

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON, RESTAURANT
OPPORTUNITIES CENTERS (ROC)
UNITED, INC. JILL PHANEUF, and ERIC
GOODE

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States of America,

Defendant.

Civil Action No. 1:17-cv-00458-RA
DECLARATION OF ERIC GOODE

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I, Eric Goode, submit this declaration to describe my hotels and restaurants in New York City that I believe compete with Defendant's hotels and restaurants and to describe some of the business they have done with government officials. The statements in this declaration are based on my personal knowledge.

1. I am the owner of several hotels and restaurants in New York City, including the Bowery Hotel, located in the Lower East Side, and the Maritime Hotel, located in the Meatpacking District. The restaurants I own include Gemma, The Waverly Inn, and The Park.

2. Some of my hotels and restaurants compete with some of Defendant's hotels and restaurants because they have similar prices, quality and reputations that make both attractive to a common set of customers, and they are just a short cab ride away from one another.

3. Clientele of my establishments frequently include diplomats, other officials of foreign states, and officials of the United States and various states.

The Bowery

4. The Bowery is located in the Lower East Side at 335 Bowery. The Bowery is located two blocks east of the Bleecker Street/Broadway-Lafayette Street subway station. The hotel is a ten-to-fifteen-minute taxi or Uber ride (with traffic) to the Trump SoHo Hotel and a twenty-minute taxi or Uber ride (with traffic) to the Trump International Hotel and Tower New York. I believe the Bowery competes directly with the Trump SoHo and the Trump International, including for government business.

5. There are approximately 65 government buildings, both foreign and domestic, within a two-mile radius of the Bowery, including thirty consulates, ten federal government buildings, ten state government buildings, fourteen municipal buildings, and the United Nations Headquarters. These government buildings host a variety of events and meetings attended by government officials from both foreign and domestic governments.

6. The Bowery is a seventeen story hotel with 135 vintage-style guest rooms that feature industrial-style floor to ceiling windows, marble baths and wood floors with Asian rugs, and 400 thread-count Egyptian cotton linens. Suites and one bedroom rooms add a sitting area, and the one bedrooms feature an additional small terrace. Room prices range from \$395 to \$850 per night. The 2017 average daily room rate as of July 11, 2017 was \$466.84. The 2016 average daily room rate was \$498.17. New York Magazine places the Bowery in the “expensive” to “very expensive” price range.

7. Amenities and services include 24/7 in-room dining and room service, 24/7 concierge, a fitness center, in-room spa services, a business center, a complimentary film lounge, high definition flat screen TVs with DVD players, same day dry cleaning and laundry services, in-house pressing service, shoe shine service, complimentary New York Times or New York Post newspaper, babysitting services, and valet services.

8. Additionally, the Bowery has a 10,000 square foot event space that can accommodate up to 600 guests. The space is complete with a private entrance, expansive

outdoor terrace, and an oversized green tiled fireplace. The space also features exposed brick walls and iron chandeliers.

9. The hotel features a trendy lobby bar with low lighting, plush arm chairs, bar stools, Asian rugs, dark wood detailing, and a mirrored ceiling.

10. The Bowery has received several accolades and has been referred to as an “essential New York hotel” by Curbed New York, an online magazine providing information about homes, neighborhoods, and cities. The Bowery has a AAA Four Diamond Rating and was named one of the “Best Hotels in New York City 2016” by Conde Nast Traveler. TripAdvisor lists The Bowery as one of only 42 five star hotels in New York City. Oyster.com, a website described as a “Hotel Tell-All” that publishes reviews and findings from professional investigators who have visited and reviewed 38,000 hotels across the world, included the Bowery on several award lists, including “Best Boutique Hotels in NY,” “Best Boutique Hotels in NYC,” and “Best Hotel Rooms in New York.”

11. Online ratings demonstrate the Bowery’s success in the New York City hotel market. The Bowery has a 4 out of 5 star rating on google.com, and 4.5 out of 5 stars on TripAdvisor. The Bowery was number 33 in Condé Nast Traveler’s 2016 Reader Choice Awards for Top Hotels in New York City.

