



*(Melissa Klein, former co-owner of Sweet Cakes by Melissa.  
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Access full resolution photos at [KleinFacts.com](http://KleinFacts.com) under “Photos and Videos.”)*

## **U.S. Supreme Court Vacates Oregon’s Decision to Penalize Bakers for Exercising Free Speech**

*First Liberty attorneys filed appeal seeking review of Oregon’s decision to compel the speech of Aaron and Melissa Klein, forcing them out of business*

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**Washington, D.C.**—Today, the Supreme Court of the United States vacated a lower court decision that had blessed Oregon’s decade-long effort to force bakers Aaron and Melissa Klein out of business by penalizing them for refusing to create a government-approved message. The Kleins are represented by First Liberty Institute and Boyden Gray & Associates.

“It’s a win when the Supreme Court vacates a bad lower court decision like it did for Aaron and Melissa today, but the case is not over,” said Kelly Shackelford, President, CEO, and Chief Counsel to First Liberty. “The Kleins have been fighting for the First Amendment for over a decade and we will stand with them no matter how long it takes to get the victory they deserve.”

Trent McCotter of Boyden Gray & Associates said, “The First Amendment protects the rights of all Americans to speak freely and live according to their sincere religious beliefs. As the Supreme Court has recognized, carefully guarding these rights is all the more important when the beliefs expressed are controversial.”

BOLI originally imposed a devastating \$135,000 damage award against the Kleins for violating Oregon’s public accommodations statute after they declined to design and create a wedding cake celebrating a same-sex marriage. Following a series of appeals, the Supreme Court in 2019 returned the case to Oregon for further consideration in light of *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, which held that government officials cannot be hostile to the

free exercise of the religious beliefs of its citizens. In today's order, the Court returned the case to Oregon to reconsider in light of *303 Creative LLC v. Elenis*.

The Oregon Court of Appeals determined that BOLI had demonstrated anti-religious hostility toward the Kleins and struck down the assessment of damages. However, the court then sent the case back to the same biased commission, BOLI, for further proceedings. In July 2022, BOLI unilaterally reimposed a damage award of \$30,000.

To learn more about the case, visit [KleinFacts.com](https://KleinFacts.com).

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### **About First Liberty Institute**

[First Liberty Institute](https://FirstLibertyInstitute.org) is a non-profit public interest law firm and the largest legal organization in the nation dedicated exclusively to defending religious freedom for all Americans.

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