

No. 25-233

In the Supreme Court of the United States

CATHARINE MILLER, ET AL.,
Petitioners,

v.

CIVIL RIGHTS DEPARTMENT,
Respondent.

*ON PETITION FOR WRIT OF CERTIORARI TO THE
COURT OF APPEAL OF THE STATE OF CALIFORNIA,
FIFTH APPELLATE DISTRICT*

**BRIEF FOR GENERAL CONFERENCE OF
SEVENTH-DAY ADVENTISTS AND
THE JURISDICTION OF THE ARMED FORCES
AND CHAPLAINCY AS *AMICI CURIAE* IN
SUPPORT OF PETITIONERS**

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INTEREST OF *AMICI CURIAE*

The General Conference of Seventh-day Adventists is the worldwide administrative body for the Seventh-day Adventist Church, a Protestant Christian denomination with more than 22 million members and a longstanding commitment to religious liberty. Since its founding, through its own programs and the work of the International Religious Liberty Association founded in 1893, the Adventist Church has worked to guarantee religious liberty for all.

The Jurisdiction of the Armed Forces and Chaplaincy endorses over 250 military chaplains. Its endorser, Bishop Derek Jones, is a retired U.S. Air Force officer and decorated fighter pilot who served for 27 years and helped lead development of joint military religious affairs doctrine.

Amici have a shared commitment to defending religious freedom under the Constitution. They also have a strong interest in protecting free speech for themselves and their members.*

* Under Rule 37.2, the parties' counsel of record received timely notice of the intent to file this brief. Under Rule 37.6, no counsel for a party authored this brief in whole or in part, and no person other than *amici curiae*, their members, or their counsel made a monetary contribution to its preparation or submission.

INTRODUCTION

Cathy Miller is a sincere and faithful Christian who has devoted her life to honoring God in all she does. In her thirty years as a teacher at Christian schools, Cathy used her God-given creative skills to help students and teachers. Pet. 114a. Among other things, she led worship and musicals and developed a support system for students with academic, emotional, or behavioral needs. Transcript of Trial Proceedings 1590, *DFEH v. Cathy's Creations, Inc.*, No. BCV-18-102633 (Cal. Super. Ct. Kern Cnty. July 28, 2022). In 2013, after she retired from teaching, Cathy and her husband opened Cathy's Creations, Inc. ("Tastries"), a small bakery in Bakersfield, California. Pet. 329a. This bakery fulfilled her dream of crafting custom cakes and baked goods. Pet. 329a–30a.

Cathy met her husband, Mike, at a church, where he was the youth director. Pet. 114a. After forty years of marriage, Cathy and Mike worked together to bring Cathy's baking dream to life. *Ibid.* The mission of Tastries is to honor God. Pet. 385a. Cathy said that "[f]rom day one, I told my employees [that] Mike and I have agreed that this is God's business. I manage it, and we work for Him." *Ibid.* The trial court found that "[t]he uncontroverted evidence showed that [Cathy's] sincere faith permeates her life and work and is 'founded on God's word.'" Pet. 115a.

The environment inside Tastries reflects this mission, in outward appearance and in culture. Visitors will hear Christian music playing and see the boutique section of the bakery, which includes a wall of crosses for sale. Pet. 384a. Cathy sees her employees as more than a "corporate unit" and instead runs

Tastries as a “family.” Pet. 385a. At Tastries, one can find cases of premade baked goods available for immediate purchase, including cookies, brownies, cupcakes, cheesecakes, eclairs, and small single-tiered cakes. Pet. 114a, 358a. Customers can also place custom orders for any of these items, along with larger cakes. Pet. 114a. Approximately 70 percent of custom orders are wedding cakes, Pet. 115a, while the rest include cakes celebrating birthdays, quinceañeras, anniversaries, baby showers, bachelorette parties, and other occasions. Pet. 6a, 114a, 334a.

