

**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-GBD

DECLARATION OF CHRISTOPHER C. MULLER, PH.D.

EXPERT DECLARATION OF CHRISTOPHER C. MULLER, PH.D.

I. Experience and Qualifications

1. I am currently Professor of the Practice and former Dean of the Boston University School of Hospitality Administration with more than 30 years of experience in multi-unit restaurant management, consulting and teaching.
2. I obtained my Ph.D. from Cornell University's School of Hotel Administration in 1992 in the disciplines of Finance, Marketing and Organizational Behavior. From 1985 to 1999 I served on the undergraduate and graduate faculties at Cornell where I taught courses on a broad range of restaurant subjects, with a specialty in the area of Multi-Unit Restaurant Brand and Operations Management.
3. In 1999 I became a founding faculty member and Full Professor in the Rosen College of Hospitality Management at the University of Central Florida. There I was the founding Director of the Center for Multi-Unit Restaurant Management specializing in subject areas including Restaurant Brand Management, Restaurant Marketing and Advertising, and Corporate Restaurant Operations. I was on the faculty for more than a decade, leaving to become Dean at Boston University in 2010.
4. Over the past three decades I have written more than fifty peer reviewed and industry journal articles, two books, and numerous case studies all related to the restaurant and hospitality business.
5. I have been a consultant to many leading U.S. and International restaurant companies on topics relating to branding, trademark and trade dress, operations and leadership. These include but are not limited to: McDonald's; Burger King, Darden Restaurants, Wendy's, Hooter's, Buffalo Wild Wings, and Panera Bread.
6. I have owned my own full service and quick service restaurant companies and have over 49 years of practical work experience in the restaurant industry.

7. I have been certified as an expert witness in multiple restaurant cases brought before Federal Courts in Los Angeles, Kansas City, Orlando, Charlottesville, Minneapolis, and Boston.
8. I am regularly sought after as a restaurant industry expert by most major news organizations, including but not limited to: ABC, CNN, CBS, FOX, NPR, The New York Times, The Wall Street Journal, Reuters, USA Today, Miami Herald, Orlando Sentinel, Bloomberg News, Los Angeles Times, Boston Globe, Time Magazine, and the BBC.
9. I am retained in this case at my normal and customary rate of \$ 600 per hour.

II. Assignment and Materials Reviewed

10. I was retained by plaintiffs' counsel in this case to evaluate the nature and extent of any competition between the plaintiffs' and the defendant's restaurants, cafes, and event and meeting spaces serving food and beverages in New York City and Washington, D.C. and to describe the nature and extent of the demand for those facilities by foreign, federal, state and local government officials.
11. The materials that I reviewed include websites with information about plaintiffs' and defendant's restaurants, cafes, and event and meeting spaces serving food and beverages in New York City and Washington, D.C. I reviewed the Declarations of Eric Goode, James Mallios, Thomas Colicchio, Jill Phaneuf, Saru Jayaraman, and Rachel Roginsky, the lists of RAISE's restaurant members, and defendant's memorandum in support of his motion to dismiss. I used the Google Maps application.
12. As a recognized restaurant industry expert for more than 35 years, I also relied in formulating my opinions herein on my accumulated knowledge, experience, training and research writings in the field.

III. The Nature of Restaurant and Event Competition

13. A restaurant will draw customers from a "catchment" area, which is unique for each establishment and is based on a broad array of attributes including but not limited to:

- a. location, specifically distance from targeted customers to the enterprise; in an urban environment this usually is:
 - i. a 10-15 minute walk,
 - ii. a 15-20 minute taxi or Uber ride,
 - iii. or a 20-30 minute subway ride away,
- b. consumer search costs associated with a purchase,
- c. restaurant brand name affiliation,
- d. pricing strategies, including premiums and discounts,
- e. selection of food and beverage products (the menu) and services offered, and
- f. ownership or brand reputation.