12. Bank of America Discount Pricing via Priceline rates the Bowery as a 5 star hotel with a nine out of 10 rating. U.S. News & World Report gives the Bowery a four out of five star rating and ranks it number 36 on its Best New York City Hotels list.

The Maritime Hotel

13. The Maritime Hotel is located in the Meatpacking District at 363 W 16th Street. The Maritime is less than a quarter mile from the 14th Street subway station. The hotel is a fifteen minute taxi or Uber ride (with traffic) to the Trump SoHo.

14. There are approximately 101 government buildings, both foreign and domestic, within a two-mile radius of the Maritime, including 77 consulates, seven federal government buildings, four state government buildings, thirteen municipal buildings, and the United Nations

Headquarters. These government buildings host a variety of events and meetings attended by government officials from both foreign and domestic governments.

15. The Maritime is a 17-story hotel with 126 guest rooms and suites. The Maritime features several penthouses ranging in size from 550 to 2500 square feet. The penthouse room prices at The Maritime range from \$725 to \$1,500 per night. Nymag.com places the Maritime in the “expensive” to “very expensive” price range.

16. The lobby of the hotel is an open space with a modern library feel that features large industrial-style windows, large hanging light fixtures, shelves of books, cozy reading nooks, succulent and tropical plants, and oversized artwork.

17. “Junior Penthouse Rooms” are 550 square feet and feature a king bed, large rain showers, complimentary wifi, wet bars, Nespresso coffee makers, and an artisanal minibar.

18. “Terrace Penthouses” are 1000 square feet and feature king beds and 250 square foot terraces with rain showers, large soaking tubs with rain showers, complimentary wifi, wet bars, Bose sound systems, Nespresso coffee makers, and an artisanal minibar.

19. The “Rooftop Penthouse” is 2500 square feet and features a king bed and a 1500 square foot rooftop terrace with outdoor seating and loungers and offers sweeping views of the City, two fireplaces, a large soaking tub with rain shower, complimentary wifi, a wet bar, a Bose sound system, a Nespresso coffee maker, and an artisanal minibar.

20. Amenities and services offered by the Maritime Hotel include 24/7 in-room dining and room service, concierge, a fitness center, a business center, complimentary newspaper, complimentary bicycles, and babysitting services.

21. Online ratings demonstrate the Maritime’s success in the New York hotel market. TripAdvisor, hotels.com, and expedia.com all give the Maritime 4.5 out of 5 stars. The hotel has a 4.3 out of 5 star rating on google.com. Kayak.com rates Maritime an 8.8 out of 10 for an overall rating of “Excellent.”

22. Bank of America Discount Pricing via Priceline rates the Maritime as an 8.7/10 with an overall rating of “Great.” U.S. News & World Report gives the Maritime a four out of five star rating.

23. I believe that the penthouse rooms in the Maritime Hotel compete for business, including government business, with the Trump SoHo.

Gemma Restaurant

24. Gemma is located inside the Bowery Hotel and is a 10-15minute taxi or Uber ride (in traffic) from Trump SoHo’s event spaces. I believe Gemma’s event space competes directly for corporate, government, and transient banquet business with the event spaces at the Trump SoHo.

25. There are approximately 65 government buildings, both foreign and domestic, within a two-mile radius of Gemma, including thirty consulates, ten federal government buildings, ten state government buildings, fourteen municipal buildings, and the United Nations Headquarters. These government buildings host a variety of events and meetings attended by government officials from both foreign and domestic governments.

Gemma is a 10,000 square foot restaurant featuring Italian/American cuisine. The menu is inspired by Head Chef Chris D’Amico’s travels through France and Italy. D’Amico has been with the restaurant since 2007 and has earned Gemma a one star rating from the New York Times critic. The restaurant is designed as an Italian brasserie, and features an open kitchen, high ceilings with large round chandeliers, and wooden tables, giving it a rustic yet modern feel.

