

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

THE DISTRICT OF COLUMBIA and THE
STATE OF MARYLAND,

Plaintiffs,

v.

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

Defendant.

Civil Action No. 8:17-cv-01596-PJM

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. I provided a declaration in August

2017 addressing restaurant competition issues for the plaintiffs in a similar case against the defendant pending in the Southern District of New York. (*Citizens for Responsibility and Ethics in Washington v. Donald J. Trump*, No. 1:17-cv-00458-GBD (S.D.N.Y.).)

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 identify a number of the locally-owned restaurants in Washington, D.C. that I conclude compete with the defendant's restaurant, BLT Prime, and the Trump International Hotel catering and event staff and to describe the facts and analysis on which I rely for that opinion. Plaintiffs' counsel also asked me to identify the restaurants at National Harbor in Oxon Hill, Maryland that compete with BLT Prime and the Trump International Hotel catering and event staff, and to set out the facts and analysis that underlie my conclusion. In addition, plaintiffs' counsel asked me to identify examples of other restaurants in suburban Maryland that compete with BLT Prime and the Trump International Hotel catering and event staff, and to present the underlying facts and analysis. Finally, plaintiffs' counsel requested that I describe the nature and extent of the demand for the restaurants discussed herein by foreign, federal, state, and local government officials.
11. The materials that I reviewed include websites with information about the restaurants discussed herein. In addition, I reviewed defendant's memorandum in support of his motion to dismiss, the Declaration of Rachel Roginsky in this case, the listings on the Open Table App, materials supplied by Events DC, and the document entitled "A Review of the

Ancillary Facility Elements of Applicant Proposals For the Prince George's County, Maryland Casino License, Dec. 2013" prepared by Macomber International Inc. Finally, I used the Google Search and Google Maps applications.

12. I also reviewed research studies conducted by independent analysis organizations and individuals concerning the economic effects of local, small, and independent retail enterprises in comparison to large corporate chain organizations. These studies are listed in Appendix A.
13. 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 in the field.

III. The Nature of Restaurant and Event Competition

14. 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 or bus ride away
 - b. location, specifically distance from targeted customers to the enterprise; in a suburban environment, this usually is:
 - i. a 5-10 mile radius
 - ii. a 15-45 minute drive
 - iii. a 15-30 minute taxi or Uber ride
 - c. location, specifically distance from targeted customers to the enterprise; for commuters from the surrounding metropolitan area, this usually is:
 - i. a 10-50 mile radius
 - ii. a 30-90 minute morning and evening commute
 - iii. similar distances as apply to an urban patron but from an office or work location,
 - d. consumer search costs associated with a purchase,
 - e. restaurant brand name affiliation,
 - f. pricing strategies, including premiums and discounts,

- g. selection of food and beverage products (the menu) and services offered, and
 - h. ownership or brand reputation.
15. 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 Restaurant 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)
16. 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 qualities of the physical venue can be as important or even more important for private events and meetings than food quality, private rooms in desirable venues can compete with event spaces serving higher quality food.

17. In general, the higher end a restaurant is, the further diners are willing to travel to patronize it.
18. 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.
19. While there are hundreds of restaurants in Washington, D.C., they are not all in competition with each other. As noted, only restaurants within the same geographic area and the same or similar restaurant segment(s) compete with each other. Thus, for example, restaurants within a 3-10 mile radius (depending on how urbanized their respective locations are) and within the Fine Dining category compete with each other, but generally not with restaurants 20 miles away, and not with Fast Casual restaurants. Within a given restaurant category and geographic area in and around the District of Columbia (or in or around any city), only a small fraction of the total restaurants in the metropolitan area compete with each other.

IV. Impact of Locally Owned Businesses on the Local Economy

20. Over the past few decades, multiple studies have shown that local, independent retail enterprises, dollar for dollar, have a larger beneficial impact on a local or regional economy than an enterprise with its corporate headquarters located in a different city. A list of these studies is contained in Appendix A.
21. Multiple studies analyzing Dun & Bradstreet, the later National Establishment Time Series databases, and U.S. Census and Bureau of Labor Statistics have also demonstrated that small businesses create jobs at a faster rate than large corporate or chain organizations. This research was first conducted by Dr. David Birch, whose seminal 1987 book, *Job Creation in America*, has been used to set economic policy. A list of Dr. Birch's studies along with the 2008 study by Neumark, Wall & Zhang substantially confirming Dr. Birch's findings are listed in Appendix A.
22. These studies show that, compared to nationally owned or controlled businesses, locally owned businesses generate more local economic activity per dollar of revenue and more jobs. The studies conclude that these positive effects are driven by multiple factors, including but not limited to the fact that:
 - a. as local entrepreneurial companies such as local restaurants succeed, they train, mentor, encourage, and enhance other local entrepreneurial start-ups by helping to advance their employees' management, culinary, and service skills;
 - b. local businesses tend to purchase a greater proportion of input goods and services locally; in the restaurant environment, this translates into locally provided or grown food, beverages, and ancillary services such as banking, accounting, and construction contracts;
 - c. local businesses tend to hire more employees per dollar of sales and offer to higher wages and better benefits to their employees;
 - a. local businesses tend to donate a greater share of their charitable dollars and organizational support to local charitable organizations;

