sense of what -- where you
13 draw the line. There's certain things that you want to
14 see bad happen to her; there's certain things that
15 cross the line for you.

16 So why is it wrong to send her pornographic
17 images?

18 A. Because I don't feel like that really has
19 anything -- to me it's a little crude. For me it's too
20 much.

21 Q. How about people calling and telling them that
22 they're going to rape her, show them just how it's
23 done, do you think that that's appropriate?

24 A. No, I do not.

25 Q. Do you know anyone who did that?

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1 A. No, I do not.

2 Q. Do you know that Cathy had to hire security
3 guards to protect herself and her family and her
4 employees and customers?

5 A. No, I did not.

6 Q. Were you happy to find out that she had to
7 shut down their social media pages because of all the
8 hate mail they received?

9 MR. MANN: Objection, assumes facts, vague.

10 A. I mean, yeah, I did.

11 Q. (By Mr. Jonna) There are also some kind of
12 more graphic sexual jokes that were omitted from your
13 production that Sam produced. Do you remember omitting
14 those?

15 A. No, I do not.

16 Q. You gave the wedding toast at Eileen and
17 Mireya's wedding?

18 A. Yes.

19 Q. The cake, do you remember the cake being in
20 the center of the room?

21 A. Yes.

22 MR. MANN: Objection, vague.

23 Q. (By Mr. Jonna) Do you remember what the cake
24 looked like?

25 A. Yes. I remember it had -- it was a white cake

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1 and I believe they had put some fresh flowers -- some
2 fresh flowers. And I remember it was, what do you call
3 it, a faux cake. So it was just like a -- the display.
4 And, yeah, it was a nice cake.

16:03:35 5 Q. Was it decorated nicely?

6 A. Yes.

7 Q. I think the lady who made the cake, Jessica,
8 she refers to herself as a cake artist. Would you
9 agree that the cake was artistic in nature?

16:03:56 10 A. Yes.

11 MR. MANN: Objection, vague.

12 Q. (By Mr. Jonna) Yes?

13 A. Yes.

14 Q. Let's take a look at Exhibit 580. This is a
16:04:06 15 string that you produced, Patrick. It's Bates stamped
16 PAT 23. It's with all four of you guys.

17 And then at the very -- in the second page,
18 PAT 24, you refer to, "Well, it looks like you guys
19 have a case, but they will probably prolong it to see
16:04:23 20 what's going to happen with the Colorado case." Do you
21 see that?

22 A. Yes.

23 Q. What did you know -- well, what do you know
24 about the Colorado case?

16:04:34 25 A. I know that a baker in Colorado was going

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REPORTER'S CERTIFICATION

I, Jean Keleher, a Certified Shorthand Reporter in and for the State of California, holding Certificate No. 4136, do hereby certify:

That the foregoing witness was by me duly sworn; that the deposition was then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed into typewritten form under my direction; that the foregoing is a true record of the testimony and proceedings taken at that time.

I further certify that I am neither counsel for, nor in any way related to any party to said action, nor in any way interested in the result or outcome thereof.

IN WITNESS WHEREOF, I have subscribed my name on August 4, 2021.



Jean Keleher, CSR #4136

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EXHIBIT 17

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN
METROPOLITAN DIVISION

ORIGINAL

DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING,
an agency of the State
of California,

No. BCV-18-102633

Plaintiff,

vs.

CATHY'S CREATIONS, INC.
dba TASTRIES, a California
corporation; and CATHARINE
MILLER, an individual,

Defendants.

EILEEN RODRIGUEZ-DEL RIO and
MIREYA RODRIGUEZ-DEL RIO,

Real Parties in Interest.

DEPOSITION OF JESSICA CRIOLLO

Taken at

Keleher's Litigation Services
19237 Flightpath Way, Suite 100
Bakersfield, California

Wednesday, July 14, 2021 at 9:37 A.M.

Reported by:

Jean Keleher, CSR #4136

JOB No. 21-101323A

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Also present:

Ms. Cathy Miller (Via Zoom Videoconference)
Mr. Mike Miller (Via Zoom Videoconference)
Ms. Kate Peterson (Via Zoom Videoconference)

The Videographer:

Ms. Andrea Baker

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1 THE VIDEOGRAPHER: This is the beginning of
2 media number one in the deposition of Jessica Criollo
3 in the matter of the Department of Fair Employment and
4 Housing versus Cathy's Creations, Inc.

09:37:28 5 This is being held at 19237 Flightpath Way in
6 Bakersfield, California on July 14, 2021 at 9:37 A.M.

7 The court reporter is Jean Keleher. I'm
8 Andrea Baker, the videographer, an employee of
9 Litigation Services.

09:37:47 10 This deposition is being videotaped at all
11 times unless specified to go off the record.

12 Will all present please identify themselves
13 and state whom they represent for the record.

09:37:59 14 MR. JONNA: Morning. My name is Paul Jonna.
15 I represent Cathy's Creations, Inc. and Cathy Miller.
16 And I'm here with my clients, Cathy Miller and Mike
17 Miller.

18 MR. MANN: Gregory Mann representing the
19 Department of Fair Employment and Housing.

09:38:15 20 THE VIDEOGRAPHER: Would the reporter please
21 swear in the witness.

22
23
24
25

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1 JESSICA CRIOLLO,
2 having been sworn, testified as follows:

3 EXAMINATION BY MR. JONNA

4 Q. Good morning, Ms. Criollo. My name's Paul
5 Jonna.

6 A. Good morning.

7 Q. I represent Cathy Miller. And it's nice to
8 meet you by Zoom. I'm sorry for doing it this way, but
9 it's, I guess, the preferred way these days. So thank
10 you for being here this morning.

11 Can you please state your full name for the
12 record.

13 A. Jessica Criollo.

14 Q. And can you please spell it, your full name?

15 A. J-e-s-s-i-c-a C-r-i-o-l-l-o.

16 Q. Thank you. And thank you for giving a clear
17 verbal response.

18 Let me give you a couple of -- have you ever
19 had your deposition taken before?

20 A. No. By phone.

21 Q. You've been deposed?

22 A. Well, I made a statement.

23 Q. Okay. In what kind of case was that?

24 A. No, for this one.

25 Q. Oh, okay. You gave a declaration.

1 Q. The question now is just if you spoke to them
2 on the phone.

3 A. I did, but I don't know which one.

4 There we go. Timothy, I spoke with him on the
5 phone.

6 Q. Do you remember what you spoke about?

7 A. My declaration.

8 Q. And that was the declaration that he drafted
9 for you, correct?

10 A. Correct. February 19, 2019.

11 Q. And do you remember if you spoke to him before
12 or after he drafted that declaration?

13 A. Before.

14 Q. Okay. So you spoke to him and then he drafted
15 the declaration and then he sent it to you. Is that
16 your recollection?

17 A. Correct.

18 Q. Do you remember if you made any changes to his
19 declaration after he sent it to you?

20 A. I don't remember doing that, but I remember
21 asking for a copy of it because it's been a while since
22 I made it.

23 Q. Okay. Sorry. I'm just turning up the volume.
24 It's hard to hear with the mask on.

25 A. Is this the microphone, can I move it closer,

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1 A. I want to say it was either the news or on
2 social media.

3 Q. And do you remember generally what you
4 heard -- let me strike that question.

09:51:58 5 So after you heard about it, what did you do?
6 Did you reach out to the bakery or to the folks
7 involved? What did you do after you learned about
8 this?

09:52:13 9 A. My -- at the time I was working with two other
10 girls, and we discussed about reaching out to the
11 couple and wanting to offer doing their wedding cake.

12 Q. And which two other girls were you working
13 with at the time?

09:52:32 14 A. That was Lizet Aleman and Kassy -- I don't
15 remember her last name. Kassy --

16 Q. And where were you working? Was this a
17 different bakery?

18 A. No. This was just out of my home.

19 Q. Did the bakery have a name?

09:52:45 20 A. Tiers of Joy.

21 Q. Okay. And Lizet and Cathy were your partners?

22 A. Kassy.

23 Q. I'm sorry?

24 A. Kassy. K-a-s-s-y.

09:52:57 25 Q. And they were your partners in the business?

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1 A. Correct.

2 Q. And are they still your partners?

3 A. No.

4 Q. Do you still have Tiers of Joy?

5 A. Yes.

6 Q. Okay. What happened with Lizet and Kassy?

7 A. Oh, we just decided to go separate ways. They
8 have their own different names now.

9 Q. Okay. Was there a falling out, or you guys on
10 good terms still?

11 A. I believe we're on good terms.

12 Q. Okay. So you had a conversation with Lizet
13 and Kassy, and you decided to reach out to the couple
14 to help them with the cake after you heard about this.
15 Is that correct?

16 A. Yes.

17 Q. How did you reach out to them? Was it on
18 social media, or how did you find them?

19 A. I messaged -- give me one second. It was
20 through Facebook, and I first reached out to Eileen.

21 Q. Okay. And then eventually did the couple hire
22 you to make their wedding cake?

23 A. Correct.

24 Q. And do you remember when you met with them to
25 discuss what they wanted?

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1 they bring a gentleman with them, Patrick or Sam, or
2 did they bring their mother? Did they bring anyone
3 else?