14. The restaurant industry can be separated into distinct segments or types.

From lowest price and quality perception to highest price and quality perception these currently are:

- a. **Snack** (single item impulse purchase, e.g., ice cream, donuts, cookies, takeout only, typically items under \$5.00)
- b. **Coffee Shop** (counter service, brewed coffee, espresso drinks, light pastries, mostly takeout, some seating, typically items \$2.00-\$8.00)
- c. **QSR** (Quick Service or "fast food" such as hamburgers, pizza, fried chicken, sandwiches, mostly takeout, some seating, typically items \$1.00-\$8.00)
- d. **Fast Casual** (counter service, customized, fresh, made to order, some takeout, dining area, typically items \$3.00-\$10.00)
- e. **Midscale** (counter and full service, broad "all day" menu, some take-out, served meals, typically items \$5.00-\$15.00)
- f. **Casual Theme** (full table service, broad menu, bar service, typically items \$8.00-\$20.00)
- g. **Premium Casual** or **Casual Elegance** (full table service, customized meals, freshly prepared, full bar and wine service, typically items \$15.00-\$50.00)
- h. **Fine Dining** (formal tablecloth service, chef-driven menu, multiple courses, full bar, wine list, typically items \$30.00-\$100.00)

- i. **Luxury** (formal tablecloth service, elegant décor, celebrity chef-driven, exclusive seating, full bar, extensive wine list, typically items over \$75.00)
15. Restaurants within the same geographic area that fall within the same restaurant segment (or similar restaurant segments) will draw from a common or similar pool of customers, and thus compete with each other. This is true whether or not two restaurants serve the same type of cuisine. When choosing a restaurant, customers often are willing to consider multiple types of cuisine, as long as the restaurants are within their desired segment and geographic area. Special circumstances may make two restaurants competitive even when they are a category or two apart from each other. For example, a restaurant in the Premium Casual category can compete with a Luxury restaurant if the former's brand is associated with celebrity or luxury. Similarly, restaurants a category or two apart can compete as to parts of their menu or for particular meals. For example, an ice cream shop in the Snack category can compete for dessert with a restaurant in the Midscale category, even though they do not compete as to the rest of the Midscale restaurant's menu. Because the dining area and its location can be as important for private events and meetings as food quality, or even more important, private rooms in desirable locations can compete with event spaces serving higher quality food.
16. In general, the higher end a restaurant is, the further that diners are willing to travel to it.
17. If, for whatever reason, the demand for meals at a restaurant increases, that will result in more customers from the pool of potential customers patronizing that restaurant, and will result in fewer customers from the pool patronizing its competitors' restaurants.
18. While there are thousands of restaurants in New York City and Washington, D.C., they are not all in competition with each other. As noted, only restaurants within the same geographic area and restaurant segment

compete with each other. Thus, for example, restaurants within a 2-3 mile radius and within the Fine Dining category compete with each other, but not with restaurants 6 miles away, and not with Fast Casual restaurants. Within a given restaurant category and geographic area in New York City and D.C. (or in any city), only a small fraction of the total restaurants in the city compete with each other.

IV. The foodservice facilities in Trump Tower New York—Trump Grill, Trump Café and Trump Ice Cream—compete with ROC/RAISE neighboring restaurants and event spaces

A. Location Proximity

19. The collection of restaurants located in Trump Tower at 725 Fifth Avenue offers a range of products and segments from Trump Ice Cream and Trump Café to Trump Grill.
20. ROC/RAISE members Amali, 115 E. 60th Street, and Amali Mou, 230 Park Avenue, are both within a 15-minute walking radius of Trump Tower. Amali is less than a 10-minute walk, and Amali Mou is under a 15-minute walk. Travel times for both are less via taxi or Uber.
21. ROC/RAISE members Café 2, Terrace 5, and The Espresso Bar are located at the Museum of Modern Art, 11 W. 53rd St., and are within 5-minutes walking radius of Trump Tower restaurants.
22. ROC/RAISE member The Modern, 9 W. 53rd Street, is also located within 5-minutes walking radius of Trump Tower.
23. ROC/Raise member Riverpark, 450 E. 29th Street, is located 15 to 20-minutes away from Trump Tower by taxi.