From the bakery’s start, Cathy has been occasionally asked to design cakes that, as a Christian, she could not make. Pet. 386a–87a. Requested designs have included cakes that celebrate divorce, glorify drunkenness or drugs, contain explicit sexual content, display violence, or present “gory, demonic, or satanic symbols.” Pet. 333a. Cathy “eagerly seek[s] to serve all people, but [she] cannot design custom cakes that express ideas or celebrate events that conflict with [her] core religious beliefs.” Pet. 332a. She explained that it would “violate the first and greatest commandment if [she] were to create custom cakes that express messages or celebrate events that conflict with [her] love for God.” *Ibid.*; see *Matthew 22:36–38*.

To ensure that she could operate her business with integrity to her faith and her perspective clients, Cathy developed “Design Standards” that apply to all pre-ordered and custom goods:

We do not accept requests that do not meet Tastries’ Standards of Service, including but

not limited to designs or an intended purpose based on the following:

- Requests portraying explicit sexual content
- Requests promoting marijuana or casual drug use
- Requests featuring alcohol products or drunkenness
- Requests presenting anything offensive, demeaning, or violent
- Requests depicting gore, witches, spirits, and satanic or demonic content
- Requests that violate fundamental Christian principals; wedding cakes must not contradict God's sacrament of marriage between a man and a woman.

Pet. 276a–77a.

Because of Cathy's religious convictions, she has faced relentless prosecution from the California Department of Civil Rights. In 2017, Cathy declined to create a custom wedding cake for a same-sex couple because of her religious beliefs about marriage. Pet. 120a–21a. When Cathy opened her bakery, California did not allow same-sex marriages, see *Hollingsworth v. Perry*, 570 U.S. 693, 701 (2013), yet for eight years now the Department has sought to compel Cathy to expressively sanction such unions or cease making wedding cakes.

Cathy routinely serves and employs people of all orientations without discrimination. Pet. 332a–33a. Her sole reason for declining to create a custom

wedding cake for the same-sex couple here was rooted in her sincere beliefs. Pet. 331a. She applies this standard consistently, turning down custom orders—like those celebrating divorce or depicting explicit imagery—that clash with her Christian faith. Pet. 333a.

In several other instances, Cathy has respectfully declined to create wedding cakes for same-sex couples, and each couple went to a nearby bakery that Cathy recommended. Pet. 342a–43a. Yet the Department cannot overlook such an offense to the ideologies it seeks to propagate. At the same time as it has pursued a civil action against Cathy, it has turned a blind eye to harassment, threats, violence, and business retaliation against Cathy based on her religious viewpoint—discrimination that the Department is *supposed* to care about under California law. But it doesn't. The Department has provided no protection for Cathy, an actual victim of discriminatory actions carrying actual consequences. The Department's double standard reinforces its disregard of Cathy's First Amendment rights of expression and religious exercise. And it emboldens those who would discriminate against people of faith. To protect expression and religious exercise for all people of faith, the Court should intervene and reverse.

SUMMARY OF THE ARGUMENT

Though this Court has repeatedly warned state and local governments in recent years that they cannot discriminate against religious expression, that is what California has done here. California's anti-discrimination law is riddled with exceptions, the most expansive being that it does not apply if there is a strong public policy to the contrary. Those exceptions mean that the law is not generally applicable, so any burden on religious exercise or expression presumptively violates the First Amendment. Reinforcing this lack of general applicability is the Department's double standard. Even as the Department pursued Cathy, it ignored the graphic threats, actual violence, and business cancellations against Cathy and her bakery based on her religious views. Rather than protect Cathy's religious expression—purportedly protected by the same laws the Department invoked—the Department fanned the flames of societal hate and violence, comparing Cathy to segregationists and proclaiming her beliefs to be outdated.

