



CITY ATTORNEY'S OFFICE

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October 20, 2014

Mr. David A. Cortman
Alliance Defending Freedom
1000 Hurricane Shoals Road NE, Suite D-1100
Lawrenceville, GA 30043

Via email: dcortman@alliancedefendingfreedom.org

RE: Knapp, et al v. City of Coeur d'Alene

Dear Mr. Gortman:

I am the city attorney for the city of Coeur d'Alene, Idaho. As we discussed today by telephone I have reviewed the 63 page complaint and the attached exhibits filed by your clients in their lawsuit against the City. While I appreciate your clients' concerns, it appears from the documents filed in their lawsuit that they are claiming to be operating a "religious corporation". If they are truly operating a not-for-profit religious corporation they would be **specifically exempted** from the City's anti-discrimination ordinance, Municipal Code 9.56.010 et seq.

My office has responded to questions from your clients in the past and told them that, based on the facts presented and their corporate status at the time, they would likely be governed by the anti-discrimination ordinance if a complaint was made against them. Their lawsuit was something of a surprise because we have had cordial conversations with them in the past and they have never disclosed that they have recently become a religious corporation. However it now appears that on or about October 6, 2014 they filed with the Idaho Secretary of State as a religious corporation. These are new facts. If they are operating as a legitimate not-for-profit religious corporation then they are exempt from the ordinance like any other church or religious association. On the other hand, if they are providing services primarily or substantially for profit and they discriminate in providing those services based on sexual orientation then they would likely be in violation of the ordinance.

I want to be clear that absent a change in the City's anti-discrimination ordinance or other applicable state or federal law, the City will not prosecute legitimate, nonprofit religious corporations, associations, educational institutions, or societies or other exempt organizations or anyone else as a result of their lawful exercise of their first amendment rights of freedom of speech and religion. In addition to specifically exempting religious corporations, associations, educational institutions, and societies, section 9.56.040 of the anti-discrimination ordinance states that the ordinance "**shall be construed and applied in a manner consistent with first amendment jurisprudence regarding the freedom of speech and exercise of religion**".

I believe that given the current facts your clients' lawsuit is premature and not ripe for adjudication. As such, I would ask that you review this letter with your clients and urge them to dismiss their lawsuit before any more time and resources are expended. Please call me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. Gridley", with a long horizontal flourish extending to the right.

Michael C. Gridley
City Attorney

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