

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 THOMAS
COLICCHIO**

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I, Thomas Colicchio, submit this declaration to describe my restaurants in New York City and their government business, and why I believe they compete with Defendant's restaurants in the City. The statements in this declaration are based on my personal knowledge.

1. I am a resident of New York, New York and the founder and owner of Crafted Hospitality, a restaurant group that includes seven restaurants. Three of my restaurants are located in New York City: Craft (in Gramercy), Riverpark (in Kips Bay), and Fowler & Wells (near City Hall). I have worked continuously in New York City's restaurant industry for well over three decades.

2. I am a member of ROC United and its Restaurants Advancing Industry Standards in Employment ("RAISE") project.

3. My restaurants and other businesses in New York City compete with restaurants and businesses located in Trump International Hotel & Tower New York, Trump Tower, and Trump SoHo New York. This is because my businesses and those located in these Trump-

branded properties market to, solicit, and attract similar customers, including foreign, federal, state, and local government officials.

Personal Background

4. My restaurants and I have received numerous awards. I have been recognized as “Chef of the Year” by The Bon Appétit American Food and Entertaining Awards. I have also received five James Beard Foundation Awards, including the coveted “Outstanding Chef” award, given annually to only one chef nationally, and the “Best Chef: New York City” award.

5. I am the head judge and executive producer of Bravo’s Emmy-award winning television show *Top Chef*, which was recently renewed for its 15th season. Other judges have included well-known chefs Anthony Bourdain, Emeril Lagasse, and Wolfgang Puck. I was also involved in Bravo’s *Top Chef Masters*, where I was the main consulting producer, and, in 2015, I was the host of the television series *Best New Restaurant*. I have made cameo appearances in other popular television shows, including *The Simpsons*, HBO’s *Treme*, and *The Smurfs*. I also produced and appeared in the documentary *A Place at the Table*, which addresses the economic, social, and cultural implications of hunger in the United States.

6. I am the author of three cookbooks: *Think Like a Chef*, *’wichcraft: Craft a Sandwich into a Meal—And a Meal into a Sandwich*, and *Craft of Cooking: Notes and Recipes from a Restaurant Kitchen*.

7. I am the co-founder (with Danny Meyer) of and former executive chef at Gramercy Tavern, which was and continues to be one of the world’s most celebrated restaurants. I also previously served as the executive chef at Mondrian.

Craft

8. My marquis restaurant, Craft, is located in New York’s Gramercy neighborhood at 43 East 19th Street.

9. Craft has garnered numerous awards and other recognition. When it opened, Craft was awarded “Best New Restaurant” by The James Beard Foundation and, more recently, was a semifinalist in 2016 for The James Beard Foundation’s “Outstanding Restaurant” award,

which is given to only one U.S. restaurant each year. In addition, Craft has received three stars from the *New York Times*, which named it a “Critic’s Pick.” In its review, the *New York Times* called Craft “magical and delicious.” Additionally, Craft was listed by *Time Magazine* as one of the 100 best restaurants in the United States.

10. Craft features an ingredient-driven, seasonal menu with dishes served family-style. Although the menu is updated regularly, favorites include pan-roasted diver scallops and braised beef short ribs. Craft is open daily for dinner and on weekdays for lunch. Dinner entrees are priced from \$35 to \$55. Craft also offers an extensive wine list, consisting of nearly 1,000 wines, which has been recognized by Wine Spectator with a “Best of Award of Excellence.”

11. Craft’s dining room was designed by architectural firm Bentel & Bentel and received the American Institute of Architecture’s National Honor Award. Craft’s design includes a rectilinear steel and bronze wine vault, a curved Brazilian walnut and leather paneled wall, a space-expanding triptych, terra-cotta clad columns, and amber-hued bare bulb chandeliers hanging from 14-foot ceilings.