Intervention by this Court is necessary to protect the rights of religious Americans, especially given the repeated refusals by state bodies to follow this Court's precedents. The Department put Cathy to the choice of abandoning her beliefs, using employees to violate her beliefs, or stopping wedding cake sales. But this Court has repeatedly vindicated the rights of people of faith to live and work in American society, even when their beliefs on issues like marriage depart from government orthodoxy. This Court should again grant certiorari to protect the rights of religious expression.

REASONS FOR GRANTING THE WRIT

I. The Department targeted Cathy Miller because of her religious beliefs.

California's antidiscrimination law includes significant exceptions that undercut any assertion that the law is generally applicable. The law exempts practically any discriminatory conduct that is supported by a strong public policy. But the Department and the court below refused to recognize that Cathy Miller has the strongest of policy reasons here: her rights to express her religious beliefs are protected by not one but *two* parts of the First Amendment. The Department has dragged Cathy through eight years of investigation and litigation. At the same time, it has refused to protect Cathy from the deluge of government-encouraged harassment and violence that Cathy and her staff have endured. Since this case began, Cathy's bakery and her employees have been subject to recurring graphic threats of violence, actual violence, and business cancellations because of Cathy's religious beliefs. And the Department has done *nothing* to protect her. To the contrary, it has repeatedly issued public statements that foster this hate and violence. All this underscores that California law cannot be considered neutral or generally applicable.

A. California law is not generally applicable.

State action that burdens religious exercise is presumptively unlawful and must satisfy strict scrutiny if it is not neutral or generally applicable. *Fulton v. City of Philadelphia*, 593 U.S. 522, 533, 541 (2021). State action is "not generally applicable" (1) "if

it invites the government to consider the particular reasons for a person's conduct by providing a mechanism for individualized exemptions" or (2) "if it prohibits religious conduct while permitting secular conduct that undermines the government's asserted interests in a similar way." *Id.* at 533–34 (cleaned up). For both categories, "underinclusiveness" means that the law is "not generally applicable." *Id.* at 534.

An example of the first category is *Sherbert v. Verner*, 374 U.S. 398 (1963), which involved "a Seventh-day Adventist [who] was fired because she would not work on Saturdays." *Fulton*, 593 U.S. at 533. "Unable to find a job that would allow her to keep the Sabbath as her faith required, she applied for unemployment benefits," but "[t]he State denied her application under a law prohibiting eligibility to claimants who had 'failed, without good cause . . . to accept available suitable work.'" *Ibid.* In *Employment Division v. Smith*, 494 U.S. 872, 884 (1990), this Court "explained that the unemployment benefits law in *Sherbert* was not generally applicable because the 'good cause' standard permitted the government to grant exemptions based on the circumstances underlying each application." *Fulton*, 593 U.S. at 534.

The second category of underinclusiveness includes cases like *Tandon v. Newsom*, 593 U.S. 61 (2021), which involved California imposing COVID regulations that "treat[ed] some comparable secular activities more favorably than" "religious exercise." *Id.* at 63. The State "permitt[ed] hair salons, retail stores, personal care services, movie theaters, private suites at sporting events and concerts, and indoor restaurants to bring together more than three

households at a time”—but did not permit the same for religious gatherings. *Ibid.* This Court held that “whether two activities are comparable for purposes of the Free Exercise Clause must be judged against the asserted government interest that justifies the regulation at issue.” *Id.* at 62.

California’s law here flunks under both categories. First, it “invites the government to consider the particular reasons for a person’s conduct by providing a mechanism for individualized exemptions.” *Fulton*, 593 U.S. at 533. In particular, “certain types of discrimination have been denominated ‘reasonable’ and, therefore, not arbitrary”—and not within the scope of California’s antidiscrimination law. *Koire v. Metro Car Wash*, 707 P.2d 195, 197 (Cal. 1985). “[D]iscrimination is not arbitrary,” according to California law, when “it is based on a ‘compelling societal interest.’” *Id.* at 198.