- b. a greater proportion of a local businesses' taxes are paid to its state and local jurisdictions;
- c. state and local governments often seek to entice non-local enterprises to move to the state or locality or open new business operations there with incentives such as tax abatements, land grants, and favorable leases; local businesses tend to receive less of these public subsidies and government incentives; and
- d. local businesses tend to feature lower pricing of retail goods and services which is an economic benefit to the local consuming public.

V. **Summary of Conclusions Regarding Restaurant and Event Space Competition**

- 23. As discussed below, there are many restaurants in the District of Columbia and Maryland that compete with the Trump International Hotel and its restaurant, BLT Prime. To summarize:
- 24. I conclude there are at least 32 restaurants in the District of Columbia that compete directly with BLT Prime based on their location, class, pricing, and association with celebrity chefs. I also conclude that there are at least 24 restaurants in the District of Columbia that compete with the Trump International Hotel for event and meeting spaces, based on those same features, as well as room availability.
- 25. I also conclude there are five high-end restaurants at National Harbor that compete directly with BLT Prime and the Trump International Hotel for restaurant patrons as well as meeting and event offerings, based on their location, class, pricing, space availability, and association with celebrity chefs.
- 26. I further analyzed a selection of restaurants in the Maryland suburbs of Chevy Chase and Bethesda and concluded that there are at least ten such restaurants that compete with BLT Prime based on based on their location, class, pricing, space availability, and association with celebrity chefs. In addition, there are at least 5 restaurants in Bethesda and Chevy Chase that compete with the Trump International Hotel for event and meeting spaces,

spaces, based on those same features, as well as room availability. These restaurants are only a subset of the ones in existence and I estimate that there are considerably more competitors than the selection I have identified in this declaration.

VI. BLT Prime by David Burke, Competes with Numerous Locally Owned Restaurants in the District of Columbia

A. Location

27. The Trump International Hotel Washington, D.C., 1100 Pennsylvania Avenue, NW, is located in the Old Post Office Building, leased from the General Services Administration. BLT Prime by David Burke, a celebrity chef-operated fine dining/luxury steak house is located in the lobby of the Trump International Hotel. Defendant, through various business entities, owns the restaurant, licenses the name from BLT Prime, and pays BLT Prime to operate it.
28. The following chart describes some of the locally owned restaurants in the District of Columbia that are located close enough to BLT Prime to compete with it (i.e., they are in BLT Prime's "trade area"):

Restaurant	Address	Walking Time to Trump International Hotel¹	Taxi/Uber Ride Time to Trump International Hotel²
The Dabney	122 Blagden Alley, NW	20 minutes	5-15 minutes
Equinox	818 Connecticut Ave., NW	20 minutes	5-15 minutes
Rasika	633 D St. NW	8 minutes	5-10 minutes
701	701 Pennsylvania Ave., NW	6 minutes	3-8 minutes
Bibiana Osteria Enoteca	1100 New York Ave., NW	9 minutes	3-9 minutes
The Bombay Club	815 Connecticut Ave., NW	18 minutes	5-15 minutes
NOPA Kitchen+Bar	800 F St., NW	7 minutes	3-9 minutes
Ristorante Tosca	1112 F St., NW	5 minutes	2-6 minutes
Thally	1316 9 th St., NW	22 minutes	5-15 minutes
Iron Gate	1734 N St., NW	More than 20 minutes	6-18 minutes
Bistro Lopic & Wine Bar	1736 Wisconsin Ave., NW	More than 20 minutes	15-35 minutes
1789	1226 36 th St., NW	More than 20 minutes	12-22 minutes
The Old Ebbit Grill	675 15 th St., NW	10 minutes	3-8 minutes
Fiola	601 Pennsylvania Ave. NW	8 minutes	4-12 minutes
Fiola Mare	3050 K St., NW	More than 20 minutes	10-22 minutes
Cafe Milano	3251 Prospect St., NW	More than 20 minutes	12-22 minutes
Del Campo	777 I St., NW	14 minutes	5-14 minutes
Kinship/Métier	1015 7 th St., NW	17 minutes	6-16 minutes
Komi	1509 17 th St., NW	More than 20 minutes	7-18 minutes
Marcel's by Robert Widmaier	2401 Pennsylvania Ave., NW	More than 20 minutes	8-20 minutes
Brasserie Beck	1101 K St., NW	12 minutes	3-10 minutes
BlackSalt Fish Market & Restaurant	4883 MacArthur Blvd., NW	More than 20 minutes	20-40 minutes