B. Comparable Restaurant Offerings

24. The collection of restaurants located in Trump Tower offers a range of products. The Trump Ice Cream shop is in the Snack segment (prices ranging from \$4.00-\$5.00 for a single ice cream cone). The Trump Café is in the

Midscale segment (daily special menu items priced at \$13.50). And the Trump Grill is in the Premium Casual segment (Prix Fixe 3-course meals are priced either at \$28.00 or \$45.00).

25. ROC/RAISE member Amali—located within a 15-minute walk of Trump Tower—is positioned in the Premium Casual segment with menu prices ranging from \$21.00 to \$36.00. Given these characteristics, it competes with Trump Grill.
26. ROC/RAISE member Amali Mou—located within a 15-minute walk of Trump Tower—is a Midscale offering with prices ranging from \$10.00 to \$12.00. Given these characteristics, it competes with the Trump Café, especially at lunchtime.
27. ROC/RAISE members Café 2 (Casual Theme, prices ranging from \$8.00 to \$20.00), Terrace 5 (Premium Casual with full table service, cocktail bar and wine list, priced from \$10.00 to \$28.00), and The Espresso Bar (Coffee Shop offering coffee and pastries on the go)—each located within a 5-minute walk of Trump Tower—compete, given these characteristics, with the Trump Café, especially at lunchtime, and with Trump Ice Cream in the snack segment.
28. ROC/RAISE member The Modern—located within a 5-minute walk of Trump Tower—is a 2-Star Michelin Luxury property, with Prix Fixe pricing of \$158.00 for four courses or \$208.00 for eight courses, which includes all gratuities. Given these characteristics, and particularly its comparability to Trump Grill on important non-price factors such as reputation and behavioral characteristics, it competes with Trump Grill.
29. ROC/RAISE member Riverpark—located within a 15 to 20-minute taxi ride of Trump Tower—is a Luxury restaurant offering modern American menus changed daily. Prices for single items range from \$32.00 to \$48.00. Given these characteristics, Riverpark competes with Trump Grill.

C. Comparable Event, Meeting and Catered Offerings

30. Trump Tower has three spaces for private events, Trump Tower Atrium, Trump Grill, and the Trump Bar. According to the Trump Tower website,

<http://www.trumptowerny.com/trump-events-venues>, the Trump Tower Atrium “sits at the base of the sixty foot waterfall-the center piece of Trump Tower. The Atrium has played host to many prestigious events including Luciano Pavarotti, Miss USA and The First Minister of Scotland, to name a few.” The Trump Tower Atrium can accommodate 75 to 350 guests.

31. According to the same website, the Trump Grill “is the best kept secret of the Trump Tower Atrium. Tucked away in the Garden Level it also sits at the base of the massive waterfall. With the most elegant food in the most elegant of settings, the Trump Grill is ideal for hosting private dinners or cocktail parties.” The Trump Grill can accommodate 20 to 100 guests.
32. According to the same website, the Trump Bar “is a stylish and comfortable lounge where the attention to detail sparkles in the crystal chandeliers, and breathes through the warm mahogany and cherry tones. Trump Bar is the perfect location for hosting the ultimate, exclusive cocktail party.” The Trump Bar can accommodate 20 to 75 guests.
33. ROC/RAISE member The Modern—located within a five-minute walk of Trump Tower—is a 2-Star Michelin restaurant that has two Luxury private dining rooms for special events with a separate street-level entrance for after museum hours. Along with a full menu it features an award-winning wine program and curated bar. Given these characteristics, it competes for event and meeting business with Trump Tower Atrium, Trump Grill, and the Trump Bar.
34. ROC/RAISE member Amali—located within a fifteen-minute walk of Trump Tower—offers three private event rooms, or a full restaurant buyout for parties: the Fireplace Room seats 18-22 with minimum prices from \$750 to \$1,500; the Skylight Room seats 25-40 with minimum prices of \$1,250 to \$2,500; and Sopra and Sopra Chef’s Table seat 20-30 guests with a dinner minimum of \$2,500. The full restaurant can accommodate up to 150 for dinner. Given these characteristics, it competes for event and meeting business with Trump Tower Atrium, Trump Grill, and the Trump Bar.