4 A. Oh, gosh. I really don't remember that.

09:55:45 5 Q. Okay. So you guys were there, they tried four
6 or five different flavors, it was about an hour.

7 Do you remember what they told you about what
8 kind of cake they were looking for?

09:56:02 9 A. I don't remember the discussion, but -- I mean
10 I made the cake, so I know what they were going for,
11 looking back.

12 Q. Okay. I'm just -- we'll talk about what you
13 ultimately made. I'm trying to get an idea of how the
14 conversation evolved.

09:56:15 15 Do you remember -- as you sit here today, do
16 you remember anything specific that they told you that
17 they were looking for in terms of what they wanted
18 their cake to look like?

19 A. I don't remember the conversation.

09:56:26 20 Q. Okay. Do you remember if they asked to see
21 pictures of cakes you had made?

22 A. I don't remember if they did or not.

23 Q. Do you remember showing them pictures of
24 cakes, maybe showing them options?

09:56:41 25 A. No. But in the messages I did refer them to

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1 the Instagram and the Facebook so that they could have
2 looked at the pictures before coming to the house.

3 Q. Did they make any -- do you remember if they
4 made any comments about particular pictures in
09:56:56 5 Instagram and Facebook of cakes that they liked, or did
6 they -- was there any discussion about those pictures
7 at your house?

8 A. I don't remember.

9 Q. Do you remember if they told you they wanted
09:57:06 10 specific colors for the cake or specific designs?

11 A. I would assume that they did discuss
12 everything you're asking, I just don't remember the
13 conversation. I just remember them coming to the
14 house, tasting, and then that we agreed to do their
09:57:20 15 cake.

16 Q. Okay. What did you -- what kind of cake did
17 you ultimately -- well, actually, let me go back a
18 second.

19 Did you charge them for the cake?

09:57:30 20 A. No, we did not.

21 Q. And why is that?

22 A. Given that everything they had gone through,
23 we felt that we wanted to just give them this wedding
24 cake. Wedding planning should be a beautiful and fun
09:57:49 25 time. Despite how stressful it is, or actually in

Document received by the CA 5th District Court of Appeal.

1 so -- no one was really in charge of making it right.

2 Q. And the cakes that you guys made were wedding
3 cakes, correct?

4 A. Yes.

5 Q. And what made them wedding cakes?

6 A. Wait. I'm sorry. Can you repeat that last
7 question?

8 Q. What made them wedding cakes?

9 A. No, the one before that.

10 Q. The cakes that you made were wedding cakes,
11 correct?

12 A. Which ones are you talking about?

13 Q. The cakes that you made for Eileen and Mireya
14 for their wedding, those were wedding cakes?

15 A. Okay, but you're saying plural. So the
16 three-tiered cake was a wedding cake. The -- the cakes
17 that we all contributed are just like a dessert bar.

18 Q. Okay. Understood.

19 And what made the three-tiered cake a wedding
20 cake?

21 A. That it was for a wedding.

22 Q. Right. Is there anything about the way it was
23 designed or the way -- or the style of the cake that
24 indicated it was a wedding cake?

25 A. Anything that the bride or groom would like

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1 for their wedding makes it a wedding cake.

2 Q. Okay. And when you arrived at the Metro, do
3 you remember if there were already people there?

4 A. I don't remember if any guests or the brides
5 were there. But there were workers in the back because
6 it was the kitchen area that we arrived at.

7 Q. Okay. Tell me about what happened that day.
8 You arrived in the kitchen. Just describe generally
9 what happened after that.

10 A. We arrived through the back area, through the
11 kitchen. We set up the -- there was already a table
12 there for the cake and for the dessert bar. I put the
13 cake in place. And whether I brought the flowers or
14 the flowers were provided for me, I placed them on the
15 cake. And then we set up the dessert bar. And then we
16 waited in the kitchen area until it was time for the
17 cake-cutting, which indicated we would be serving for
18 the dessert bar.

19 Q. Okay. And the dessert bar, is that something
20 that you made, as well?

21 A. That's the cakes, the slices.

22 Q. Were there other desserts in addition to the
23 cakes?

24 A. No.

25 Q. Okay. So you were in the kitchen, there was a

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1 MR. JONNA: Or Madam Court Reporter, did you
2 email those to us?

3 THE COURT REPORTER: I think my staff did.

4 MR. JONNA: Okay. We'll look into that right
5 now. Okay.

6 Q. (By Mr. Jonna) Let's take a look at the
7 declaration that you submitted in this case, which is
8 Exhibit 204.

9 Let me know when you have that in front of
10 you.

11 A. I have it.

12 Q. All right. This is a Declaration of Jessica
13 Criollo, it's signed on February 19, 2019. Is that
14 right?

15 A. Yes.

16 Q. That's your signature on the end?

17 A. Yes.

18 Q. All right. Let's just go through some of
19 this.

20 Again, this is a declaration that was drafted
21 by Timothy Martin with the Department of Fair
22 Employment and Housing, correct?

23 A. Yes.

24 Q. And you didn't make any changes to this
25 declaration when you received it from Mr. Martin. Is

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1 that your testimony?

2 A. Not that I remember.

3 Q. Okay. Did you speak to Eileen or Mireya about
4 this declaration?

10:45:20 5 A. I don't believe I did.

6 Q. Did you speak to someone named Margaret
7 Del Rio?

8 A. I don't know who that is.

9 Q. Did you speak to someone named Patrick or Sam
10:45:32 10 about this case?

11 A. No.

12 Q. When's the last time you spoke to Eileen or
13 Mireya?

14 A. That would be -- oh, actually -- what I
10:45:45 15 have -- the record that I have is the Facebook
16 messages.

17 I know that I've spoken with them, or one of
18 them, I can't remember if it was Eileen or Mireya, on
19 Instagram, but it wasn't regarding any of this.

10:45:59 20 Q. When's the last time you corresponded with
21 them on Instagram?

22 A. June 19th.

23 Q. Of?

24 A. Of 2021.

10:46:32 25 Q. And what was the -- what did they say to you?

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1 A. Yeah. "Congratulations, Renee, Tiers of Joy
2 are the best."

3 Q. Who's Renee?

4 A. The give-away winner. They just responded to
5 something I posted on my story.

6 Q. Okay. And before that, when was the time you
7 heard from them before that?

8 A. December 8, 2018, again a response to a story
9 that I had on Instagram, and what they said was,

10 "Beautiful." And I responded, "Thank you."

11 Q. Did you respond to the most recent one in
12 June?

13 A. I did. You double-click the message and it
14 gives a little heart symbol on their message. That's
15 considered a response.

16 Q. Have you talked to them about this lawsuit
17 since it started?

18 A. Yes. A lot of my messages -- like I think it
19 was a text message, because I can't find it anywhere.

20 I looked on Instagram, Facebook, text messages. So
21 whatever I provided is what I have.

22 But I do remember sometime last year I
23 contacted either Eileen or Mireya asking if I could
24 post the cake -- the picture of their wedding cake, I
25 asked if it was a good idea, and they said that they

Document received by the CA 5th District Court of Appeal.

1 would speak to their lawyer. And then they responded
2 with it's not a good idea, and that was it.

3 Q. And why did you want to post a picture of the
4 wedding cake?

5 A. Because I like to share my work on Instagram.

6 Q. Was that a wedding cake that you were proud
7 of?

8 A. Yes.

9 Q. Why is that?

10 A. In my opinion, it looked beautiful.

11 Q. Okay. In your opinion, it was beautiful.
12 What was beautiful about it?

13 A. I'm sorry. I'm not understanding the
14 question.

15 Q. You just said -- I'm just asking what you
16 meant. I'm sorry if it's -- I'm sorry if it's
17 frustrating, but my question is: You said you're proud
18 of it because it's beautiful, and I'm asking what did
19 you mean by that? What was beautiful about it?

20 A. The way I decorated it.

21 Q. Can you describe -- give me some more detail
22 what was beautiful about the way you decorated it?

23 A. Sorry. I'm trying to find the right words
24 because I've never been asked that question.

25 If I find it beautiful, I find it beautiful.

Document received by the CA 5th District Court of Appeal.

1 Q. Well, I guess I'm giving you a chance to
2 promote your cake-making skills. I'm not familiar with
3 decorating or making cakes.

4 When you say it looked beautiful and you
5 were --

6 A. It had a pretty design, it was clean, the
7 flowers gave a nice touch. It was pretty.

8 Q. Is Tiers of Joy a corporation or is it like
9 a -- is it just a fictitious business name or is it --
10 what kind of deal or entity for your business -- sorry,
11 you called it a hobby.

12 Is there actually a corporation or a business
13 form for this, or is it just --

14 A. It's just a name I picked out. There's
15 nothing.

16 Q. Is it like a -- is it a name that you've
17 registered?

18 A. There's no LLC or dba.

19 Q. And you have an Instagram page for Tiers of
20 Joy, or is it for you personally?

21 A. It's for Tiers of Joy, to show my work.

22 Q. Okay. And would you consider yourself a cake
23 artist?

24 A. Yes.

25 Q. Would you consider yourself pretty skilled in

Document received by the CA 5th District Court of Appeal.

