

**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 JAMES MALLIOS

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I, James Mallios, submit this declaration to describe two of my restaurants in New York City, which I believe compete with some of Defendant's restaurants and to describe some of the business they do with government officials. The statements in this declaration are based on my personal knowledge.

1. I am the managing partner of several restaurants in New York City, including Amali and Amali Mou.

2. I consider certain of Defendant's restaurants in New York City to be competitors of Amali and Amali Mou because his restaurants are located just a short cab ride from Amali and Amali Mou, and have similar prices, quality and reputations as my two restaurants.

3. Diplomats, other officials of foreign states, and officials of the United States and various states have regularly dined at Amali and Amali Mou.

Amali

4. Amali is located in the Upper East Side at 115 E. 60th Street. The restaurant is less than a ten-minute walk from Trump Tower and a fifteen to twenty-minute walk or a ten-minute taxi or Uber ride to Trump International Hotel. I believe Amali competes for business, including government business, with Trump Grill in the Trump Tower and with Nougatine in the Trump International Hotel. I believe it also competes with the Trump Tower Atrium, the Trump Grill, and the Trump Bar, all in the Trump Tower, and with Nougatine and Jean-Georges, both in the Trump International Hotel, for corporate, government and transient event and meeting business.

5. There are approximately 118 government buildings, both foreign and domestic, within a two-mile radius of Amali, including 106 consulates, one federal government building, one state government buildings, eight 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. Amali is an approximately 3500 square foot restaurant dedicated to economically sustainable sourcing that features seasonal Mediterranean cuisine with an emphasis on vegetables, olive oil, cheese, grains, and fish. The tables and all of the surface wood in the restaurant are made from 150-year-old pine taken from the ceiling of the restaurant during renovations. All of the other wood used in the restaurant, from the ceiling to the menu boards, is repurposed from New York buildings. The space is detailed in steel and reclaimed pine with minimalist lamps made by local artisans and menus fastened to wooden boards with metal strips.

7. Amali's Executive Chef Dan Ross-Leutwyler joined Amali in Spring 2016. Previously, he earned two stars from the New York Times as Executive Chef of Fatty 'Cue with Zak Pelaccio. He was Sous Chef at Roberta's when the restaurant received its first rating from the New York Times. Before coming to Amali, Chef Dan opened the critically-acclaimed Fritzl's Lunch Box in Bushwick.

8. The restaurant serves dinner seven days a week, lunch Monday through Friday, and brunch Saturday and Sunday. Brunch entrees range from \$18-\$28; lunch from \$19-\$29; and dinner from \$21-\$36, although some items fluctuate with market prices. The restaurant also has an extensive wine list with over 400 selections. The wine list has been called “daring” by the New York Times, and Adam Platt of New York Magazine named Amali’s wine selection “one of the best Mediterranean selections in Midtown.”

9. The restaurant also offers catering and space for private events. Amali frequently hosts private events and has hosted many political and governmental organizations including the United Nations, the U.S. State Department, the Democratic Senatorial Campaign Committee, and the Democratic National Committee. There are four spaces available for private events.

10. One of Amali’s event spaces is the Fireplace Room, which features a large wooden table, large wooden doors, and large black and white photographs. It seats 18-22 guests and can accommodate 35 guests for a standing reception. The room fee is \$200. The minimum for a lunch is \$750 and the minimum for a dinner is \$1,500.

11. The Skylight Room is available for private events. The room has twelve-foot ceilings and an eighteen-foot high skylight. The Skylight Room seats 25-40 guests and can accommodate 65 guests for a standing reception. The room fee is \$300. The lunch minimum is \$1,250. The dinner minimum is \$2,500.

12. Sopra is available for private events. Sopra is a converted loft apartment that features an open kitchen and seats 20-30 guests and can accommodate 40 guests for a standing reception. The room fee is \$300. The lunch minimum is \$1,250. The dinner minimum is \$2,500. Wine and Spirits Magazine describes the Sopra as having the feel of “an upscale bistro in Kolonkaki.”

13. The Sopra Chef’s Table is available for private dinner events. It can seat approximately 20 guests. The room fee is \$400. The dinner minimum is \$3,000.