35. ROC/RAISE member Riverpark, located overlooking the East River (and 15 to 20-minutes from Trump Tower by taxi) offers four private event venues. The East Room can accommodate up to 40 guests, with minimum pricing ranging from \$1,200 to \$5,000. The West Room can hold 100 dining guests with minimum prices ranging from \$2,500 to \$10,000. When combined the two rooms can serve up to 150, with pricing from \$3,700 to \$15,000. The Little River room can hold 50-60 guests with pricing ranging from \$2,500 to \$5,000. Given these characteristics, it competes for event and meeting business with Trump Tower Atrium, Trump Grill, and the Trump Bar.

D. Patronage by Surrounding Foreign and Domestic Government Clientele

36. There are more than 100 foreign consulates and federal, state and city government offices within a two-mile radius of the Trump Tower restaurants (Trump Grill, Trump Café and Trump Ice Cream) and the competitive RAISE restaurants (Amali, Amali Mou, The Modern, Café 2, Terrace 5, The Espresso Bar, and Riverpark).

V. Jean-Georges and Nougatine in the Trump International Hotel New York compete with ROC/RAISE neighboring restaurants and event spaces

A. Location Proximity

37. The collection of restaurants located in Trump International Hotel New York, 1 Central Park West, includes restaurants in the Luxury (Jean-Georges) and Fine Dining (Nougatine) segments.

38. ROC/RAISE member Amali, 115 E. 60th Street, is within a 10-minute taxi ride (or a 15 to 20-minute walk) of Trump International Hotel.

39. ROC/RAISE member The Modern, 9 W. 53rd Street, is also located within 15 to 20-minutes walking radius of the Trump International Hotel restaurants or a 10 to 15-minute taxi or Uber ride.

40. ROC/RAISE member Gramercy Tavern, 42 East 20th Street, is located within a 15 to 20-minute taxi or Uber ride radius of the Trump International Hotel restaurants.
41. ROC/RAISE member Craft, 43 East 19th Street, is located within a 20 to 30-minute taxi or Uber ride radius of the Trump International Hotel restaurants.
42. ROC/RAISE member Riverpark, 450 E. 29th Street, is located within 20 to 30-minutes via taxi of the Trump International Hotel.

B. Comparable Restaurant Offerings

43. Jean-Georges is a 3-Star Michelin Luxury restaurant with Prix Fixe menu prices of \$128.00 for three courses, \$208.00 for the Chef Jean Georges' Menu and \$208.00 for the Spring Menu.
44. ROC/RAISE member The Modern—located within a 10 to 15-minute taxi ride of Trump International Hotel—is a 2-Star Michelin Luxury property with Prix Fixe pricing of \$158.00 for four courses or \$208.00 for eight courses, which includes all gratuities. Given these characteristics, it competes with Jean-Georges in the Luxury segment.
45. ROC/RAISE member Gramercy Tavern—located within a 15 to 20-minute taxi ride of Trump International Hotel—is a 1-Star Michelin Luxury property, featuring both a Fine Dining Tavern menu with prices ranging from \$29.00 to \$36.00, and the Luxury Dining Room with Prix Fixe for a 3-course menu at \$125.00, a Seasonal menu at \$170.00, and a Vegetarian menu at \$150.00. Given these characteristics, it competes with Jean-Georges in the Luxury segment.
46. ROC/RAISE member Craft—located within a 20 to 30-minute taxi ride of Trump International Hotel—is a 3-Star New York Times Luxury restaurant with menu prices ranging from \$35.00 to \$55.00, and with an award-winning Wine Spectator “Best of Award of Excellence” wine list offering over 1000 choices. Given these characteristics, it competes with Jean-Georges in the Luxury segment.

47. ROC/RAISE member Riverpark—located within a 20 to 30-minute taxi ride of Trump International Hotel—is a Luxury restaurant offering modern American menus changed daily. Prices for single items range from \$32.00 to \$48.00. Given these characteristics, it competes with Jean-Georges in the Luxury segment.
48. Nougatine is a Fine Dining restaurant with prices ranging from \$31.00 to \$72.00.
49. ROC/RAISE member Amali—located within a 10-minute taxi ride of Trump International Hotel—is positioned in the Premium Casual segment with menu prices ranging from \$15.00-\$36.00. Given these characteristics, it competes with Nougatine.