So California requires a case-by-case determination, considering among other things “the nature of the business enterprise and of the facilities provided.” *O’Connor v. Village Green Owners Ass’n*, 662 P.2d 427, 429 (Cal. 1983). “[B]ars, adult book stores and senior citizens homes” can discriminate based on age, *ibid.*, because of generalized “public policy” notions. *Marina Point, Ltd. v. Wolfson*, 640 P.2d 115, 128 (Cal. 1982). Such public policy has been discovered in a hodgepodge of semi-related statutes (including from other States), task force reports, legislative hearings, and social science research. See *id.* at 127–28 & n.10; see also Pet. 44a. But when California takes a dimmer view of the policy underscoring a business’s classification—say, when the publisher of the

“Christian Yellow Pages” tries to exercise speech and religion rights by limiting inclusion to Christian businesses—the State will wave away the First Amendment’s (actual) policy as a “constitutional argument in disguise” and insist on prioritizing “the government’s ‘compelling interest in eradicating discrimination in all forms.’” *Koire*, 707 P.2d at 198 n.8 (cleaned up) (quoting *Pines v. Tomson*, 160 Cal. App. 3d 370, 387, 391, 206 Cal. Rptr. 866, 876, 879 (1984)). This underinclusiveness means California law is not generally applicable.

Second, as just identified, California claims a government interest in antidiscrimination. The above exceptions undermine that interest by allowing businesses to engage in otherwise-unlawful discrimination for *secular* reasons. California finds secular rationales as expressed by sources like a state Committee on Aging’s Hearings on Condominium Conversions to overcome its supposedly compelling interest in antidiscrimination. See *Marina Point*, 640 P.2d at 128 n.10. Plus, California’s statute expressly provides for other exemptions. See, e.g., Cal. Civ. Code § 51(c) (“This section shall not be construed to confer any right or privilege on a person that is conditioned or limited by law . . .”); *id.* §§ 51.2–51.4, 51.10–51.12 (allowing age discrimination in several contexts). But it backhands the right of religious expression guaranteed by the U.S. Constitution as a “disguise” that cannot overcome a suddenly very compelling interest in antidiscrimination. *Koire*, 707 P.2d at 198; see Pet. 43a–46a. Put aside the State’s curious method of ascertaining important interests, though the results of that method suggest some hostility toward religion. The point is that California gives secular exceptions

but refuses to allow people of faith, like Cathy, to make business decisions for religious reasons. That squarely violates *Tandon*.

The decision below suggested that California only gives exceptions to classifications not listed in the statute. Pet. 87a. Not so. First, California law does not treat unenumerated classifications any differently from enumerated ones: “The listing of possible bases of discrimination has no legal effect, but is merely illustrative.” *Marina Point*, 640 P.2d at 123; see *id.* at 116–17. Second, even the decision below acknowledged that there *are* cases sanctioning secular exceptions involving an enumerated classification. Pet. 45a (citing *Chabner v. United of Omaha Life Ins. Co.*, 225 F.3d 1042, 1050 (CA9 2000), which involved disability).

The decision below also suggested that California law has no “formalized system of discretionary, individualized exemptions,” seemingly because the public policy exceptions discussed above are in decisional law rather than the statute. Pet. 89a. But States cannot evade the First Amendment’s guarantees by passing broad statutes and secreting exceptions away in either administrative regulations or court decisions. California decisional law provides a binding interpretation of the statute—binding on both enforcement authorities like the Department and businesses—so exceptions within that decisional law are just as much part of state law as what’s written in the statute. See *McClung v. Emp. Dev. Dep’t*, 99 P.3d 1015, 1019 (Cal. 2004) (“[I]t is the duty of this court, when a question of law is properly presented, to state the true meaning of the statute finally and

conclusively.” (cleaned up)); see also *Salve Regina Coll. v. Russell*, 499 U.S. 225, 227 (1991) (“state law is to be determined . . . in accordance with the applicable principles for determining state law” (cleaned up)); *Comm’r v. Bosch’s Est.*, 387 U.S. 456, 464 (1967) (“judicial decisions are ‘laws of the state’” (cleaned up)).