1 decorating cakes?

2 A. Yes.

3 Q. What sets you apart as Tiers of Joy? What
4 makes you guys stand out and what's your pitch to why
10:50:46 5 someone should get a cake from you guys?

6 A. I spend a lot of time working on my cakes,
7 more time than others do, and you can tell that my work
8 is very clean and neat. And I bake my cakes from
9 scratch, and that's something that I pride myself in.

10:51:09 10 Q. When you say you bake them from scratch, what
11 do you mean by that?

12 A. Flour, sugar, eggs. I don't make the butter,
13 I do buy that. But I don't make it from a cake box,
14 mix, that you would buy at the grocery store.

10:51:26 15 Q. Okay. And so you use no -- for any flavor, no
16 matter what it is, it's all made from 100 percent
17 scratch, nothing from a box ever, is that your
18 testimony?

10:51:47 19 A. Yes and no. Yes for all my cakes except for
20 smash cakes that I do make from a box because it's
21 going to be smashed. So I don't spend extra time
22 making that.

23 Q. Okay. And is there a business license for
24 Tiers of Joy?

10:52:01 25 A. Did you already ask that question?

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1 customers decide what they'd like their cake to look
2 like. Cathy encouraged me to use my extra time to
3 create display cakes by recreating cake designs in a
4 stack of photos printed out from websites such as
5 Pinterest."

6 Do you see that?

7 A. Yes.

8 Q. And is that something that you -- do you do
9 that with your cakes, too, do you also use Pinterest or
10 other websites to come up with different designs?

11 A. I use them for inspiration, yes. But
12 ultimately I create a cake that the customer wants.

13 Q. Okay. And ultimately that's what was done at
14 Tastries, too, right? I mean they make the cake the
15 customer wants. Isn't that true?

16 A. Yes.

17 Q. Yes?

18 A. Yes.

19 Q. Sorry. It's with the mask, I just want to
20 make sure our record's clear. Okay.

21 But you -- when you were looking at samples of
22 cakes in Pinterest, you also had, when you were at
23 Tastries, creative ability to modify the designs.
24 Isn't that true?

25 A. Repeat the question. Sorry.

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1 bakery would do that. If I had a front store, I would
2 display the best cakes that I would like for others to
3 order so I could repeat those.

11:09:57 4 Q. When you say, "Cathy encouraged me to use my
5 extra time to create display cakes," what do you mean
6 by "extra time"?

7 A. Sorry. Can you repeat that again?

8 Q. You said, "Cathy encouraged me to use my extra
9 time --" hello?

11:10:07 10 A. Yes. Go ahead.

11 Q. "Cathy encouraged me to use my extra time to
12 create display cakes by recreating cake designs."

13 What do you mean by "extra time"?

11:10:29 14 A. That was what she called -- I can't remember
15 the name that she called it, but that was the hours
16 that she wanted us to work on cakes off the clock as --
17 God, what was it called? They were basically like
18 skill hours that we had to put in off the clock to
19 practice and show her our skills in order to go up a
11:10:54 20 level and become a decorator.

21 Q. Okay. So in the next paragraph where it says,
22 "When working on a pre-ordered custom cake, I would
23 consult the completed order form," and you put the word
24 custom in quotes. Why is that?

11:11:18 25 A. I didn't type this, so I'm not sure why the

Document received by the CA 5th District Court of Appeal.

1 quotes were on custom.

2 Q. So that's not something you did, that's from
3 the lawyer who wrote this for you?

4 A. Right. So I wouldn't have put --

11:11:29 5 Q. Okay.

6 A. -- quotes.

7 Q. Okay. But it -- by the way, just for the
8 record, is there anything in this declaration that,
9 after you read it over, you think you want to correct,
10 it's not really that accurate?

11 A. It's sort of -- it's very vague, but I'm sure
12 I can clarify that if you ask questions.

13 Q. Well, before I ask questions, is there
14 anything that stood out to you that's particularly
15 vague that should be clarified?

16 A. One second. Okay, so I think the quotation
17 around the "custom" is just regarding whether the
18 customer ordered and they specifically wanted a certain
19 way as opposed to a display cake, which is already
20 decorated. And the way -- they can either just take it
21 the way as it is or they can personalize it by adding
22 "happy birthday," "congratulations, John," you know. I
23 think that's the quotations around the "custom." But I
24 think it's -- it's accurate.

11:12:47 25 Q. Okay. It says here when you're making -- when

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1 Q. Do you have pictures of those cakes on your
2 Instagram page?

3 A. Not on my Instagram, no, or Facebook.

4 Q. Do you have pictures of them elsewhere?

5 A. Possibly in my Google photos.

6 Q. Okay. Okay. And your testimony is that none
7 of those cakes that you decorated were made from
8 scratch?

9 A. Correct.

10 Q. Okay. And at Tiers of Joy, do you use
11 store-brought frosting or fondant?

12 A. No.

13 Q. Okay. Let's take a look here.

14 You don't remember of ever working on a
15 wedding cake when you were at Tastries, correct?

16 A. I don't remember. And I want to say that
17 because we were still new, she wouldn't let us touch a
18 wedding cake. So I would -- I would be safe to say
19 that I never did.

20 Q. Do you remember there being like a minimum of
21 six months of experience before you could do a wedding
22 cake? Does that sound correct?

23 A. I don't remember the time frame or discussing
24 the time frame, but I know that we weren't because we
25 were new.

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1 Q. So in paragraph six where you say, "None of
2 the wedding cakes I worked on at Tastries were made
3 from scratch," that should be corrected --

4 A. No. That would be as in like baking.

5 Q. You have to let me finish my question.

6 A. I'm sorry. I'm sorry.

7 Q. No, it's one of the rules in a deposition.
8 Let's just start over.

9 So in paragraph six where you say, "None of
10 the wedding cakes I worked on at Tastries were made
11 from scratch," that's not completely accurate because
12 you didn't actually make any wedding cakes when you
13 were at Tastries, correct?

14 MR. MANN: Objection, mischaracterizes prior
15 testimony.

16 Q. (By Mr. Jonna) You can answer the question.

17 A. What I was referring to when I made that
18 statement was baking, because then -- I mean, I'm
19 talking about from scratch, so it's in regards to the
20 baking portion of the wedding cakes. I baked all the
21 cakes, so that would be including wedding cakes.

22 Q. What exactly -- so you're saying -- how many
23 wedding cakes do you remember baking when you were at
24 Tastries?

25 A. That's a little difficult to answer because

Document received by the CA 5th District Court of Appeal.

11:21:30 1 what we -- what happened is that we would have all the
2 cakes for the week listed on a sheet, like an Excel
3 spreadsheet, and it would just give you for the list of
4 chocolate you need to have two of this size, five of
5 this size, six of this size. So I don't know exactly
6 specifically which cakes I did, but most likely I baked
7 portions of wedding cakes, if not all the wedding
8 cakes.

11:21:43 9 Q. You couldn't be certain -- as you sit here
10 today, you can't be certain that you actually baked a
11 wedding cake, you just think you probably did, but you
12 can't be a hundred percent certain. Is that correct?

11:21:57 13 A. If I spent all of Tuesday or -- if it was all
14 Monday or all Tuesday or all Tuesday and all Wednesday
15 baking, it has a high chance of me baking coming across
16 one of the cakes that I baked.

17 Q. The answer to my question is, you can't be
18 certain but you think there's a high chance that you
19 baked a wedding cake, correct?

11:22:11 20 A. Correct.

21 Q. Okay. How did you make the carrot cakes?

11:22:27 22 A. You grab the box that's labeled carrot cakes
23 and then you add the eggs, the oil, and the water
24 that's given in directions on the back of the box, mix
25 it, pour it into the pan, and then --

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1 whatsoever of what they wanted.

2 MR. MANN: Objection, mischaracterizes prior
3 testimony.

11:26:09 4 Q. (By Mr. Jonna) Do you want to clarify that
5 for the record? Do you remember what cake they wanted?

6 A. Okay, so when you asked me that, I don't
7 remember the conversation that I had with them at my
8 house. Looking at the picture, obviously we had to
9 have discussed the design.

11:26:29 10 Q. The design. You said that was a beautiful
11 design, right? I mean you were proud of that design?

12 A. Yes.

13 Q. And you were actually so proud of it that you
14 wanted to post it on the internet.

11:26:39 15 A. Yes.

16 Q. You thought that the flowers and the texture
17 and the way it came out was particularly beautiful,
18 true?

19 A. Yes.

11:26:51 20 Q. And that's something that not any other baker
21 without your skill level could have just duplicated.

22 Would you agree?

23 A. No. I think even a beginner could accomplish
24 that design.

11:27:02 25 Q. So it wasn't really that beautiful, then? It

Document received by the CA 5th District Court of Appeal.

1 was just kind of a standard cake that anyone could do?

2 A. Yes.

3 MR. MANN: Objection, mischaracterizes prior
4 testimony.

11:27:14 5 Q. (By Mr. Jonna) Okay. I have a lot of
6 material and I'm kind of behind here, so bear with me.
7 I'm going to skip some stuff.