C. Comparable Event, Meeting and Catered Offerings

50. The Trump International Hotel offers meeting and event rooms—the Trump Executive Boardroom (for 15-30 people), the Business Center Boardroom (for 10-12 people), and the Function Room (for 14-25 people), all with catering from Chef Jean-Georges.
51. The 3-Star Michelin Jean-Georges Restaurant and Nougatine are both offered for events and private parties with catering done by Chef Jean-Georges.
52. ROC/RAISE member The Modern is a 2-Star Michelin restaurant and has two Luxury private dining rooms for special events with a separate street-level entrance for after Museum hours. Along with a full menu, it features an award-winning wine program and curated bar. Given these characteristics, The Modern competes for meeting and event business with Jean-Georges and Nougatine, and the Trump collection of Boardrooms and Function Rooms that they service.
53. ROC/RAISE member Gramercy Tavern is a 1-Star Michelin Luxury property which offers a single Private Dining Room which seats 22 and has a \$4000 food and beverage minimum. Given these characteristics, Gramercy Tavern competes for meeting and event business with Jean-Georges and Nougatine,

and the Trump collection of Boardrooms and Function Rooms that they service.

54. ROC/RAISE member Craft is a 3-Star New York Times Luxury restaurant with a private dining room which can accommodate 40 guests. It was named by Zagat as one of only 14 restaurants to be “NYC’s Best for Private Rooms.” Given these characteristics, Craft competes for meeting and event business with Jean-Georges and Nougatine, and the Trump collection of Boardrooms and Function Rooms that they service.
55. ROC/RAISE member Amali offers three private event rooms, or a full restaurant buyout for parties. The Fireplace Room seats 18-22 with minimum prices from \$750 to \$1,500; the Skylight Room seats 25-40 with minimum prices of \$1,250 to \$2,500; and Sopra and Sopra Chef’s Table seat up to 20 guests with a dinner minimum of \$2,000. The full restaurant can accommodate up to 150 for dinner. Given these characteristics, Amali competes for meeting and event business with Jean-Georges and Nougatine, and the Trump collection of Boardrooms and Function Rooms that they service.
56. ROC/RAISE member Riverpark, overlooking the East River, offers four private event venues: the East Room which can accommodate up to 40 guests with minimum pricing ranging from \$1,200 to \$5,000; the West Room which can hold 100 dining guests with minimum prices ranging from \$2,500 to \$10,000; the East Room and West Room combined, which can serve up to 150, with pricing from \$3,700 to \$15,000; and the Little River Room which can hold 50-60 with pricing from \$2,500 to \$5,000. Given these characteristics, Riverpark competes for meeting and event business with Jean-Georges and Nougatine, and the Trump collection of Boardrooms and Function Rooms that they service.

D. Patronage by Surrounding Foreign and Domestic Government Clientele

57. There are more than 100 foreign consulates and federal, state and city government offices within a two-mile radius of the Trump International

Hotel restaurants (Jean-Georges and Nougatine) and the competitive RAISE restaurants (The Modern, Gramercy Tavern, Craft, Riverpark, and Amali).