This point is confirmed by *Sherbert*. As discussed, *Fulton* and *Smith* both looked to *Sherbert* on the issue of secular exceptions, and *Sherbert* found such an exception in a broad statutory phrase (“good cause”) that had been liquidated by court decisions. See *Sherbert*, 374 U.S. at 402 n.4 (considering “the statute” and “decisions” that “construe[] the statute”); see also *Smith*, 494 U.S. at 884 (noting that *Sherbert* “read[] state unemployment compensation law” to find relevant exceptions).

Thus, the California law applied here to Cathy’s bakery is not generally applicable because it treats at least some secular actions more favorably than religious exercise.

B. The Department failed to protect Cathy and her staff from repeated threats and discrimination.

Reinforcing that California law is not generally applicable is the double standard that the Department has used in enforcing the law. It has ceaselessly come after Cathy and her bakery. But when Cathy and her staff have been subjected to the very hate and discrimination that the Department claims to oppose, it has done nothing.

The Department defines a hate incident as “a hostile expression or action motivated by bias against a person’s actual or perceived identity,” including based on religion, and it has a mandate to assist victims of hate in filing complaints.¹ Beginning just hours after Cathy declined to produce the custom cake at issue, a deluge of hate incidents occurred against Cathy and her staff—all ignored by the Department.

Take one early example. A young female employee answered a bakery phone call, and the putative customer sought to email photos of cake design ideas; the employee expected a routine order. Pet. 346a. Instead, the caller sent a photo of two naked men engaged in a pornographic act, startling the employee. *Ibid.* Apparently some form of malware, the photo took over the computer screen and could not be removed without printing it. *Ibid.*

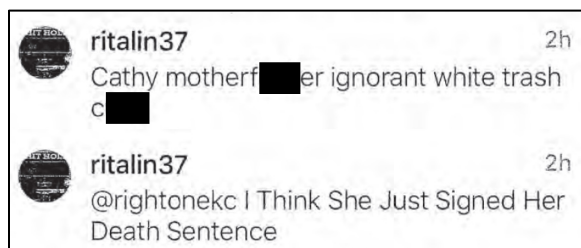
“Violent threats, acts of violence and retaliation” continued from there. Pet. 361a. An anonymous man repeatedly called the bakery, threatening violence and bringing young female employees to tears. Pet. 347a. After Cathy contacted the police—who briefly responded and then left the bakery—the caller resumed, implying that he was watching the bakery. *Ibid.* Many other emails and phone calls threatened violence. Supposed customers “would come in and make a scene” and have to be escorted out by the police. Pet. 361a–62a. Fake reviews undermined the bakery’s reputation. Pet. 381a–82a.

¹ Civil Rights Department, *Report a Hate Incident or Hate Crime*, <https://perma.cc/CZ6C-H2GM> (last visited Sept. 22, 2025).

The threats escalated on the night before the preliminary injunction hearing in this case, when someone broke into Cathy's car and stole her laptop. See Pet. 347a. That same night, a man assaulted one of Cathy's employees, even referencing the case during the attack. *Ibid.* Though Cathy reported these crimes to the police and notified the Department, no prosecutions have apparently resulted.