8 Let's take a look at the next exhibit, which
9 is 205.

11:27:49 10 Do you have that in front of you?

11 A. One moment. Okay, I have it.

12 Q. All right. These are the Tastries design
13 standards and the standards of service. Do you see
14 that?

11:28:01 15 A. Yes.

16 Q. Okay. Do you remember -- take a look at it
17 and tell me if you remember seeing that when you were
18 at Tastries.

19 A. No, I did not.

11:28:10 20 Q. It says here, "We prefer to make cakes --" the
21 last bullet on the first section says, "We prefer to
22 make cakes that would be rated PG or G," and then
23 there's a whole list of cakes that do not meet Tastries
24 design standards that they do not offer. Do you see
11:28:25 25 that?

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1 A. Yes.

2 Q. And do you remember discussing that with Cathy
3 or knowing about these general statements when you were
4 there at Tastries?

11:28:37 5 A. No.

6 Q. Do you remember Cathy discussing her faith
7 when you were with her in the couple months you were
8 there?

9 A. Yes.

11:28:44 10 Q. What do you remember about that?

11 A. I know that it was very evident from the
12 interview. She even -- I mean, I don't remember the
13 discussion in the interview, but I know it was clear
14 that it was a Christian bakery. And at one point in
11:29:02 15 the back, we all gathered -- she had us all gather,
16 hold hands, and we prayed together.

17 Q. Okay. And do you remember there being
18 Christian symbols in the bakery?

19 A. Oh, I don't remember if there were.

11:29:18 20 Q. Do you remember there being Christian art,
21 crosses, you know, religious quotes, things like that?

22 A. I don't remember if there was. But they did
23 like to play Christian music, if I remember correctly.
24 At least non-explicit music.

11:29:34 25 Q. Is that something that bothered you or

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1 offended you?

2 A. No.

3 Q. Is that something that you liked about the
4 bakery, or you just have no opinion on that?

11:29:42 5 A. It was something initially that I did like
6 about the bakery.

7 Q. And why is that?

8 A. Because it was supposed to be, again, a very
9 kind and welcoming atmosphere.

11:29:58 10 Q. And do you have design standards at Tiers of
11 Joy? Are there cakes that you wouldn't make, or you
12 would just make any cake for anybody?

13 A. No, I have limitations or things that I'm
14 still practicing and learning, so I -- if I do not feel
11:30:14 15 comfortable replicating a cake, I will tell the client
16 that I cannot.

17 Q. Are there certain types of cakes or designs
18 that you would feel that would be offensive that you
19 would refuse to make?

11:30:24 20 A. Oh, I see. I don't have a specific rule, and
21 I've never had any customer ask for something. But I
22 do personally have -- I would not write -- or make
23 anything that had hate speech.

11:30:42 24 Q. Okay. Would you make cakes that are rated X
25 or had nudity in them?

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1 A. Yes, I would. I have not been asked to make
2 one yet.

3 Q. Would you make cakes that celebrated like a
4 divorce or, you know, something that was a -- let's
5 just start with that.

6 How about celebrating a divorce or something
7 kind of like a mean-themed cake that was sort of --
8 would you have any limitations on cakes like that?

9 A. Did you say "mean"?

10 Q. Well, let's just start with a divorce. How
11 about a cake celebrating a divorce, would you make a
12 cake like that?

13 A. I would be open to making a cake like that.

14 Q. What about a cake that, you know, depicted
15 something that was graphic or, you know, had demons and
16 things like that, would you make a cake that -- with
17 satanic messages on it?

18 A. That's a good question. I have not thought
19 about it. Hum. I don't know if I would. I don't -- I
20 don't want to answer that question because I don't
21 know.

22 Q. So you would hesitate. You'd have to think
23 about that?

24 A. I'd have to think about it.

25 Q. Would you make a cake that celebrated or

Document received by the CA 5th District Court of Appeal.

1 promoted drug use?

2 A. Exactly how --

3 MR. MANN: Objection, vague.

4 A. Paul, could I ask, sorry, can you clarify?

11:32:18 5 Q. (By Mr. Jonna) Just a cake that celebrated
6 drug use. So I guess -- I don't know. I mean --

7 A. So like a cake resembling the cannabis leaf?

8 Q. Let's start with that. Would you make a cake
9 like that?

11:32:32 10 A. Yes, and I have.

11 Q. What about illegal drugs? If they were
12 depicting illegal drugs, would you make a cake like
13 that?

14 MR. MANN: Objection, vague.

11:32:40 15 A. Yes.

16 MR. JONNA: Okay. Let's take a really short
17 break, like five minutes. I have a lot more material.
18 I'm sorry.

19 You have questions, too, Greg.

11:32:54 20 Let's just go off the record for a second.

21 THE VIDEOGRAPHER: We are going off the
22 record. The time is 11:32 A.M.

23 (A recess was taken.)

24 THE VIDEOGRAPHER: We are going back on the
11:39:41 25 record. The time is 11:39 A.M.

Document received by the CA 5th District Court of Appeal.

1 A. I don't.

2 Q. Do you -- what is the significance of a
3 wedding cake in your mind as a baker?

4 A. What do you mean?

11:42:06 5 Q. Tell me what you think the significance is, if
6 anything, to a wedding cake. What is a wedding cake in
7 relation to a wedding? What significance does the cake
8 itself hold in your personal opinion? Is it just
9 something that people eat? Does it have any special
11:42:22 10 meaning?

11 A. I believe it does have a special meaning to
12 the couple.

13 Q. What would you say that is, based on your
14 experience working with couples and preparing cakes?

11:42:37 15 A. Repeat it.

16 Q. You said you think it has a special meaning to
17 the couple, and I'm saying based on your experience
18 working with many couples on wedding cakes, what's that
19 meaning that you would say that that -- a wedding cake
11:42:51 20 has for a couple?

21 A. To each couple it's different. But, you know,
22 everyone likes the tradition of cutting into the cake
23 and the -- serving each other and then saving the top
24 tier for their anniversary. There's a lot of
11:43:07 25 traditions that come with a wedding cake.

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1 However, most wedding cakes don't even look
2 like it's for a wedding. So that's why I had a hard
3 time answering the first -- one of the other questions.
4 You can't really -- someone just looking at it wouldn't
11:43:26 5 know that, whether it's for a heterosexual couple or a
6 homosexual couple.

7 Q. If someone asked you to make a cake that
8 promoted traditional marriage, would you make that
9 cake?

11:43:38 10 A. Yes.

11 Q. If someone asked you to make a cake that said
12 marriage was something ordained by God between only one
13 man and one woman, would you make that cake?

14 A. They would want me to write that on the cake?

11:43:51 15 Q. Right.

16 MR. MANN: Objection, incomplete hypo.

17 A. I would have to think about that one. I feel
18 like I would classify that as hate speech.

19 Q. (By Mr. Jonna) You would classify the
11:44:28 20 statement that marriage is ordained by God as being one
21 man and one woman as hate speech?

22 A. In my opinion, yes.

23 Q. Okay. Do you believe that if someone asks --
24 so based on that, you would not make that cake?

11:44:42 25 A. Correct.

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1 you were there, Tastries served many members of the gay
2 community for all their cakes besides wedding cakes?
3 You know that, right?

4 A. I wouldn't -- I don't know how I would know
5 that.

6 Q. You don't remember there being any gay
7 customers that happened to be there at Tastries while
8 you were working there?

9 A. No, because I was mostly by the oven baking,
10 so I wouldn't really help out in the front.

11 Q. You never heard of a situation where Cathy
12 refused to serve a member of the LGBT community for
13 something other than a wedding cake. Is that true?

14 A. Correct.

15 Q. You have no recollection of Cathy ever
16 treating any member of the LGBT community with anything
17 but the highest level of respect that we would treat
18 any other member of the community. Is that true?

19 A. That's a two-part question.

20 I've never heard of any issues. As far as her
21 giving her best and absolute respect, I cannot attest
22 to that.

23 Q. But you have no facts to suggest that that
24 didn't happen? You have nothing -- you have no facts
25 to suggest that she treated any LGBT person worse than

Document received by the CA 5th District Court of Appeal.

1 any other customer or employee at Tastries?

2 A. Correct, I do not know.

3 Q. What's that?

4 A. Correct, I do not know.

11:47:07 5 Q. And you have never heard Cathy Miller make a
6 derogatory statement against any gay people, correct?

7 A. Correct.

8 Q. When you were at Tastries, you never took down
9 custom orders for cakes, but you did see the order
11:47:32 10 forms that were completed when you had to work on them.
11 Is that right?

12 A. What was that first part?

13 Q. You never actually took down the order, we
14 talked about this earlier, but you saw the completed
11:47:42 15 order forms, right?

16 A. Yes.

17 Q. And the customers are the ones that chose the
18 size, the shape, the color, the flavors of the various
19 tiers and the toppings and the writing on the cake,
11:47:52 20 that was all chosen by the customer in every case,
21 pretty much, right?

22 A. Yes.

23 Q. And in your line of work, do you ever have the
24 need to use some commercial cake mixes in order to
11:48:07 25 preserve the cake before it's delivered? For example,

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1 You said earlier you consider yourself a cake
2 artist. What do you mean by that?