VI. The event spaces in Trump SoHo Hotel compete with the event spaces in ROC/RAISE and Goode neighboring restaurants

A. Location Proximity

58. Trump SoHo Hotel is located at 246 Spring Street. It currently offers two small bar/cafes on the hotel rooftop, Mr. Jones and the Bar d'Eau, both serving limited food options. The Hotel also has approximately 8,000 square feet of meeting and event space capable of serving food and beverages, located on two separate floors.
59. Eric Goode's restaurant, The Waverly Inn, 16 Bank Street, is located within a 10 to 15-minute taxi or Uber ride of the Trump SoHo Hotel cafes and event spaces.
60. Eric Goode's restaurant, The Park, 118 Tenth Avenue, is located within a 10 to 15-minute taxi or Uber ride radius of the Trump SoHo Hotel cafes and event spaces.
61. Eric Goode's restaurant, Gemma, 335 Bowery, is located within a 10 to 15-minute taxi or Uber ride radius of the Trump SoHo Hotel cafes and event spaces.
62. ROC/RAISE member Maialino Restaurant, 2 Lexington Avenue, is located within a 10 to 15-minute taxi or Uber ride radius of the Trump SoHo Hotel cafes and event spaces.
63. ROC/RAISE member The North End Grill, 104 N. End Avenue, is located within a 10 to 15-minute taxi or Uber ride radius of the Trump SoHo Hotel cafes and event spaces.
64. ROC/RAISE member Gramercy Tavern, 42 East 20th Street, is located within a 10 to 15-minute taxi or Uber ride radius of the Trump SoHo Hotel cafes and event spaces.

65. ROC/RAISE member Craft, 43 East 19th Street, is located within a 10 to 15-minute taxi or Uber ride radius of the Trump SoHo Hotel cafes and event spaces.

66. ROC/RAISE member Riverpark, 450 E. 29th Street, is located within 15 to 20 minutes via taxi of the Trump SoHo Hotel cafes and event spaces.

B. Comparable Event, Meeting and Catered Offerings

67. The Trump SoHo's meeting spaces, dubbed the "Manhattan Meeting Space," target Luxury and Fine Dining business and wedding customers. They total approximately 8,000 square feet capable of serving food and beverages, located on two separate floors of the Hotel. The SoHo meeting space sits on the 46th floor with windowed views on three sides. The SoHo Ballroom may be divided into two separate spaces and can hold up to 300 for dinner. The TriBeCa meeting room holds up to 40 for dinner, and the Trump Boardroom up to 24.

68. Eric Goode restaurant, Gemma—located within a 10 to 15-minute taxi ride of Trump SoHo Hotel—offers Fine Dining events on a second floor space with a private entrance, outdoor terrace and iconic green tiled fireplace. It covers 10,000 square feet and can accommodate up to 600 guests. Given these characteristics, it competes for corporate, government and transient banquet business with the Trump SoHo Hotel meeting spaces.

69. Eric Goode restaurant, The Park—located within a 10 to 15-minute taxi ride of the Trump SoHo Hotel—is a multi-concept single location with meeting and event spaces that include the "Main Room" with seating for up to 150. Another event space, the "Atrium," is a glass enclosed room with a glazed brick fireplace that seats 33. The "Garden" offers more than 4000 square feet in an all-season year-round space with seating for up to 150. The "Red Room" is an Asian-themed space with seating for 55 guests. The "Penthouse" opens to a spacious rooftop patio which can accommodate up to 65 people. Given these characteristics, all of these various Luxury and Fine Dining

offerings compete for corporate, government, and transient banquet business with the Trump SoHo Hotel meeting spaces.

70. Eric Goode restaurant, The Waverly Inn—located with a 10 to 15-minute taxi ride of the Trump SoHo Hotel—is an eclectic collection of dining spaces and garden seating. Small groups and large can be accommodated in a Fine Dining relaxed atmosphere. Given these characteristics, it competes for corporate, government, and transient banquet business with the Trump SoHo Hotel meeting spaces.
71. ROC/RAISE member Gramercy Tavern—located within a 10 to 15-minute taxi ride of the Trump SoHo Hotel—is a 1-Star Michelin Luxury property which offers a single Private Dining Room which seats 22 and has a \$4,000 food and beverage minimum. Given these characteristics, it competes for corporate, government, and transient banquet business with the Trump SoHo Hotel meeting spaces.
72. ROC/RAISE member Riverpark, overlooking the East River and within a 15 to 20-minute taxi ride of the Trump SoHo Hotel, offers four private event venues. The East Room can accommodate up to 40 guests with minimum pricing ranging from \$1,200 to \$5,000. The West Room can hold 100 dining guests with minimum prices ranging from \$2,500 to \$10,000. When combined, the two rooms can serve up to 150, and pricing is from \$3,700 to \$15,000. The Little River room can hold between 50-60 with pricing ranging from \$2,500 to \$5,000. Given these characteristics, the Riverpark meeting spaces compete for corporate, government, and transient banquet business with the Trump SoHo Hotel meeting spaces.
73. ROC/RAISE member Craft—located within a 10 to 15-minute taxi ride of the Trump SoHo Hotel—is a 3-Star New York Times Luxury restaurant with a private dining room that can accommodate 40 guests. It was named by Zagat as one of only 14 restaurants to be “NYC’s Best for Private Rooms.” Given these characteristics, it competes for corporate, government, and transient banquet business with the Trump SoHo Hotel meeting spaces.