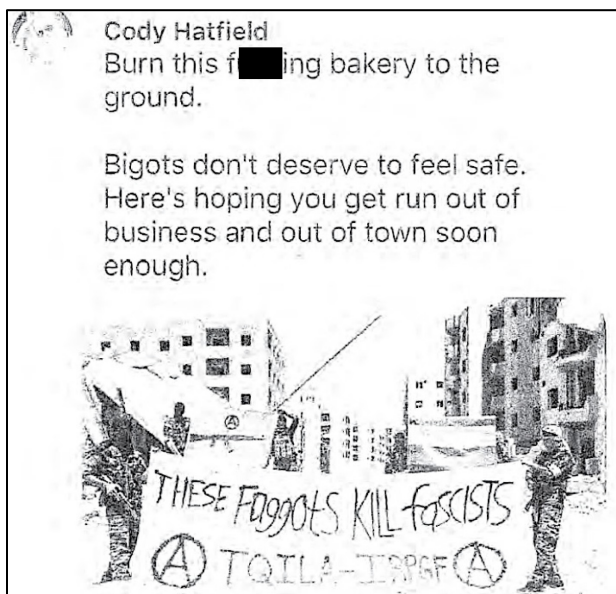
The Department was also aware that numerous corporate clients terminated contracts with Cathy due to her religious beliefs, even though California law explicitly prohibits businesses from refusing contracts based on religious convictions. Pet. 14a, 403a. These corporate clients held "huge" accounts at Tastries, and the loss of their business was significant. Pet. 14a, 403.

Public comments and private messages on the bakery's and Cathy's social media accounts reveal more than mere disagreement with her beliefs. Cathy faced extreme violence and profanity. One social media user wrote:



Respondents' App'x 0234, *DFEH v. Cathy's Creations, Inc.*, 109 Cal. App. 5th 204, No. BCV-18-102633 (unredacted versions available in original).

Another posted:



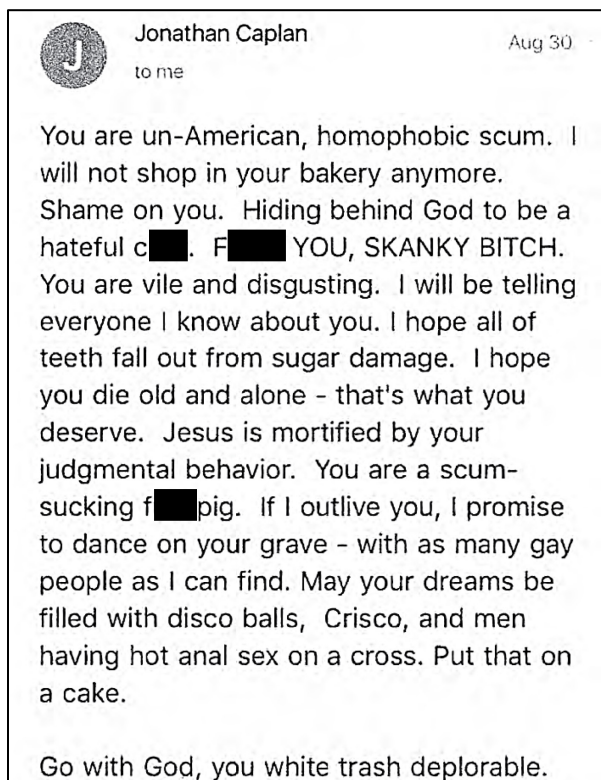
Id. at 0228 (the last line is the abbreviation for the Queer Insurrection and Liberation Army).

This user also threatened:

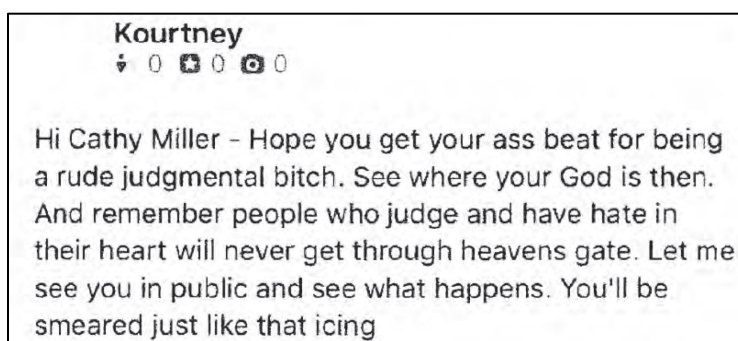


Id. at 0235.

