

**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 SARU
JAYARAMAN**

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I, Saru Jayaraman, submit this declaration to describe restaurants in Washington, D.C. and New York City that employ ROC members, and that are similar to restaurants that Defendant owns or that are otherwise located in Trump-branded properties. The statements in this declaration are based on my personal knowledge.

1. I am the Co-Founder and Co-Director of Restaurant Opportunities Centers United (ROC United) and Director of the Food Labor Research Center at the University of California, Berkeley. I have degrees from Yale Law School, Harvard's Kennedy School of Government, and UCLA. I am also the author of the books *Behind the Kitchen Door* and *Forked: A New Standard for American Dining*. I received a 2015 Leadership Award from the James Beard Foundation, was recognized as a "Champion of Change" by the White House in 2014, and am listed as one of CNN's "Top 10 Visionary Women."

ROC United

2. ROC United is a non-profit organization with nearly 25,000 restaurant-employee members and over 200 restaurant members in cities across the United States, including in Washington, D.C., New York City, and Chicago, as well as numerous consumer members.

3. The restaurant-employee members of ROC United occupy low-wage positions at restaurants and hotels. Many of them are bussers, dishwashers, cooks, waiters, bartenders and hosts, and many of them are compensated in part from tips. Any loss of income to restaurant-employee members of ROC United that stem from fewer customers patronizing their employers would be highly detrimental to these employees.

4. ROC United engages workers, employers, and consumers to improve wages and working conditions in the restaurant industry, including by providing job training, placement, leadership development, civic engagement, legal support, and policy advocacy.

5. RAISE is a project of ROC United that seeks to work with restaurant owners to implement sustainable business models that champion living wages, basic benefits, fair promotion policies, environmental sustainability, safe and healthy workplaces, and other “high road” employer practices.

6. As discussed below, many of ROC United’s members, including in Washington, D.C. and New York City, own restaurants or are employed by restaurants that are similar in terms of location, price, quality, and reputation to Defendant’s restaurants or to restaurants that are located in Trump-branded hotels and other properties. ROC United brings this lawsuit on behalf of itself and its members because ROC and its members are concerned that increased competition from Defendant’s restaurants and hotels, as a result of Defendant’s violations of the Constitution’s Emoluments Clauses, likely has deprived and will deprive ROC’s restaurant and worker members of sales and income—including from foreign and domestic governments.

7. ROC United’s mission is advanced by protecting its worker members from loss of wages or tips due to government officials patronizing Defendant’s establishments rather than restaurants where ROC United members work. ROC United’s mission is advanced by protecting

restaurant members—who are committed to fair business practices—from losing business due to government officials patronizing Defendant’s establishments rather than ROC United’s restaurant members.

8. ROC United’s members play an active role in its governance and in determining and implementing ROC United’s mission and initiatives. Each category of ROC United’s three membership categories (workers, restaurants, and consumers) has its own leadership committee. Worker members are organized in ten local offices and as online members, which send representatives to ROC United’s National Leadership Network. Restaurant members may serve on the RAISE steering committee. Consumer members may serve on the Diners United board of directors. Each of these leadership committees holds regular meetings and conducts monthly calls with ROC United’s leadership.

9. In addition, the majority of ROC United’s board of directors consists of its members, who are elected through the three leadership committees. ROC United’s Board of Directors is responsible for determining and implementing its mission, monitoring its programs, strategic planning, fundraising, budgeting, and policy development and oversight.

10. ROC United members are also active in the organization in other ways. RAISE members participate in an in-depth orientation prior to joining ROC United. RAISE also holds regular quarterly membership meetings and an annual conference. When joining, about 16,000 of ROC United’s worker-members participated in an in-person orientation, and the remaining 9,000 signed up online. Each of the ten local ROC United offices conducts monthly membership meetings for worker members, and ROC United holds a national conference annually. In addition, ROC United publishes a monthly newsletter that is distributed to all of its restaurant and worker members and informs them about ROC United’s initiatives. ROC United also sends email blasts to its full membership on a weekly basis.