3 A. I feel any form of creativity is considered an
4 art.)

12:17:23 5 Q. You consider the cake that you made for Eileen
6 and Mireya to be art?

7 A. Yes. Might be simple, but it's still art.

8 Q. Will you give me an idea, as someone who's
9 never made a cake, what goes into making a cake that
12:17:50 10 makes it art? Or just explain to like a layperson like
11 me who's never made a cake.

12 A. Well, I mean there's no specific thing. It's
13 just if it's your creation, it's art.

14 Q. I'm looking at all kinds of beautiful pictures
12:18:10 15 of cakes that you've made, and I don't think I'm going
16 to need to ask you about these. They are beautiful,
17 though.

18 A. Thank you.

19 Q. It's possible I just have a few wrap-up
12:18:31 20 questions, and I know that Greg has a couple of
21 questions, so it will probably be most efficient if we
22 just took another short break, let me see if I have any
23 final questions, and then -- we can go off the record.

24 Is that okay?

12:18:42 25 A. Yes.

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REPORTER'S CERTIFICATION

I, Jean Keleher, a Certified Shorthand Reporter in and for the State of California, holding Certificate No. 4136, do hereby certify:

That the foregoing witness was by me duly sworn; that the deposition was then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed into typewritten form under my direction; that the foregoing is a true record of the testimony and proceedings taken at that time.

I further certify that I am neither counsel for, nor in any way related to any party to said action, nor in any way interested in the result or outcome thereof.

IN WITNESS WHEREOF, I have subscribed my name on 27th day of July, 2021.



Jean Keleher, CSR #4136

Document received by the CA 5th District Court of Appeal.

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF KERN)

4 I, Jessica Criollo, do hereby certify:

5 That I have read the foregoing deposition;

6 That I have made such changes in form and/or
7 substance to the within deposition as might be
8 necessary to render the same true and correct;

9 That having made such changes thereon, I
10 hereby subscribe my name to the deposition.

11 I declare, under penalty of perjury, that the
12 foregoing is true and correct.

13 Executed this 25th day of August, 2021,
14 at Bakersfield, California.

15
16
17
18  19
Jessica Criollo

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1 47 18-21 DELETE "A lot of my messages -- like
2 I think it was a text message, because
3 I can't find it anywhere. I looked on
4 Instagram, Facebook, text messages. So
5 whatever I provided is what I have.
6 But"
7 49 6-7 DELETE "It had a pretty design, it was
8 clean, the flowers gave a nice touch.
9 It was pretty." and CHANGE to "Thank
10 you for the platform but it has
11 nothing to do with cake-making
12 skills. It's all about personal
13 preference. Anyone can find anything
14 beautiful. I found my cake beautiful
15 because it was beautiful to me."
16 50 12-14 DELETE "I don't make the butter, I do
17 buy that. But I don't make it from a
18 cake box, mix, that you would buy at
19 the grocery store." And ADD ", etc.
20 Basically not made from store bought
21 box mix." After the word "eggs".
22 52 15 DELETE "more as manipulative" and
23 CHANGE to "as a manipulator, a liar
24 and a thief."

Julie

8/25/21

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1 in a deposition. You have now
2 interrupted me three separate times
3 now. Please and thank you." after
4 "correction."
5 77 8-9 DELETE "Looking at the picture,
6 obviously we had to have discussed
7 the design." and CHANGE to "At the
8 time when I made the declaration, I
9 did remember the design, the meeting
10 and more details. I understand
11 your goal is to catch me in a lie
12 but all due respect, it is now 2021.
13 It's been four years since that
14 meeting in my house and two years
15 since my declaration. A lot has
16 happened since then. More recently, a
17 full pandemic filled with drastic
18 changes and death, so you'll need to
19 excuse me if I don't remember as of
20 today. However, my statement is
21 correct for the time when I made it."

jsull 8/25/21

Vol. II, p.220

Document received by the CA 5th District Court of Appeal.

1	78	2	DELETE "Yes" and CHANGE to "Yes, to
2			the second question. But no the first
3			question which I clearly missed. That
4			cake I made was and still is
5			beautiful despite who has the ability
6			to recreate it."
7	81	1-2	DELETE ",I would. I have not been
8			asked to make one yet."
9	81	13	DELETE "I would be open to making
10			a cake like that" and CHANGE to
11			"Yes".
12	81	18-21	DELETE "That's a good question. I
13			have not thought about it. Hum. I
14			don't know if I would. I don't - I
15			don't want to answer that question
16			because I don't know." and CHANGE to
17			"Yes even though it may seem scary
18			spiritually."
19	81	24	DELETE "I'd have to think about it"
20			and CHANGE to "No."
21	83	25	DELETE "I don't remember being given

jlh

8/25/21

1 of California (assuming that's where
2 this scenario takes place), I would
3 hand over all the information I had
4 over to authorities and let them
5 handle it. And two, it's not an
6 issue about morality. I would not be
7 the one marrying my father so I
8 don't understand how it would make
9 me morally wrong. I don't condone it
10 but I can't stop them. If we're
11 speaking of morals and ethics, I
12 would have done the right thing by
13 calling authorities if need be."

14 89 2 ADD "if she treated them less than
15 as I also do not know if she didn't.
16 Unless Cathy has a gaydar (which is
17 the ability to recognize homosexuals
18 by pure intuition), I would like to
19 know how she, herself, is 100%
20 certain that she treated any member
21 of the LGBTQ+ community with the

John L. H. 8/25/21

Vol. II, p.222

Document received by the CA 5th District Court of Appeal.

1 upmost respect. She doesn't have the
2 best customer service to begin
3 with."
4 90 13 DELETE "What year was it? Okay, so
5 2015 to - oh, gosh. 2015 to maybe
6 2018, I have used, on occasion, cake
7 boxes." and CHANGE to "I
8 misunderstood the question. My
9 answer is no, not yes. I have used
10 commercial box mixes in the past.
11 However, my reasons weren't
12 because of the "weather or for the
13 purpose of preserving them" which is
14 what the original question asked. I
15 was afraid of how time-consuming it
16 would be and the fear of failing at
17 complicated recipes. I finally
18 switched to scratch sometime between
19 2017-2018. My goal was always to
20 make everything from scratch because
21 I personally felt it was a scam to

jlub 8/25/21

EXHIBIT 18

SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN
METROPOLITAN DIVISION

ORIGINAL

DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING,
an agency of the State
of California,

No. BCV-18-102633

Plaintiff,

vs.

CATHY'S CREATIONS, INC.
dba TASTRIES, a California
corporation; and CATHARINE
MILLER, an individual,

Defendants.

EILEEN RODRIGUEZ-DEL RIO and
MIREYA RODRIGUEZ-DEL RIO,

Real Parties in Interest.

DEPOSITION OF MARY ELIZABETH JOHNSON

Taken at

Keleher's Litigation Services
19237 Flightpath Way, Suite 100
Bakersfield, California

Wednesday, July 14, 2021 at 1:06 P.M.

Reported by:

Jean Keleher, CSR #4136

JOB No. 21-101323B

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(Via Zoom Videoconference)

Also present:

Ms. Cathy Miller (Via Zoom Videoconference)
Mr. Mike Miller (Via Zoom Videoconference)
Ms. Kate Peterson (Via Zoom Videoconference)

The Videographer:

Ms. Andrea Baker

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13:06:11

1 THE VIDEOGRAPHER: This is the beginning of
2 media number one in the deposition of Mary Elizabeth
3 Johnson in the matter of Department of Fair Employment
4 and Housing versus Cathy's Creations, Inc.

13:06:29 5 This is being held at 19237 Flightpath Way,
6 Bakersfield, California, on July 14, 2021, and the time
7 is 1:06 P.M.

8 The court reporter today is Jean Keleher. I
9 am Andrea Baker, the videographer, an employee of
13:06:50 10 Litigation Services.

11 This deposition is being videotaped at all
12 times unless specified to go off the record.

13 Would all present please identify themselves
14 and state who they represent for the record.

13:06:59 15 MR. JONNA: Afternoon. Paul Jonna on behalf
16 of Cathy's Creations, Inc. and Cathy Miller.

17 And I'm joined by Cathy Miller, Mike Miller,
18 and my paralegal, Kate Peterson.

19 MR. MANN: Greg Mann on behalf of the
13:07:14 20 Department of Fair Employment and Housing.

21 Good afternoon, Ms. Johnson.

22 A. Thank you.

23 THE VIDEOGRAPHER: Will the court reporter
24 please swear in the witness.

13:07:20 25

1 MARY ELIZABETH JOHNSON,
2 having been sworn, testified as follows:

3 EXAMINATION BY MR. JONNA

4 Q. Good afternoon, Ms. Johnson. Nice to meet
13:07:35 5 you. My name is Paul Jonna and, as I just said, I
6 represent Cathy Miller and Tastries Bakery.