Another user commented:



Id. at 0252. Yet another wrote:



Id. at 0223.

One person sent multiple violent threats, including one (the last below) via private message:



Id. at 0237, 0240–41.

These represent just a small fraction of the threats targeting Cathy, Tastries, and its staff. The Department’s lawyers were informed about these threats. See Pet. 346a–48a. Yet the Department never offered resources or assistance to Cathy and Tastries—resources that they would have offered other Californians who were victims of violent threats based on hate. And the Department never tried to protect Cathy’s right to be free from discrimination based on religious belief. Cal. Civ. Code §§ 51, 51.7.²

² The Department’s website offers “community-specific” hyperlinks for racial, gender, age, and disability groups, including a

C. The Department fueled the fire of discrimination against Cathy’s bakery.

Far from protecting Cathy from discrimination, hate, and violence, the Department has targeted her with ongoing prosecution and public statements that vilify her and Tastries—thereby amplifying public threats. After a five-day trial on the merits, the Superior Court found that the Department “failed to prove that [Cathy] intentionally discriminated against [the couple] because of their sexual orientation,” and instead that “[t]he evidence affirmatively showed that Miller’s *only* intent, her *only* motivation, was fidelity to her sincere Christian beliefs.” Pet. 125a (emphasis added). Yet the Department continued its pursuit of Cathy through appeals and hostile public statements. Repeatedly, the Department has characterized Cathy as a bigoted person with discredited beliefs.

In a press release about the case against Cathy and Tastries, the Department’s Acting Director Mary Wheat characterized Cathy’s Christian beliefs as outdated and sanctionable: “In California, we refuse to stand down and let others roll back the clock on fundamental civil rights protections.”³ The Department called for citizens to “work with us in

page titled “Muslim, Sikh, Hindu, and Jewish communities,” which leads to “Resource Links: Religion.” *Report a Hate Incident*, *supra* note 1. The Department provides no similar resources for Christians. Civil Rights Department, *CA vs. Hate Resource Line and Network*, <https://perma.cc/3ZWQ-8KCQ> (last visited Sept. 22, 2025).

³ Press Release, *Civil Rights Department Files Appellate Brief in Defense of California’s Efforts to Enforce LGBTQ+ Civil Rights Protections* (Oct. 23, 2023), <https://perma.cc/WK3H-JDLJ>.

fighting for your rights.”⁴ The Department has also compared Cathy’s refusal to make certain custom cakes to the Heart of Atlanta Motel’s refusal to serve black patrons.⁵ The Department asserted that if the court did not enjoin Cathy from continuing to operate Tastries with her Christian convictions, “an entire population [would be subjected] to the continuing indignity of discrimination” “oppressive in its consequences.”⁶ The Department also claimed that Cathy’s beliefs “harm[] the dignity of all Californians.” Pet. 95a.

Before the Department sought a temporary restraining order against Cathy and Tastries for these beliefs, there was no investigation of Cathy or her employees about their practices in the business or beliefs, or even an interview. Transcript of Trial Proceedings, *supra*, at 1649. The Department instead relentlessly prosecuted Cathy, while leaving her entirely unprotected from harassment and violence directed at her based on her sincere religious beliefs—fueled by the Department’s own statements. See *Obergefell v. Hodges*, 576 U.S. 644, 712 (2015) (Roberts, C.J., dissenting) (noting that “assaults on the character of fair-minded people will have an effect, in society and in court”). The Department’s actions leveraged intense government *and* societal pressure on Cathy to cave and abandon her religious expression. “One might suspect that [wa]s the whole

⁴ *Ibid.*

⁵ See Petitioner’s Reply in Support of Motion for Preliminary Injunction 10, *DFEH v. Cathy’s Creations, Inc.*, No. BCV-17-102855 (Cal. Super. Ct. Kern Cnty. Feb. 2, 2018).