The Riggsby in the Carlyle Hotel	1731 New Hampshire Ave., NW	More than 20 minutes	9-24 minutes
Minibar by José Andrés	855 E St., NW	6 minutes	3-8 minutes
Casolare Ristorante + Bar	2505 Wisconsin Ave., NW	More than 20 minutes	15-26 minutes
Zaytinya	701 9 th St., NW	9 minutes	5-10 minutes
Slate Wine Bar + Bistro	2404 Wisconsin Ave., NW	More than 20 minutes	15-28 minutes
I Ricchi	1220 19 th St., NW	More than 20 minutes	8-24 minutes
Petit Plats	2653 Connecticut Ave., NW	More than 20 minutes	12-24 minutes
Urbana	2121 P St., NW	More than 20 minutes	9-24 minutes
Bar à Vin/Chez Billy Sud	1035 31 st St., NW	More than 20 minutes	10-22 minutes
Acadiana	901 New York Ave., NW	12 minutes	5-12 minutes
Corduroy	1122 9 th St., NW	16 minutes	5-14 minutes
Graffiato	707 6 th St., NW	13 minutes	4-12 minutes
Kapnos	2201 14 th St., NW	More than 20 minutes	9-26 minutes

B. Comparable Restaurant Offerings

29. BLT Prime by David Burke is located in the Trump International Hotel. It is a luxury steakhouse by Celebrity Chef David Burke, which serves daily breakfast, lunch, and dinner.³ BLT Prime features 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 (for an entrée designed for two people), and dinner menu prices range from \$33.00 to \$120.00 (for an entrée designed for two people).

¹ Walking time is based on the Google Maps estimate at 7:00 p.m. on a weekday.

² Driving time is based on the Google Maps estimated range, depending on traffic, at 7:00 p.m. on a weekday.

³ On Sunday, BLT Prime serves brunch instead of its daily lunch menu.

30. Minibar is a 2018 2-Star Michelin award winning luxury restaurant by Chef José Andrés with a Prix Fixe menu of 20 to 25 tasting courses for \$275.00. Optional wine and beverage pairings are available for an extra charge.
31. The Riggsby is a fine dining full service bar and grill by award-winning Celebrity Chef Michael Schlow, with a la carte dinner entrée prices ranging from \$17.00 to \$46.00.
32. Casolare Ristorante + Bar is a premium casual restaurant by award-winning Celebrity Chef Michael Schlow which daily serves breakfast and dinner and serves lunch on week days. The restaurant also features specialty menus for Saturday and Sunday brunch and daily late afternoon Happy Hour. Prices range for a la carte breakfast entrees from \$12.00 to \$17.00, for lunch from \$14.00 to \$18.00, and for dinner from \$15.00 to \$44.00.
33. Zaytinya is a fine dining Mediterranean restaurant by the multiple Michelin star-awarded Celebrity Chef José Andrés. The restaurant offers two Prix Fixe dinner options costing \$55.00 and \$65.00.
34. Komi is a 2018 1 Star Michelin award winning luxury Greek restaurant owned by local Chef Johnny Monis. The prix fixe menu is \$150.00 per person, with an optional wine pairing for \$75 per person.
35. The Dabney is a 1 Star Michelin award winning fine dining/luxury modern American restaurant which specializes in small, tapas style plates with shared menu items from \$48.00 to \$68.00.
36. Equinox is a fine dining/luxury modern American restaurant by Celebrity Chef Todd Gray. Prices range for a la carte dinner entrees from \$31.00 to \$38.00.
37. Rasika is a fine dining modern Indian restaurant, locally owned by the Knightsbridge Group with a la carte dinner entrees range from \$18.00 to \$36.00. The restaurant also offers two six course tasting menu options for \$60.00 or \$75.00.
38. 701 is a fine dining American restaurant, locally owned by the Knightsbridge Group with entrees ranging between \$22.00 to \$38.00.