14. The Sopra and Fireplace Rooms can be rented together for private events. Together, the rooms can seat 45-65 guests and can accommodate 95 guests for a standing

reception. The room fee is \$600. The lunch minimum is \$2,500. The dinner minimum is \$5,000.

15. The entire restaurant can also be rented out for private events. It can seat 150 guests and accommodate 200 guests for a standing reception. The room fee is \$1,000.

16. The room fees for all private event spaces includes personalized menus, floral arrangements, and name cards.

17. I believe each of these event spaces competes for corporate, government, and transient meeting and event business with the event spaces in Jean-Georges, Nougatine, the Trump Tower Atrium, the Trump Grill, and the Trump Bar.

18. Online ratings demonstrate Amali's success in the New York restaurant market. Nymag.com rates Amali a 9 out of 10. Both Google.com and Opentable.com give Amali at 4.2 out of 5 stars. Eater.com listed Amali on its list of 38 Essential New York Restaurants and noted that Amali serves "one of the city's top brick chickens, and the seafood, pasta dishes, and charcuterie are just as good." Zagat.com describes Amali as a "wine destination on the East Side" and describes that food and wine list as "fantastic."

Amali Mou

19. Amali Mou is located in Midtown at 230 Park Avenue. Amali Mou is under a fifteen-minute walk to Trump Tower. I believe Amali Mou competes with Trump Café in the Trump Tower.

20. There are approximately 114 government buildings, both foreign and domestic, within a two-mile radius of Amali Mou, including 105 consulates, one federal government building, one 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.

21. Amali Mou is an approximately 150 square foot restaurant dedicated to economically sustainable sourcing that features Modern Greek fare, drawing inspiration from the cuisines of Santorini, Mykonos and the Aegean islands. The menu offers gyros, market salads,

mezes, and over 35 wines, beers, and cocktails. The restaurant is open from 11 a.m. to 9 p.m. Monday to Friday and 11 a.m. to 5 p.m. Saturday and Sunday.

22. The restaurant also offers catering and delivery services. Catering packages provide food for 15-25 people.

23. Online ratings demonstrate Amali Mou's success in the New York restaurant market. Google.com and TripAdvisor rate Amali Mou 4 out of 5 stars.

Government Business

24. Amali and Amali Mou are frequented by foreign and domestic government officials. Additionally, my restaurants receive 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.

25. These tax forms reveal that the many government officials have dined at my restaurants, including the following:

- a. The mayor of Athens dined at Amali in 2017;
- b. the mayor of Rome dined at Amali in 2017;
- c. the first lady of Japan dined at Amali in 2017;
- d. the Ambassador of Cyprus dined at Amali in 2015.

26. Amali typically hosts one or two events each year for the United Nations.

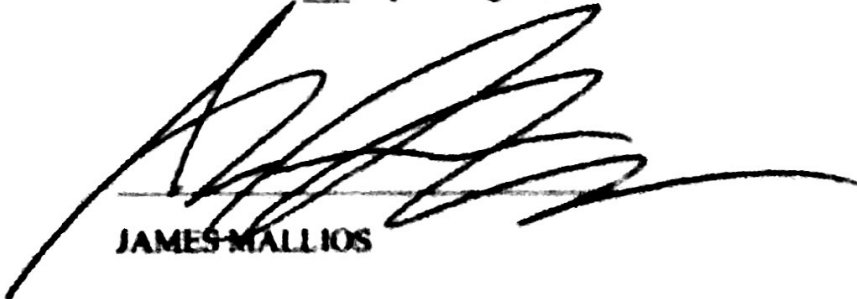
27. Amali hosted an event for the United States Department of State in 2014.

28. Tax exempt sales at Amali in November 2016 totaled \$22,751. In December 2016, tax exempt sales at Amali totaled \$15,811, a nearly \$7,000 decline from the prior month. My most recent sales receipts, from June 2017, reflect only \$15,607 in tax exempt sales. The decline in tax exempt sales reflects a decline in government business.

29. In order to counteract this decline in government business, I took three steps that required the expenditure of resources and time. I joined new event listing services, including BizBash. I engaged the public relations firm Sunshine Sachs to increase event bookings. I personally took over event coordination at Amali.

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

Executed this 1 day of August, 2017.



A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

JAMES MALLIOS