7 And I just want to start by asking you to
8 please state and spell your name for the record.

9 A. Mary Elizabeth Johnson. M-a-r-y
13:07:52 10 E-l-i-z-a-b-e-t-h, Johnson, J-o-h-n-s-o-n.

11 I did say Johnson, right, not Armstrong?
12 Armstrong's my maiden name. Sometimes it still comes
13 out.

14 Q. Have you ever had your deposition taken
13:08:04 15 before?

16 A. No.

17 Q. Let me go over a couple of ground rules for a
18 deposition.

19 So the first and most important is that you're
13:08:13 20 under oath, and the oath that you just took has the
21 same force and effect as it would if you were
22 testifying in court in front of a judge and jury. Do
23 you understand that?

24 A. Yes.

13:08:20 25 Q. And the same penalties of perjury apply. Do

1 So I guess that was the big turning point with
2 she and I. The work environment was already not the
3 best. I think it definitely got worse.

4 Q. Sorry, I didn't -- I didn't mean to interrupt
5 you.

6 Do you know approximately when that was?

7 A. I don't know. I know she put it in all of our
8 files, so she would have an exact date of what that
9 was. But no, I don't remember.

10 Q. Was there ever a discussion that that violated
11 the company policy, or do you remember that being
12 raised as an issue from Cathy, that it violated the
13 Tastries policies?

14 A. I don't remember if she said that or not. If
15 she did, I feel confident that I would have asked how,
16 because, again, I did not say her name, her company,
17 anyone who worked there, because -- go ahead.

18 Q. Okay. Any other examples of any incidents
19 that occurred that you want to mention that stand out
20 in your memory?

21 A. I don't remember how long it was before I
22 left, but the -- they started not -- or she -- again,
23 this is from Cathy. She said it was going to be the
24 new policy of the bakery, but I heard it from her, that
25 we would not be accepting any LGBTQ weddings at all.

1 And she called I don't remember how many of the lead

2 people in and just told us that. And we asked why.

3 She felt that -- well, again, from what I can remember,

4 she did not feel right doing that and said she was

5 sending them to another decorator.

6 I didn't -- all the people that we talked --

7 or all the people in the back, I feel, made it very

8 clear to her that we did not agree with that, we wanted

9 to continue making cakes for anyone who came in to the

10 shop.

11 Q. Do you remember approximately when that
12 conversation took place?

13 A. I do not. Maybe two thousand -- no, I'm not
14 going to say because I honestly do not remember.

15 Q. It was while you were still working there?

16 A. Yes. Yes, it was.

17 Q. Do you remember there ever being an issue with
18 you complaining to Cathy about the work being too
19 difficult while you were pregnant or too much work
20 while you were pregnant?

21 A. Yes.

22 Oh, go ahead.

23 Q. Sorry. I just said, what do you remember
24 about that?

25 A. I remember that -- see, my memory is so far

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1 took us all to -- she took everyone to Disneyland. And
2 I didn't want to go to Disneyland, I was really
3 pregnant. I don't remember if it was going to be warm
4 or not, but I wanted to have the day off with my
13:31:17 5 husband instead. I knew I couldn't go on any rides.
6 And it just seemed very -- like I was making her upset
7 because I didn't want to go. And it was very -- like
8 she called me into the office and said -- I believe she
9 said -- not I wasn't being a team player, but was my
13:31:36 10 heart in it because I didn't want to go with everyone.

11 Q. Was that like an annual tradition, going to
12 Disneyland?

13 A. I think it became that. When I left, they had
14 gone once, if I remember correctly. But I believe they
15 went more than that.
13:31:51

16 So that was something that, yeah, she paid for
17 that totally, or they paid for that totally. That's --
18 that's a huge cost that they took to have everyone
19 hopefully have a good time.

13:32:06 20 Q. Did Cathy ever talk about her faith with you
21 early on when you first started?

22 A. Yes.

23 Q. What do you remember about that?

24 A. It was heavily incorporated into everything.

13:32:18 25 And at the time I was also a professing Christian so I

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1 didn't really think too much of it. If anything, it
2 was oh, this is nice.

3 But I know from people who did not profess the
4 same religion, or any religion, felt very bombarded
13:32:40 5 with -- or that it was forced on them.

6 We would -- before every meeting --

7 Q. I'm sorry. Go ahead, finish that thought.

8 A. Before every meeting, we would pray. Yeah.

9 Q. Do you remember ever thinking -- did any of
13:32:57 10 the situations where Cathy would discuss her faith or
11 share her faith or do you feel like any of those
12 crossed the line for you, or do you -- or were they
13 just she's obviously living her faith, which she's
14 allowed to do, or do you think they actually crossed
13:33:10 15 the line?

16 A. I feel that they crossed the line in some
17 ways. I mean, the fact that it was we're all going to
18 pray. No one ever spoke up and said I don't want to
19 pray. I don't know that -- I know I would not have --
13:33:23 20 sorry, I just touched my front. I know I would not
21 have felt comfortable speaking up if I did not want to
22 pray.

23 Q. Did she ever ask people if they were
24 comfortable with that before they were hired, that kind
13:33:33 25 of thing?

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1 not to, do you remember?

2 A. I don't remember anyone ever voicing in front
3 of all of us saying, "I don't want to pray right now."

4 Sometimes if people didn't want to, they
13:36:13 5 would -- you could go to the bathroom when she called
6 something. But, again, it was not -- it was you felt
7 very -- well, I can't say they. I would have felt very
8 uncomfortable saying, "I don't want to partake in this,
9 I would like to leave, I would like to do something
13:36:29 10 else."

11 Q. Were there -- but you knew -- before you were
12 hired there, you knew you were -- Cathy was a devout
13 Christian. There were Christian symbols in the bakery,
14 there were Bible quotes everywhere. You knew that
13:36:45 15 before you started, right?

16 A. Yes. Yes, I did.

17 Q. She talked about her faith, and it was no
18 secret. She played Christian music in the bakery,
19 right?

13:36:53 20 A. Correct.

21 Q. So if someone wasn't comfortable with that,
22 then certainly they didn't have to work there, but it
23 wasn't like she was secretly, you know, luring people
24 into this, you know, Christian bakery. It was very
13:37:05 25 obvious when you went in there this is a Christian

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1 bakery, right?

2 A. I feel it was very obvious, yes.

3 Q. Do you ever remember her talking about how

4 this is God's business and she just manages it, we all

5 work for God to bring joy to people and work together

6 as a family? Do you remember her talking like that

7 when you were there?

8 A. Oh, yes. Almost word for word what you said.

9 Q. Do you consider things like that to be

10 offensive to people?

11 A. I don't know. I can see how it could be

12 offensive to people. It's not -- I would say it's not

13 offensive to me, but I can see --

14 Q. Did you go to the same church?

15 A. No. No, we did not.

16 Q. What's that?

17 A. No, we did not go to the same church.

18 I visited -- my mom and sister and

19 brother-in-law went to the same church as Cathy, so I

20 visited it on Mother's Day or maybe Easter while she

21 was attending. But it was not my main church.

22 Q. You went to her church orchestra program,

23 though?

24 A. I did go to one at Christmastime, I believe.

25 Q. Okay. What was that about?

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1 A. What was it about? What do you mean?

2 Q. Why did you go to that?

3 A. I believe because she invited us, if I
4 remember correctly. I think so. My memory is very --
13:38:41 5 leaves a lot to be lacking.

6 Q. Let's switch gears for a second and talk about
7 you had this conversation with her at one point that
8 she wouldn't -- she told the employee that she didn't
9 feel comfortable making cakes for LGBTQ weddings,
13:38:56 10 right?

11 A. Uh-huh.

12 Q. What do you remember -- you have to say
13 something. Remember, you can't just nod your head.

14 A. Yes. Yes, I remember.

15 Q. What do you remember she said?

16 A. Again, from what I can remember, she called us
17 all in and said this was not -- this was against her
18 faith. She wanted to still send those people to
19 another decorator who was part of the LGBTQ community.

13:39:34 20 And I remember at one point one of the girls -- this is
21 honestly the biggest thing that I remember from the
22 conversation. One of the other decorators said, "And
23 what do you -- what do you plan on doing if someone
24 goes against you?"

13:39:50 25 And she looked at her, that face, and said

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1 basically, I -- I almost dare them to come after me. I
2 have a huge church, I have this whole community backing
3 me up. Basically, let them.

13:40:10 4 Q. So basically, if I understand you correctly,
5 the question was what would you do if one of the
6 LGBT -- members of the LGBTQ community went after her,
7 is that what you're saying?

8 A. Yes, someone who she turned away.

13:40:26 9 Q. You're summarizing what she said, but do you
10 actually remember the words she used, or just a concept
11 that you remember?

12 A. More the concept. I'm not going to trust my
13 memory enough.

13:40:36 14 Q. Basically, if I understand correctly, she was
15 going to stand firm in her beliefs and she wasn't going
16 to be threatened by people that were going to bully her
17 into doing something she didn't agree with?

13:40:50 18 A. I wouldn't say bully. I would say just
19 someone coming in and expecting a cake, because that's
20 what she offers.

13:41:03 21 Q. And she made it clear, though, that she didn't
22 want these people in that community to feel as though
23 they couldn't get a cake, she wanted to make sure they
24 got a cake from another decorator who is part of that
25 community. Is that what you said?

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1 A. She did say she wanted to send them to another
2 decorator because she did not want to do that.