74. ROC/RAISE member Maialino Restaurant—located within a 10 to 15-minute taxi ride of the Trump SoHo Hotel—has a Fine Dining Private Dining Room with seating for up to 24 guests around a single table. Given these characteristics, it competes for corporate, government, and transient banquet business with the Trump SoHo Hotel meeting spaces.
75. ROC/RAISE member The North End Grill—located within a 10 to 15-minute taxi ride of the Trump SoHo Hotel—has a Fine Dining Private Dining Room offering a Prix Fixe menu and can accommodate up to 18 guests. Given these characteristics, it competes for corporate, government, and transient banquet business with the Trump SoHo Hotel meeting spaces.

C. Patronage by Surrounding Foreign and Domestic Government Clientele

76. There are more than 100 foreign consulates and federal, state and city government offices within a two-mile radius of the Trump SoHo Hotel event and meeting spaces and the competitive meeting and event spaces of the RAISE and Goode restaurants (Gemma, The Park, The Waverly Inn, Gramercy Tavern, Craft, Riverpark, Maialino, and North End Grill).

VII. Trump International Hotel Washington, D.C. restaurant BLT Prime by David Burke competes with Kimpton and ROC-worker neighboring restaurants and event spaces

A. Location Proximity

77. The Trump International Hotel Washington, D.C., 1100 Pennsylvania Avenue, NW, is located in the Old Post Office Building, leased from the Government Services Administration.
78. The Riggsby provides food services for events in the Carlyle Hotel, a Kimpton Hotel, located at 1731 New Hampshire Avenue, NW, and is a 10 to 15-minute taxi or Uber ride from the Trump International Hotel.
79. Minibar, 855 E Street, NW, employs ROC worker members. It is within a 3 to 5-minute taxi or Uber ride or 5 to 10-minute walk from the Trump International Hotel.

80. Jaleo by Celebrity Chef Jose Andres, 480 7th Street, NW, employs ROC worker members. It is a 5 to 10-minute taxi or Uber ride or a 10 to 15-minute walk from the Trump International Hotel.
81. Casolare Ristorante + Bar provides food services for events in the Glover Park Hotel, a Kimpton Hotel, located at 2505 Wisconsin Avenue, NW. Casolare is a 15 to 20-minute taxi or Uber ride from the Trump International Hotel.
82. Zaytinya, 701 9th Street, NW, employs ROC worker members. It is a 5 to 10-minute taxi or Uber ride or a 10 to 15-minute walk from the Trump International Hotel.

B. Comparable Restaurant Offerings

83. BLT Prime by David Burke is located in the Trump International Hotel. It is a Luxury Steakhouse featuring Celebrity Chef David Burke, which serves daily breakfast, lunch, and dinner, and specialty menus for Sunday brunch and daily late afternoons. Breakfast prices range from \$16.00 to \$29.00, lunch prices range from \$19.00 to \$110.00, and dinner menu prices range from \$35.00 to \$110.00.
84. Minibar—located within a 5 to 10-minute walk of the Trump International Hotel—is a 2-Star Michelin Luxury restaurant by Chef Jose Andres with a Prix Fixe menu of 25 to 30 tasting courses for \$275.00. Given these characteristics, it competes with BLT Prime.
85. Jaleo by Celebrity Chef Jose Andres—located within a 10 to 15-minute walk of the Trump International Hotel—is a Premium Casual Spanish tapas restaurant serving smaller high-quality plates. Ala Carte items range from \$8.00 to \$18.00, with Prix Fixe meals ranging from \$55.00 to \$95.00. Given these characteristics, it competes with BLT Prime.
86. The Riggsby—located within a 10 to 15-minute taxi ride of the Trump International Hotel—is a Fine Dining full service bar and grill by award-winning Celebrity Chef Michael Schlow, with prices ranging from \$17.00 to

\$41.00. Given these characteristics, especially its celebrity chef, it competes with BLT Prime.