⁶ *Ibid.*

point.” *Smith & Wesson Brands, Inc. v. Att’y Gen. of New Jersey*, 27 F.4th 886, 897 (CA3 2022) (Matey, J., concurring).

* * *

Cathy’s beliefs are shared by millions of Americans today, who “advocate with utmost, sincere conviction that, by divine precepts, same-sex marriage should not be condoned.” *Mahmoud v. Taylor*, 145 S. Ct. 2332, 2353 (2025) (quoting *Obergefell*, 576 U.S. at 679). This Court has promised that they “may continue to” express themselves “based on [these] decent and honorable religious or philosophical premises.” *Obergefell*, 576 U.S. at 672, 679. After all, the First Amendment’s “protections belong to all, including to speakers whose motives others may find misinformed or offensive.” *303 Creative LLC v. Elenis*, 600 U.S. 570, 595 (2023). The Department’s double-standard here—committing thousands of hours to prosecuting Cathy for a cake easily obtained elsewhere while ignoring harassment and violence against Cathy for her religious beliefs—contradicts this guarantee.

II. Certiorari is needed to protect the rights of religious Americans.

The danger of the decision below—like other decisions that this Court has needed to address—is that religious people like Cathy will be unable to run a business or express themselves in accord with their sincere beliefs when these beliefs conflict with a state or local government’s ideology. Their faith must be, as the trial court put it, “buried and paved over.” Pet. 134a. The Department acknowledged that Cathy has sincere Christian beliefs but presented Cathy with

three untenable options: (1) sell all cakes for all events to everyone, ignoring her faith; (2) stop selling wedding cakes entirely; or (3) have employees create cakes that violate her religious and design standards. Pet. 133a. These options contradict the Department's claim of neutrality and effectively box Cathy into abandoning either her beliefs or her livelihood. The trial court, ruling in Cathy's favor, found that these options substantially burden her free exercise of religion, showing "blunt force rigidity" and a lack of sensitivity to her sincere Christian convictions. *Ibid.*

The Department's first option, requiring Cathy to sell all goods to all customers, disregards Cathy's objection to participating in same-sex marriage celebrations, effectively burying her Christian faith by mandate of the government. See Pet. 134a. The second option, ceasing wedding cake sales, would devastate Tastries, which relies on wedding cakes for 25–30% of its revenue. *Ibid.* The third option, having Cathy "step aside" to let employees handle orders that directly oppose Cathy's beliefs and design standards, is impractical for a small business in which Cathy personally oversees every wedding cake's design and ignores Cathy's religious objections as the owner and leader of her business. Pet. 134a–35a.

The appellate court's decision below signals that religious business owners must either conform to state-imposed standards of morality and belief, abandon much of their business, or delegate their craft against their conscience, effectively stripping them of their ability to maintain faithful convictions as business leaders. Cathy serves and employs individuals of all identities without issue. At the same

time, she will not compromise her deeply-held beliefs about marriage—again, beliefs shared by many faiths. These beliefs are sincere and respectable, and this Court has affirmed that they are protected by the First Amendment. *Masterpiece Cakeshop v. Colorado Civ. Rts. Comm’n*, 584 U.S. 617, 631–32 (2018).

But lower courts continue to resist this Court’s repeated efforts to protect the right of religious believers to live and work in modern society consistently with their faith. The decision below is another manifestation of that unrelenting hostility toward religious exercise, a hostility that threatens all believers—and anyone else who seeks to express themselves in a way that may deviate from the government’s orthodoxy. Allowing the Department to penalize Cathy for her faith would embolden further local and state government overreach, leaving religious people vulnerable to coercion and unable to live out their convictions through their work. The government may not “coerce an individual to speak contrary to her beliefs on a significant issue of personal conviction . . . to eliminate ideas that differ from its own.” *303 Creative*, 600 U.S. at 598. Certiorari is urgently needed.

CONCLUSION

For these reasons, the Court should grant the petition.

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