Washington, DC

11. ROC United has more than 1,100 worker members in Washington D.C. Those members occupy low-wage positions at restaurants and hotels. Many of them are bussers,

dishwashers, cooks, waiters, bartenders and hosts, and any loss of income to them would be highly detrimental.

12. Worker members of ROC United are employed at more than 100 restaurants in Washington, D.C. Those restaurants include several famous high-end restaurants such as: Oyamel Cocina Mexicana, Jaleo DC, Zaytinya, Minibar, The Source by Wolfgang Puck, Sonoma Restaurant and Wine Bar, Art and Soul, and BLT Steak.

13. Restaurants Jaleo DC, Zaytinya, Oyamel Cocina Mexicana, and Minibar are all owned by Chef José Andrés, who Defendant's daughter, Ivanka Trump, has called "a genius." Likely the most acclaimed restaurateur based in Washington, D.C., Chef Andrés is the recipient of numerous awards, including Chef of the Year by *Bon Appetit*, Outstanding Chef and Best Chef of the Mid-Atlantic Region by the James Beard Foundation, and Washington Chef of the Year by the *Washington Post*. He has also been awarded the National Humanities Medal and an honorary doctorate by George Washington University and has been named one of Times Magazine's "100 Most Influential People in the World." Chef Andrés apprenticed at elBulli, long considered the world's best restaurant, under legendary chef Ferran Adrià. Among other things, Chef Andrés is credited with popularizing tapas and small-plate dining in the United States. Chef Andrés agreed to open a restaurant in the Trump International Hotel Washington, D.C. before pulling out reportedly due to Defendant's comments and positions on immigrants.

14. Chef Andrés's flagship restaurant, Jaleo DC ("Jaleo"), serves Spanish tapas. *The Washingtonian* ranked Jaleo among the top 100 restaurants in the Washington, D.C. area, *Eater* included Jaleo in its 38 Best D.C. restaurants list, and Zagat included it among 22 most popular restaurants in Washington, DC. Jaleo receive 3 stars (out of 4) from the Washington Post, which called it "the best tapas restaurant this side of the Atlantic." It is open daily for lunch and dinner, and is priced at "\$\$\$" (\$31-60) on Yelp. Jaleo is located only three blocks from Trump International Hotel, Washington, D.C. at 480 7th Street, Northwest. Jaleo is also located within ten blocks of dozens of government buildings, including the White House and the Capitol.

15. Chef Andrés's restaurant Zaytinya serves Mediterranean-style small plates. *The Washingtonian* ranked Zaytinya among the top 100 restaurants in the Washington, D.C. area, *Eater* included Zaytinya in its 38 Best D.C. restaurants list, and Zagat listed it among the 15 best restaurants in Washington, D.C. It is open daily for lunch and dinner, and is priced at “\$\$\$” (\$31-60) on Yelp. Zaytinya is located only five blocks from Trump International Hotel, Washington, D.C. at 401 7th Street, Northwest. Zaytinya is also located within ten blocks of dozens of government buildings, including the White House and the Capitol.

16. Chef Andrés's restaurant Oyamel Cocina Mexicana specializes in Mexican-style small plates. It has been ranked as one of America's 5 Best Mexican Restaurants by *Daily Meal*, as one of the Top 10 Mexican Restaurants in the U.S. by *Fox News*, as one of the Best Mexican Restaurants in the U.S. by *Travel & Leisure*, and as one of the 10 Best Mexican Restaurants in the World by the influential Mexican newspaper *Reforma*. The Food Network has listed Oyamel as one of the Top 10 Power Dining Spots in Washington, D.C. Oyamel is open daily for lunch and dinner, and is priced at “\$\$” (\$11-30) on Yelp. Oyamel is located only three blocks from Trump International Hotel, Washington, D.C. at 401 7th Street, Northwest. Oyamel is also located within ten blocks of dozens of government buildings, including the White House and the Capitol.