87. Casolare Ristorante + Bar—located within a 15 to 20-minute taxi ride of the Trump International Hotel—is a Premium Casual restaurant by award-winning Celebrity Chef Michael Schlow which daily serves breakfast, lunch and dinner, with specialty menus for Saturday and Sunday brunch and daily late afternoon Happy Hour. Prices range for breakfast from \$12.00 to \$17.00, for lunch from \$14.00 to \$18.00, and for dinner from \$24.00 to \$33.00. Given these characteristics, it competes with BLT Prime.

88. Zaytinya—located within a 10 to 15-minute walk of the Trump International Hotel—is a Fine Dining Mediterranean restaurant by award-winning Celebrity Chef Jose Andres. Prix Fixe prices range from \$55.00 to \$65.00. Given these characteristics, it competes with BLT Prime.

C. Comparable Event, Meeting and Catered Offerings

89. The Trump International Hotel has a large portfolio of ballroom, event, and meeting spaces, all catered by BLT Prime, including: the 13,200 square foot Presidential Ballroom, and two spaces with more than 3000 square feet each, the Lincoln Library which can accommodate 150, and the Franklin Study which can accommodate 110. There is a selection of rooms which can accommodate between 12 and 96 guests, including the Madison, Eisenhower, Washington, Roosevelt, Jefferson, Reagan, Wilson, Adams, Kennedy, Grant, and Patton, and the DJT Boardroom.

90. The Riggsby offers a range of event and meeting spaces both in the restaurant and in partnership with the Carlyle Hotel, which can accommodate between 6 and 200 guests. These include the Ellington serving up to 50 guests; the private dining room; The Fitzgerald, serving up to 12; and the Taylor ballroom serving up to 88. These more intimate rooms, which are catered by the Riggsby, all compete with event and meeting spaces at the Trump International Hotel.

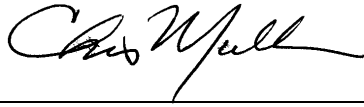
91. Casolare offers a range of event and meeting spaces, which it caters, both in the restaurant and in partnership with the Glover Park Hotel, including a newly renovated Walnut Ballroom for up to 200 guests. The Walnut Ballroom may be split into two smaller spaces, Walnut East and Walnut West. In addition, Casolare offers the Cocktail Garden, which accommodates up to 150. Casolare's ballroom space and its Cocktail Garden both compete with similar style and size spaces at the Trump International Hotel.
92. Jaleo by Celebrity Chef Jose Andres offers a range of private event and function spaces, which it caters, including the Foosball Alcove seating 50 and the entire restaurant space for up to 150 guests. Menu prices range from \$45.00 to \$70.00. These rooms compete with spaces at the Trump International Hotel.
93. Zaytinya by award-winning Celebrity Chef Jose Andres offers a selection of event and meeting spaces, which it caters, including an outside Terrace. The Terrace seats 70 people and can accommodate up to 100 for receptions. Menu prices range from \$42.00 to \$60.00. These function spaces compete with similar spaces at the Trump International Hotel.

D. Patronage by Surrounding Foreign and Domestic Government Clientele

94. There are more than 150 foreign consulates and federal, state and city government offices within a two-mile radius of the Trump International Hotel Washington, D.C. event and meeting spaces and the competitive meeting and event spaces of the Kimpton Hotel (Riggsby and Casolare) and ROC-worker restaurants (Minibar, Jaleo, and Zaytinya).

I declare under penalty of perjury that the foregoing is true and correct.

Executed the 24nd Day of August, 2017

A handwritten signature in black ink, appearing to read "Chris Muller", written in a cursive style.

Christopher C. Muller, Ph.D.