12. Craft also features a private dining room with a separate entrance and premium bar. The private dining room has an open kitchen which allows guests to watch as Craft’s chefs prepare dishes for their event. Craft’s private dining room can accommodate 40 seated guests and up to 80 guests for a cocktail reception. Craft’s main dining room can also be reserved for private events and accommodates up to 85 seated guests and 200 guests for a reception. Zagat has recognized Craft as among “NYC’s Best for Private Rooms”—a list that consists of only 14 restaurants.

13. Craft is located within a mile of many of the diplomatic consulates in Midtown East and other government buildings, and less than three miles from Jean-Georges and Nougatine. Craft’s restaurant clientele regularly includes foreign, federal, state, and local government officials. Craft has also hosted private events for such officials.

14. Based on my many years of experience in the restaurant industry in New York City, and based on the similarity of their quality, price, and location to Craft's, I consider Jean-Georges and Nougatine to be competitors of Craft.

Riverpark

15. Riverpark is in New York City's Kip's Bay neighborhood at 450 East 29th Street. It is located on a garden plaza with romantic East River views that *Zagat* has called "spectacular."

16. Riverpark has been recognized as among New York City's best farm-focused restaurants by *Zagat* and among its best rooftop and patio restaurants by both the *Village Voice* and *Time Out New York*. Riverpark is also a *New York Times* "Critic's Pick," which praised the restaurant for its "marvelous views" and "captivating" menu, as well as a *New York Magazine* "Critics' Pick."

17. Riverpark offers a modern American menu, which changes daily, highlighting seasonal ingredients from local farms, Greenmarkets and Riverpark Farm. In particular, the 10,000-square-foot Riverpark Farm is among the largest and most urban farms in New York City. It was developed through a partnership between Riverpark Restaurant and the Alexandria Center for Life Science and supplies Riverpark with more than 100 types of vegetables, fruits, and herbs. Riverpark serves dinner daily, lunch on weekdays, and brunch on weekends. Entrees are \$32 to \$48 for dinner and \$16 to \$25 for brunch. Dishes include spiced baby octopus, Berkshire pork rack, and Fazio Farm rabbit.

18. Riverpark was designed by architectural firm Bentel & Bentel and features floor-to-ceiling windows and sweeping river views. The dining room is made from white oak, French limestone, bronze, and frosted glass and boasts a flexible design that allows it to serve as a restaurant, meeting venue, and conference facility. *Zagat* recognized Riverpark (along with Jean-Georges) as one of twenty New York City restaurants with the best décor. Riverpark has also received a Design Award of Honor and an interior design award from the Society of American Registered Architects.

19. Riverpark offers multiple spaces for hosting events. The East Room, which has East River views and access to the restaurant's terrace, accommodates up to 40 seated guests. The West Room accommodates 100 seated guests or a 125-person reception. Additionally, the East and West Rooms can be combined to host events with up to 165 seated guests. Riverpark's main dining room, which offers access to a terrace overlooking the East River, is also available for private events. The full Riverpark space accommodates 300 seated guests and a 575-person cocktail reception. The separate Little River space, which features a glowing glass fixture overlooking Riverpark Farm and outdoor patio dining, accommodates up to 50 seated guests and 100-person receptions.

20. Riverpark is located within a mile of the United Nations, many of the diplomatic consulates located in Midtown East, and other government buildings, and less than three miles from Jean-Georges and Nougatine. Riverpark's restaurant clientele regularly includes foreign, federal, state, and local government officials. Riverpark has also hosted private events for such officials.

21. Based on my many years of experience in the restaurant industry in New York City and based on the similarity of their quality, price, and location, I consider Jean-Georges and Nougatine to be competitors of Riverpark, particularly with respect to private events.

Fowler & Wells and Beekman Hotel Food Service

22. Fowler & Wells, which recently opened in October 2016, is a signature restaurant in the new Beekman Hotel near New York's City Hall. Fowler & Wells is located at 5 Beekman Street.