17. Chef Andrés's restaurant Minibar serves avant-garde tasting menus. Minibar was awarded two Michelin stars, is ranked the second best restaurant in Washington, D.C. by *Washingtonian*, and is listed among the 15 best restaurants in Washington, D.C. by Zagat, and is rated a perfect four stars by the Washington Post. Meals are \$275 with \$115 and \$195 beverage pairing options. Minibar is located only three blocks from Trump International Hotel, Washington, D.C. at 855 E Street, Northwest. It is open Tuesday through Saturday for dinner. Minibar's bar, Barmini, serves food a la carte, as well as drinks on evenings Tuesday through Saturday. Minibar is located within ten blocks of dozens of government buildings, including the White House and the Capitol.

18. The Source by Wolfgang Puck (“The Source”) has earned numerous accolades, including by *The Washingtonian*, which ranked The Source among the top 100 restaurants in the Washington, D.C. area. The Source’s owner, Wolfgang Puck, is among the most celebrated chefs in the world, and has received a lifetime achievement award by the James Beard Foundation, which also twice awarded him Outstanding Chef (a recognition bestowed annually on only one chef across the country). The Source is fewer than 4 blocks from the Trump International Hotel, Washington, D.C. in the Newseum, located at 575 Pennsylvania Ave NW. It features innovative Asian cuisine (with entrées priced between \$26 and \$48 and a \$135 tasting menu) and is open for dinner Tuesday through Saturday and for brunch on Sundays. The Source is housed in a three-level restaurant space with floor-to-ceiling windows and a 2,000-bottle wine collection. The Source is located within ten blocks of dozens of government buildings, including the Capitol.

19. Sonoma Restaurant and Wine Bar (“Sonoma”) is located at 223 Pennsylvania Avenue, Southeast on Capitol Hill—less than two blocks from the U.S. Capitol—and is surrounded by numerous government buildings, including congressional offices. Sonoma has long catered to government officials. *The Hill* included Sonoma in its list of “15 places in DC where lobbyists talk turkey” and noted that it has “emerged as another destination for lawmakers to court donors.” Sonoma has hosted at least 450 events for Congressman of both parties over the last decade, based on data collected by the Center for Responsive Politics. Indeed, Sunlight Foundation ranked it sixth for such events among all Washington, D.C. venues in September 2013 (the most recently published ranking). Sonoma focuses on fresh, naturally-raised, and local ingredients paired with the best American and international wines. It is open daily for dinner and on weekdays for lunch, and offers dinner entrées between \$20 and \$38 (including Ribeye steak and salmon).

20. The restaurant Art and Soul, located on Capitol Hill, is only a dozen blocks (and less than a mile) from Trump International Hotel Washington, D.C. Art and Soul is the signature restaurant in the four-star Liaison Capitol Hill DC hotel. It is owned by two-time James Beard

Award-winning Chef Art Smith, who was formerly the personal chef to Oprah Winfrey. Art & Soul specializes in seasonal, Southern-influenced cuisine, with entrées between \$25 and \$43 (for a ribeye steak). The restaurant is open for dinner daily, for lunch on weekdays, and for brunch on weekends.

21. BLT Steak is a steakhouse operated by ESquared Hospitality Group, which also operates BLT Prime, a restaurant located in the Trump International Hotel. As ESquared's president told the *Washington Post*, "If you're wondering about the distinction between BLT Steak and BLT Prime, there really isn't much of one." BLT Steak is located eleven blocks from BLT Prime. BLT Steak and BLT Prime serve many identical dishes at identical prices; for instance, both restaurants serve a 16 oz New York Strip steak (both for \$55), filet mignon (both for \$53), and Scottish salmon (both for \$35). BLT Steak is open weekdays for lunch and for dinner every day except Sunday. BLT Prime is open daily for breakfast, brunch/lunch, and dinner. BLT Steak is located within ten blocks of dozens of government buildings, including two block of the White House.

New York City

22. ROC United has more than 6,000 worker members in New York City at hundreds of restaurants. Those worker members occupy low-wage positions at restaurants and hotels. Many of them are bussers, dishwashers, cooks, waiters, bartenders and hosts, and any loss of income to them would be highly detrimental.