3 Q. Who was the -- earlier you said that some of
4 the employees objected or voiced opposition during this
13:41:16 5 meeting. Do you remember saying that?

6 You said that some employees didn't like the
7 new policy and they voiced that to Cathy. Do you
8 remember testifying about that?

9 A. I remember one person -- yes, I do remember
13:41:27 10 that, I remember saying that.

11 I remember the one person who asked. I don't
12 remember if the other decorators said it in the meeting
13 that they disagreed. I know that they disagreed
14 because of conversations we had personally. But the
13:41:45 15 one person who questioned her, yes.

16 Q. The one that asked in the meeting?

17 A. Yes. That was Nicki Salas.

18 Q. Nicki Salas. Okay.

19 And who was the other one that voiced concern
13:41:55 20 to you privately?

21 A. She no longer works there. Aaron Ferguson.

22 And I -- she's the only one I remember for
23 sure. The other one I'm pretty sure was also against
24 it, but I'm not going to say because I'm not
13:42:07 25 100 percent.

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1 Q. Okay. And were you also at the time against
2 the policy?

3 A. Yes.

4 Q. And what -- just in a nutshell, what's the
5 reason why you were against it or are against it, I
6 should say?

7 A. Well, personally I feel that anyone who wants
8 to get married should get to get married, and I will
9 support that in any way that I can.

10 As a business, I feel that if you're offering
11 a service, you don't -- I don't feel personally that
12 you should turn them away because you don't agree with
13 their lifestyle. I feel that there are many other
14 things that people have done that would be against her
15 faith regarding weddings, marriage, and those were not
16 turned away, those were not asked about, it was
17 specifically LGBTQ community.

18 Q. What's your understanding, based on knowing
19 Cathy for so many years, that she was -- that she had
20 this policy? Do you believe that she had sincere
21 religious beliefs, or do you think that it was
22 something else? Just based on what you knew about her,
23 what do you think was motivating her?

24 A. I believe she felt, from what I remember her
25 saying, that it's against -- she felt it was against

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1 the Bible.

2 Q. And do you think that's the reason? I mean,
3 do you think there's any other reason, or is that -- as
4 far as you know, you feel like that's the -- she was
5 sincere in saying that?

6 A. That was the only thing that was voiced to me,
7 so I can't say otherwise.

8 Q. Okay. So after Cathy mentioned her policy,
9 did you ask her any questions about the policy?

10 A. I may have. I don't remember.
11 I think we asked what -- what does she expect
12 if -- no, because she made it very clear. She said if
13 we had any LGBTQ customers come in, to direct them to
14 her and that she would send them to the other
15 decorator.

16 And as far as orders that we already had, she
17 had pulled them all and were sending them over to the
18 other decorator.

19 Q. Those are orders for wedding cakes only? Not
20 for birthday cakes or other cakes, those are wedding
21 cakes, right?

22 A. As far as I know, because that's the only way
23 that -- that they would know without asking because
24 there would be either two male names or two
25 male-sounding names or two female-sounding names. On

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1 the other order forms, it would be one name.

2 Q. And the other decorator -- did Cathy mention
3 specific decorators at the time, do you remember, or
4 was it just generally other decorators that she would
5 send those cakes to?

6 A. As far as I know, I just remember it was
7 one -- well, one decorator, but she owned a business.
8 I don't remember what her business name was. It was
9 something downtown. Her name was Stephanie.

10 Q. Was it Gimme Some Sugar?

11 A. That sounds right, but I don't remember.
12 Sorry.

13 Q. Okay. And do you remember if -- let me just
14 rephrase the question.

15 During your time at Tastries, do you remember
16 ever making cakes for same-sex couples that were
17 getting married?

18 A. Yes. Yes.

19 Q. And approximately how many times?

20 A. Myself, maybe three or four. I don't
21 remember. There may have been more.

22 Q. Was this before or after the policy that Cathy
23 mentioned?

24 A. This was before the policy.

25 After the policy, I don't remember getting any

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1 case together against Cathy Miller or against Cathy's
2 Creations.

3 Q. Were you eager to help out with their case, or
4 did you just want to answer his questions? What was
14:06:34 5 your feeling about his calling you? Did you feel like
6 you wanted to help them?

7 A. I wanted to help as far as what I could
8 remember. I was very honest with him and said I've
9 been gone for quite a few years, I don't remember, and
14:06:47 10 I'd only be able to share the things that I felt very
11 confident in. So a lot of it's been, unfortunately,
12 forgotten. Well, maybe fortunately forgotten. I don't
13 know.

14 Q. Okay. And at some point after that phone
14:06:59 15 call, he prepared a declaration for you to review and
16 sign?

17 A. Correct.

18 Q. And he wrote that declaration, not you, right?

19 A. Correct. He -- go ahead.

14:07:10 20 Q. No. Go ahead.

21 A. He did mention that if I wanted to just write
22 it in my own words or if I was comfortable with him
23 writing it. And I said I was fine with him writing it
24 and I would make any changes if it was incorrect.

14:07:23 25 Q. Do you remember making any changes to it?

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1 A. The only change that I remember was a date.

2 He had written that I worked -- I started working in, I

3 think, 2014 and I said it was 2013.

14:07:40 4 Q. What did you do to prepare for your deposition
5 today?

14:07:55 6 A. I read over that. I looked back at the emails
7 that I sent to you from him. I looked over the email
8 that Cathy had sent me. Basically, I just looked over
9 the things that I had already sent in. But other than
10 that --

11 Q. Did you speak to anyone about your deposition?

12 A. I told my husband.

13 Q. Did you speak to any lawyers about it?

14 A. No.

14:08:03 15 Q. Did you speak to anyone from the DFEH about
16 it?

17 A. No.

18 Q. Did anyone from the DFEH ever contact you
19 besides Timothy Martin?

14:08:15 20 A. Not that I know of about this case. No, not
21 that I know of.

22 Q. About any other case?

23 A. Not since.

14:08:27 24 I personally filed one while I was still
25 working there, but that closed and ended. So I have

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1 Q. Do you consider yourself a cake artist?

2 A. Some people say that. I personally say cake
3 decorator.

4 Q. Do you think making a -- decorating a cake is
5 a form of art?

6 A. Yes.

7 Q. And do you think that the cake that you're
8 looking at here, Exhibit 1, is a form of art?

9 A. Yes.

10 Q. Let's take a look at Exhibit 255. This is a
11 transcript of a deposition of Rosemary Perez in this
12 lawsuit.

13 Do you know Rosemary Perez?

14 A. Is that Rosemary who worked at the bakery?

15 Q. I believe so.

16 A. Okay. I don't remember what her last name
17 was, but I do remember a Rosemary at the bakery,
18 vaguely.

19 Q. What do you remember about her?

20 A. I remember she was sweet. I believe -- I
21 believe she was Darlene's friend. That's probably not
22 something that's on your records. There were a lot of
23 people that worked at the bakery, and she, I believe,
24 was one of the front people, so I did not have a lot of
25 interaction with her.

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1 under number four it says, "Mary will be our lead for
2 frosting and fondant. As of now, we'll continue to use
3 our current frosting but strive in the near future to
4 make our own." This is dated October 2013.

14:55:06 5 Is this around the time that the bakery was
6 first starting or --

7 A. You said 2013?

8 Q. October 2013.

9 A. I believe they had only been around for a bit,
14:55:16 10 because I started March of 2013 and I don't remember
11 how long -- I think they had opened the prior year.

12 Q. So you remember being the lead for frosting
13 and fondant when you started?

14 A. For frosting, I don't remember. But for
14:55:31 15 fondant, yes, I would be the one that would make all
16 the fondant.

17 Q. Do you remember this -- is this accurate here,
18 that, "We're going to use our current frosting but
19 strive in the near future to make our own"? Is that
14:55:43 20 something that you would say was the case when you were
21 there, that you guys were trying to make your own?

22 A. Oh, yes. Yes. Cathy was very -- always
23 mentioned she wanted frosting from scratch. Yeah,
24 frosting from scratch and cakes from scratch.

14:55:57 25 Q. And you remember her working pretty hard to

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1 A. Can you say that one more time?

2 MR. MANN: Objection, vague.

3 A. I'm trying.

4 Q. (By Mr. Jonna) Actually, I'm not trying to
15:00:04 5 make you agree to my statement. I want to understand
6 what you're saying.

7 So you're saying sometimes when the cake is
8 made from scratch completely, it makes the cake less
9 stable?

10 A. It can, from my own experience. But I am
11 not -- I would not say I'm a baker. So from an
12 experienced baker, they may fully disagree and say I
13 can -- because there are people who make cake from
14 scratch and they can make these beautiful intricate
15:00:12 15 cakes. So from my own experience.

16 Q. Would you separate sort of baking from the
17 decorating as separate components of the process?

18 A. I would say yes.

19 Q. So the baking, that's when you talk about
15:00:45 20 whether it's made from scratch or whether it's boxed,
21 but then the decorating part is more of the art
22 component?

23 A. I would say yes. But also the tasting of the
24 cake can be an art if it's pursued.

15:00:59 25 Q. In your experience, do cakes made from scratch

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1 taste better than cakes made from a box?