23. Called by the *New York Post* one of 2016's "most eagerly anticipated openings," and by *Architectural Digest* "the fall's biggest foodie draw," Fowler & Wells has garnered considerable praise since it opened nine months ago. Fowler & Wells has been named a *New York Times* "Critic's Pick," a *New York Magazine* "Critics' Pick," and one of the *Wall Street Journals* "12 NYC Restaurants to Watch." It was also awarded four stars by *Time Out New*

York. The *Village Voice* complimented that Fowler & Wells's "cooking overwhelmingly matches the hotel's impressive surroundings."

24. The *New York Post* has dubbed Fowler & Wells "a sea of luxe," while the *Village Voice* has called it "a pulse-quickenning vortex of old-world opulence and the fresh exuberance of renovation," which "offers a matchless metropolitan setting for a meal." Fowler & Wells's design, by Martin Brudnizki Design Studios, consists of multi-colored stained-glass windows, large custom chandeliers, a long antique mirror, and other polished vintage details with industrial elements. Fowler & Wells's furniture includes grey leather banquettes, mohair velvet upholstery, and dark stained timber chairs with burgundy leather upholstery and antique brass nail head details.

25. Fowler & Wells serves a seasonal menu consisting of classic American and French dishes with contemporary elements. It offers breakfast/brunch and dinner daily and lunch on weekdays. Dinner entrees currently range from \$36 (for the mushroom tart with summer squash and basil) to \$73 (for Wagyu steak "Diane"), and a tasting menu is available for \$99, with an additional \$60 wine pairing. Breakfast entrees are \$12 to \$19. Fowler & Wells also offers a 350-selection wine list, which has been recognized by Wine Spectator with a "Best of Award of Excellence."

26. I also own the Beekman Hotel's Bar Room, which is located beneath the Hotel's nine-story Victorian atrium. The *Village Voice* has commented that the Bar Room "occupies the Beekman's star attraction, a breathtaking, depth-perception-challenging atrium lined with cast-iron railings and capped with a massive pyramidal skylight." The Bar Room offers \$18 house handcrafted cocktails, an extensive selection of wines, as well as food (dishes \$11-\$29). The Bar Room is decorated with plush velvet chairs and leather banquettes, Persian rugs, and books in dark-wood cases.

27. In addition to offering restaurant service, Fowler & Wells provides 24-hour in-room dining for the Beekman Hotel's guests and caters all private events held at the Beekman Hotel. The Beekman Hotel offers several spaces where private events are held. The 1,200-foot

Temple Court Room boasts arched entries, custom crystal chandeliers, and large windows with views of City Hall Park. It can hold 130-guest receptions, 100-guest seated dinners, and 60-guest meetings. The 400-foot Chapel Street Room, with design elements including dark aged-timber borders, high ceilings, and custom moldings, is available for use as a private boardroom and for dinners with up to 18 guests. Other available spaces include the 1,000-square-foot Kelly Room and 1,100-square-foot Farnsworth Room. The entire lower level of the Beekman Hotel, with 3,100 feet, can be used for larger events with up to 225 guests.

28. The clientele of Fowler & Wells and the Beekman Hotel include foreign, federal, state, and local government officials. The Beekman Hotel has also hosted private events for such officials, which I have catered.

29. Based on my experience in the hospitality industry, hotel guests often dine at restaurants and purchase drinks at bars located in their hotels. Additionally, many hotel guests purchase room service from the hotel in which they are staying. Because I own a restaurant and bar in and provide room service to the Beekman Hotel, an increase in competition faced by the Beekman Hotel from the Trump SoHo New York for hotel guests (such as government officials) would cause my businesses in the Beekman Hotel to lose sales. In addition, because Fowler & Wells provides catering for private events held in the Beekman Hotel, an increase in competition faced by the Beekman Hotel from the Trump SoHo New York for private events, including those paid by governments, would cause Fowler & Wells to lose catering business.

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

Executed this 3rd day of August, 2017.



THOMAS COLICCHIO