23. Worker members of ROC United are employed at hundreds of restaurants in New York City. Those restaurants include award-winning restaurants such as Breslin, the Spotted Pig and Amali. In addition, restaurant members of ROC include several famous, high-end restaurants such as The Modern, Gramercy Tavern, Union Square Café, RiverPark, Craft, Fowler & Wells and Amali.

24. The Spotted Pig, located in the West Village, has been a James Beard Award nominee for Outstanding Restaurant for each of the past three years. The Spotted Pig's owner was awarded Outstanding Restaurateur for his restaurants, Spotted Big and The Breslin, and its

head chef was named Best Chef: New York City. The Spotted Pig is located fewer than 3 miles from the Trump International Hotel New York and its restaurants. The Spotted Pig is open for lunch and dinner daily and for brunch on weekends. It focuses on seasonal British and Italian food, cooked using local ingredients, with entrées priced between \$26 and \$36.

25. The Michelin-starred Breslin is located in the ACE Hotel New York, at 16 West 29th Street, in the Flatiron neighborhood. Breslin is listed as one of 38 Essential New York Restaurants by *Eater*, which called it “one of New York City’s most accomplished meat restaurants” that is “firing on all cylinders.” It is nearby to numerous consulates and government buildings in Midtown East, and under 2 miles from the Trump International Hotel New York and the Trump SoHo New York. Breakfast, lunch, and dinner are served daily with dinner entrées priced between \$27 and \$39 (with additional entrées based on the market price). The ACE Hotel New York is a luxury four-star hotel. It is—along with Trump International Hotel New York—one of only six New York hotels with Michelin-starred restaurants.

26. The Modern is a two-Michelin-star restaurant located only 10 blocks from the Trump International Hotel New York and its restaurants Jean-Georges and Nougatine. Housed in New York’s Museum of Modern Art, it is part of James Beard award-winning chef Danny Meyer’s Union Square Hospitality Group. The Modern has earned three stars from the *New York Times*, *Wine Spectator*’s Grand Award, and four James Beard Awards, including for Best New York Restaurant, Outstanding Wine Service, and Outstanding Restaurant Design. The Modern focusses on contemporary cooking with seasonal ingredients and is open for lunch and dinner daily except Sundays. For dinner, the Modern offers a four-course set menu for \$158.00 and an eight-course set menu for \$208.00. The Modern is available for private events, with 64-guest and 24-guest private rooms; the full restaurant can also be rented for 120-guest seated meals and 250-guest receptions. The Modern’s address is 9 West 53rd Street—near numerous consulates and other government buildings in Midtown East.

27. Grammercy Tavern, also owned by Danny Meyer’s Union Square Hospitality Group, is a Michelin-starred restaurant that offers seasonal fine dining. It has earned three stars

from the *New York Times*, which called it a “classic” and “one of the nicest restaurants in New York City” and named it a “Critic’s Pick.” Grammercy Tavern is open daily for lunch and dinner. For dinner, Grammercy Tavern offers a \$129 three-course meal and a \$179 tasting menu. Grammercy Tavern is located at 42 East 20th Street in the Flatiron District and is less than three miles from the Trump International Hotel New York and its restaurants and near numerous consulates and other government buildings in Midtown East.

28. The award-winning Union Square Café is known for being one of the progenitors of contemporary American cuisine. Owned by Danny Meyer’s Union Square Hospitality Group, Union Square Café has earned five James Beard Awards (including Outstanding Restaurant) and a three-star rating by the *New York Times*, which named it a “Critic’s Pick.” Union Square Café is open daily for dinner and lunch/brunch. Dinner entrées are priced between \$48 and \$28. Union Square Café is located at 42 East 20th Street, in the Flatiron District—less than three miles from the Trump International Hotel New York and its restaurants and near numerous consulates and other government buildings in Midtown East.

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.


SARU JAYARAMAN