2 A. From my own experience, the cakes that I have

3 made, no. I prefer cakes from boxes.

4 Q. Okay. So cakes from boxes are more stable,
15:01:13 5 which helps you decorate them easier, and they taste
6 better?

7 A. In my --

8 MR. MANN: Objection, mischaracterizes prior
9 testimony, vague.

10 Q. (By Mr. Jonna) You can answer if you
11 understand the question.

12 A. In my opinion, only my opinion, because my
13 husband would disagree. My husband likes cakes from
14 scratch better than box.

15 Q. Is that because they're healthier or because
16 he prefers the taste better?

17 A. He prefers the taste, the texture. A box cake
18 is a lot lighter. Usually cakes from scratch are more
19 dense.

15:01:44 20 Q. Okay. Is it easier to make cakes from scratch
21 when you're making just a few cakes versus making, you
22 know, a large volume of cakes?

23 MR. MANN: Objection, vague.

15:02:19 24 Q. (By Mr. Jonna) In your experience as a cake
25 decorator.

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1 discriminate.

2 Q. You know that while -- I'm sorry. I didn't
3 mean to cut you off.

4 A. I just said and not discriminate.

15:09:20 5 Q. Do you believe the wedding cake is a central
6 part of the celebration?

7 A. No. A lot of people are not doing wedding
8 cakes, they'll do pies or other desserts instead of.

15:09:37 9 Q. Well, I mean would you agree that
10 traditionally cutting the cake and having the cake is
11 kind of a big part of the reception? I mean
12 symbolically it has some meaning? Would you agree with
13 that?

14 MR. MANN: Objection, vague.

15:09:49 15 A. I guess a long time ago that was -- I don't
16 know what the significance or meaning of the wedding
17 cake was. I don't know what the significance of it was
18 then. So no -- I'm sorry, I don't remember. What was
19 the question?

15:10:08 20 Q. (By Mr. Jonna) When you were working at
21 Tastries, you know that Cathy had gay employees while
22 you were there. Is that right?

23 A. Yes, I -- yes, I was aware of that.

15:10:26 24 Q. She treated them perfectly fine, as far as you
25 knew, right?

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1 A. Yes.

2 You said did I?

3 Q. She never mistreated any gay employees or
4 customers while you were working there. Would you
5 agree with that?

6 A. Not that I witnessed, no.

7 Q. She treated them with respect, as far as you
8 could tell?

9 A. Yes. But as far as I know, the employees that
10 were gay did not come to her and tell her that they
11 were gay. In fact, one of them she would even mention,
12 ask if he'd -- go take these flowers to your
13 girlfriend, things like that. So it seemed that she
14 was unaware that they were gay.

15 Q. Which employee are you referring to?

16 A. As far as I know, I don't believe that they --
17 I know that they've come out, but I don't necessarily
18 feel comfortable specifically saying who it was because
19 I don't know that they ever --

20 Q. Okay. But, anyway, the question was, as far
21 as you know she treated the gay employees and customers
22 at Tastries with respect?

23 MR. MANN: Objection, mischaracterizes prior
24 testimony, lacks foundation.

25 Q. (By Mr. Jonna) You can answer the question.

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1 A. Again, I don't -- as far as I know, the
2 employees, she was not aware that they were gay, so I
3 don't think that that's a fair question to ask of her
4 employees.

15:11:57 5 And as far as working the front, I did not see
6 her interaction with any gay people.

7 Q. You never witnessed her treating any gay
8 people with disrespect, though, correct?

9 A. I didn't see her interact with many, if any,
15:12:14 10 gay people, so I can't answer that.

11 Q. Okay. Is your answer yes, that's correct, you
12 have no firsthand knowledge, as a witness sitting here
13 today, of her treating any gay people with disrespect,
14 correct?

15:12:26 15 A. I guess, then, that's true as far as there was
16 no interaction that I witnessed.

17 Q. Okay.

18 A. So it could be either way.

19 Q. Are there any employees that were gay that
15:12:37 20 were openly gay, that everyone knew were gay?

21 A. Well, I said we -- I knew they were gay. But,
22 again, based on things that she -- like that she said,
23 it seemed that she was unaware that --

24 Q. Right.

15:12:51 25 A. -- he was gay.

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1 cakes, actually. I think you said that most of the
2 bakers or the decorators at Tastries that you spoke to
3 were against Cathy's policy. So do you have any idea
4 how many are willing to make wedding cakes for same-sex
15:21:51 5 couples, just roughly?

6 A. I don't know that I could necessarily comment
7 on that, because unless they've made a statement or
8 post of some kind saying that they support LGBTQ
9 community, I can't say that they stand either way.

10 Q. Are you aware of any other bakers who are
11 opposed to making cakes for same-sex couples in
12 Bakersfield?

13 A. None that I know of right now or can think of.

14 Q. And are you aware that Cathy has frequently
15 made cakes for the LGBTQ community for events other
16 than weddings, knowing that they were for the LGBTQ
17 community?

18 A. No, I was not aware of that.

19 Q. Were you aware that there were many gay
15:22:37 20 customers at Tastries for events other than weddings?

21 A. I would assume as much because -- I mean,
22 there are many people that came into that shop, so I
23 would assume that the -- not the majority, but a
24 percentage of them were gay.

15:22:57 25 Q. Do you think that -- so I think we agreed

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1 Tastries would not do it?

2 A. Correct.

3 Q. Do you know whether Tastries ever went through
4 the design consultation process, the girls in the
15:46:19 5 front, with the same-sex couple for their wedding?

6 A. If the girls in the front ever met with a gay
7 couple to go over the design, was that your question?

8 Q. I'm sorry. Obviously they would have for the
9 ones that you spoke about.

15:46:34 10 A. Uh-huh.

11 Q. Do you know if -- actually, let's just scratch
12 that whole thing.

13 A. Okay.

14 Q. It's all coming back to me now. Thank you.

15:46:49 15 Looking at that cake from your declaration,
16 the three-tiered simple white-looking cake, was that a
17 cake that was ever on display, a cake like that ever on
18 display at Tastries?

19 A. Similar to that, yes.

15:47:05 20 Q. Would that have been -- a cake similar to
21 that, would that have ever been a case cake that
22 somebody could buy?

23 A. Maybe not a three-tiered. But a one-tier
24 design like that, yes, those would be in the case.

15:47:26 25 Q. Would you describe that cake we're talking

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1 MR. MANN: Objection, argumentative, lack of
2 foundation.

3 A. If -- I mean, it still, I feel, sticks with
4 what I said. If that's what -- if you're offering a
16:14:28 5 service, then, yeah. Again, you're not saying that you
6 agree with it, it's -- this is what I'm offering and
7 this is what you're requesting.

8 Q. So basically Cathy Miller should also be
9 forced to make satanic cakes, in your opinion?

10 MR. MANN: Objection, mischaracterizes prior
11 testimony, lack of foundation.

12 A. If someone came in and said I want a cake that
13 says "Hail Satan" on it, I think that she should -- if
14 she's offering -- if she's offering her services.

15 Q. Okay. If she's offering her services, she
16 should make that cake. Is that your testimony?

17 MR. MANN: Objection, asked and answered.

18 Q. (By Mr. Jonna) I just want you to complete
19 the sentence because it stopped at "if she's offering
16:15:26 20 her services."

21 A. I apologize.

22 If she's offering her services, then that
23 service or that design, then yes, she should make it.

24 Q. And if Cathy happened to be pro-life and
16:15:43 25 against abortion and somebody came in her bakery asking

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1 for a cake celebrating her recent abortion, Cathy

2 should be forced to make that cake, too?

3 MR. MANN: Objection, lack of foundation.

4 A. Yes.

16:15:58 5 Q. (By Mr. Jonna) You don't think anything --
6 you don't have any concerns with that? That doesn't
7 give you any pause at all? I mean living in America,
8 being forced to express views through art that you
9 vehemently disagree with, that sounds perfectly fine to
16:16:17 10 you?

11 MR. MANN: Objection, argumentative.

12 A. I think that that's taking it a bit far. I'm
13 speaking about this specific situation. It would have
14 to be -- yeah, anyway, I'm speaking about this specific
16:16:33 15 situation.

16 Q. (By Mr. Jonna) How do you feel about social
17 media censoring speech online that it determines is
18 hate speech or messages that conflict with their
19 policies, do you have any opinions on that generally?

16:16:51 20 MR. MANN: Objection, vague and ambiguous,
21 lack of foundation.

22 A. People's right to express things on social
23 media, their beliefs and their feelings, is that what
24 you're asking?

16:17:03 25 Q. (By Mr. Jonna) Yeah. Is your opinion the

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REPORTER'S CERTIFICATION

I, Jean Keleher, a Certified Shorthand Reporter in and for the State of California, holding Certificate No. 4136, do hereby certify:

That the foregoing witness was by me duly sworn; that the deposition was then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed into typewritten form under my direction; that the foregoing is a true record of the testimony and proceedings taken at that time.

I further certify that I am neither counsel for, nor in any way related to any party to said action, nor in any way interested in the result or outcome thereof.

IN WITNESS WHEREOF, I have subscribed my name on 27th day of July, 2021.



Jean Keleher, CSR #4136

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