26. Gemma serves breakfast and dinner seven days a week and lunch Monday through Friday. Gemma serves brunch on Saturdays and Sundays.

27. Breakfast entrees range from \$7-\$15; brunch entrees from \$7-\$26; lunch entrees from \$7-\$27; dinner entrees from \$15-\$36; and cocktails and other alcoholic beverages from \$11-\$90 per glass/bottle.

28. Online ratings demonstrate Gemma's success in the New York restaurant market. Foursquare rates Gemma an 8.8 out of 10, Google.com rates Gemma 4.1 out of 5 stars, and TripAdvisor rates Gemma 4 out of 5 stars. Vogue magazine calls Gemma an "Italian jewel."

29. Gemma offers event space on the second floor with a private entrance, outdoor terrace and an iconic green-tiled fireplace. The space covers 10,000 square feet and can accommodate up to 600 guests.

Waverly Inn

30. The Waverly Inn restaurant is located in the West Village at 16 Bank Street. The Waverly Inn is a 10-15 minute taxi or Uber ride from Trump SoHo's restaurants and event spaces. I believe The Waverly Inn's event space competes directly for corporate, government, and transient banquet business with Trump SoHo's event spaces.

31. There are approximately 88 government buildings, both foreign and domestic, within a two-mile radius of The Waverly Inn, including 63 consulates, seven federal government buildings, seven state government buildings, ten municipal buildings, and the United Nations Headquarters. These government buildings host a variety of events and meetings attended by government officials from both foreign and domestic governments.

32. The Waverly Inn is a 5,000 square foot restaurant featuring American cuisine alongside contemporary seasonal dishes using organic and local ingredients, headed by Chef Oscar Lorenzzi. The restaurant is located on the ground floors of two adjoining townhouses and offers an eclectic collection of garden seating and dining spaces with red booths, fireplaces, large round chandeliers that produce low amber lighting, oversized art, and dramatic floral arrangements. These dining areas are available to be booked by small and large groups.

33. The restaurant serves dinner seven days a week and brunch on Saturday and Sunday.

34. Dinner entrees range from \$21-\$54 and brunch entrees from \$15-\$60.

35. Online ratings demonstrate The Waverly Inn's success in the New York restaurant market. Open Table rates The Waverly Inn 4.6 out of 5 stars, Zagat rates the Waverly Inn at 4.2 out of 5 stars, and TripAdvisor rates The Waverly Inn at 4 out of 5 stars.

36. On at least 55 occasions, concierges at various Trump hotels have booked reservations for Trump hotel guests at the Waverly Inn.

The Park Restaurant

37. The Park is located in Chelsea at 118 Tenth Avenue. The restaurant serves brunch, lunch, and dinner seven days a week and is also open for late night cocktails seven days a week. The Park is a 10-15 minute taxi or Uber ride from Trump SoHo's restaurants and event spaces.

38. There are approximately 86 government buildings, both foreign and domestic, within a two-mile radius of The Park, including 69 consulates, six federal government buildings, two state government buildings, six municipal buildings, and the United Nations Headquarters. These government buildings host a variety of events and meetings attended by government officials from both foreign and domestic governments.

39. The Park is a 20,000 square foot restaurant featuring Italian/American cuisine. The restaurant is headed by Executive Chef Eduardo Gomez. The restaurant has several spaces that can be rented out by groups, each of which is detailed below.

40. The "Main Room" is the main dining room and it comfortably seats 150 people. The Main Room features a front bar and adjacent lounge area that is furnished with a 900 year old red wood root bench and a fireplace. The Main Room is weaved around a 30 foot cluster of bamboo, and a wall of glass doors opens the room to a spacious garden. I believe the Main Room competes directly for corporate, government, and transient banquet business with the Trump SoHo's event spaces.

41. The "Atrium" is a glass enclosed and sun soaked room featuring a glazed brick fireplace. The space holds up to 45 people for a standing cocktail reception and 33 people for a

seated dinner. I believe the Atrium competes directly for corporate, government, and transient banquet business with the Trump SoHo's event spaces.

42. The "Garden" space is over 4,000 square feet and is home to Japanese maple trees and vines of wisteria. The garden is covered and heated in the winter and is available for year round dining. The garden can accommodate 325 people for a standing cocktail reception and 150 people for a seated dinner. I believe the Garden competes directly for corporate, government, and transient banquet business with Trump SoHo's event spaces.

43. The "Red Room" space is an old world Asian speakeasy with wicker scooped-back chairs, red glass topped tables and banquettes covered in raw silk. The Red Room can accommodate up to 125 people for a standing cocktail reception and 55 people for a seated dinner. I believe the Red Room competes directly for corporate, government, and transient banquet business with Trump SoHo's event spaces.

44. The "Penthouse" space opens to a spacious rooftop patio that can be used year round. The patio features a direct view of the High Line, a 1.45 mile-long linear park on the former New York Central Railroad that features luscious landscaping, and views of the City. The Penthouse can be rented out for a cocktail reception or a seated dinner and can accommodate 200 people. I believe the Penthouse competes directly for corporate, government, and transient banquet business with Trump SoHo's event spaces.

45. Brunch entrees at the Park range from \$13-\$19; lunch entrees from \$11-\$21; and dinner entrees range \$14-27.

46. Online ratings demonstrate The Park's success in the New York restaurant market. OpenTable rates the restaurant at 4.2 out of 5 stars and Foursquare rates the Park an 8 out of 10.

Government Business

47. My hotels and restaurants are regularly frequented by foreign and domestic government officials. Available guest logs from the Bowery hotel include at least nine instances of government officials booking rooms at the Bowery. Available guest logs from the Waverly

Inn include at least six instances of government officials dining at the Waverly Inn. Additionally, on several occasions, my hotels and restaurants have received Form DTF-950 from diplomatic missions and personnel who are paying with government funds. Form DTF-950 is a certificate for tax exemption that diplomats and diplomatic personnel use while traveling in the United States.

48. Many state and local government officials have dined or stayed at my establishments, including:

- a. an employee of the New York State Attorney's Office dined at the Waverly Inn;
- b. an employee of the New York City Public Advocate's Office dined at the Waverly Inn;
- c. an employee of New York's Office of Administrative Trials and Hearings dined at the Waverly Inn;
- d. an employee of the California state court system dined at the Waverly Inn;
- e. an employee of the New York City Department of Education stayed at the Bowery; and
- f. the New York Police Department, 9th Precinct, has held three events at the Bowery.

49. Federal government officials have dined or stayed at my establishments, including:

- a. Seth Carpenter, when he was Acting Assistant Secretary for Financial Markets at the Department of Treasury, stayed at the Bowery;
- b. an employee of the United States Department of Justice stayed at the Bowery;
- c. an employee of the United States Internal Revenue Service stayed at the Bowery; and
- d. an employee of NASA dined at the Waverly Inn.

50. Foreign government officials who have dined or stayed at my establishments include:

- a. the President of Gabon, Omar Bongo, who has stayed at the Maritime on several occasions;
- b. Morten Wetland, a Norwegian Diplomat, who stayed at the Bowery numerous times between 2007 and 2011;
- c. the Crown Princess of Norway, Mette Mant, who has stayed at the Bowery on several occasions between 2008 and 2012;
- d. the President of French Polynesia, Oscar Temaru, who stayed at the Bowery in 2005;
- e. an employee from New South Wales' Transportation Department dined at the Waverly Inn, and two employees from New South Wales' Transportation Department stayed at the Bowery;
- f. an employee from Singapore's Attorney General's Office stayed at the Bowery; and
- g. an employee of Victoria, Australia's Department of Justice and Regulation stayed at the Bowery.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 24th day of August, 2017.

A handwritten signature in black ink, appearing to read 'Eric Goode', written over a horizontal line.

ERIC GOODE