39. Bibiana Osteria Enoteca is a fine dining/luxury Italian restaurant, locally owned by The Knightsbridge Group, with a la carte dinner entrees ranging from \$22.00 to \$70.00 (for an entrée designed for two people).
40. The Bombay Club is a fine dining Indian restaurant, locally owned by The Knightsbridge Group, with non-vegetarian, a la carte dinner entrees ranging from \$18.00 to \$36.00.
41. NOPA Kitchen+Bar is a fine dining American brasserie, locally owned by The Knightsbridge Group. Prices range for a la carte dinner entrees from \$22.00 to \$36.00.
42. Tosca is a fine dining/luxury Italian restaurant. Prices range for a la carte dinner entrees from \$38.00 to \$52.00.
43. Iron Gate is a fine dining American restaurant. Prices for small and large dinner plates range from \$15.00 to \$75.00 (for an entrée designed for two people). The restaurant also features a multi-course “family table” menu for 55.00.
44. Occidental Grill is a fine dining/luxury American restaurant. Prices range for a la carte dinner entrees from \$25.00 to \$49.00.
45. Bistrot Lepic is a fine dining French restaurant. Prices range for a la carte dinner entrees from \$22.00 to \$45.00.
46. 1789 is a fine dining/luxury All American restaurant. Prices range for a la carte dinner entrees from \$30.00 to \$57.00.
47. Fiola is a 1-Star Michelin award winning luxury Italian restaurant owned by Celebrity Chef Fabio Trabocchi. Prices for prix fixe dinners range from \$115.00 to \$150.00.
48. Fiola Mare is a fine dining/luxury Italian restaurant. Prices range for a la carte dinner entrees from \$28.00 to \$75.00.
49. Cafe Milano is a fine dining/luxury Italian restaurant. Prices range for a la carte dinner entrees from \$25.00 to \$65.00.
50. Del Campo is a fine dining/luxury Spanish restaurant. Prices range for a la carte dinner entrees from \$28.00 to \$110.00.

51. Kinship/Métier are both 2018 1 Star Michelin award winning fine dining/luxury American-French restaurants. These restaurants share a single address. Prices at Kinship for shared dinner entrees range from \$56.00 to \$168.00. Métier features a Fixe Prix menu for \$200.00.
52. Marcel's by Robert Wiedmaier, is a Celebrity Chef driven fine dining/luxury French restaurant. Prices range for Prix Fixe dinners from \$105.00 to \$155.00.
53. BlackSalt Fish Market & Restaurant is a fine dining/luxury seafood restaurant. Prices range for a la carte dinner entrees from \$36.00 to \$40.00 with Prix Fixe dinners from \$80.00 to \$110.00.
54. Brasserie Beck is a premium casual/fine dining Belgian restaurant by Celebrity Chef Robert Wiedmaier. Prices range for a la carte dinner entrees from \$22.00 to \$95.00.
55. Slate Wine Bar + Bistro is a fine dining American restaurant. Prices range for a la carte dinner entrees from \$20.00 to \$26.00 and Prix Fixe dinners options are \$35.00 or \$55.00.
56. I Ricchi is a fine dining Italian restaurant. Prices range for a la carte dinner entrees from \$29.00 to \$40.00.
57. Petit Plats is a premium casual/fine dining French restaurant. Prices range for a la carte dinner entrees from \$22.00 to \$29.00 with Prix Fixe dinners from \$48.00 to \$85.00.
58. Urbana is a fine dining Italian restaurant and bar. Prices range for a la carte dinner entrees from \$23.00 to \$42.00.
59. Bar a Vin/Chez Billy Sud is a premium casual/fine dining French restaurant. Prices range for a la carte dinner entrees from \$24.00 to \$38.00.
60. Acadiana is a premium casual/fine dining Cajun/New Orleans restaurant. Prices range for a la carte dinner entrees from \$25.00 to \$50.00.
61. Corduroy, a fine dining modern American restaurant. Prices range for a la carte dinner entrees from \$27.00 to \$35.00 with Prix Fixe dinners from \$70.00.

62. Given the above-described characteristics of the restaurants listed in this section, I conclude that they each compete with BLT Prime. I reach this conclusion because the restaurants listed above are located in BLT Prime's trade area; like BLT Prime, they are in the fine dining and/or luxury dining market segment; and they have comparable pricing to BLT Prime for some or all of their menu items. In addition, several of these restaurants are, like BLT Prime, associated with a celebrity chef. Association with a celebrity chef adds a luxury value to a restaurant.

C. Comparable Event, Meeting, and Catered Offerings

63. The Trump International Hotel has a large portfolio of ballroom, event, and meeting spaces, all catered by the hotel's banquet chef. These spaces include the 13,200 square foot Presidential Ballroom and two spaces with more than 3,000 square feet each, the Lincoln Library which can accommodate 150 and the Franklin Study which can accommodate 110. In addition to these spaces, the Trump International Hotel has 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.
64. The Riggsby offers a range of event and meeting spaces in the restaurant and caters events and meetings held in the Carlyle Hotel, where The Riggsby is located. These event and meeting spaces in the restaurant and hotel can accommodate between 6 and 200 guests. The spaces include the Ellington accommodating up to 50 guests; The Fitzgerald, which can accommodate up to 12; and the Taylor ballroom, which can accommodate up to 88.
65. 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 their 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 guests.

66. Zaytinya by award-winning Celebrity Chef José Andrés 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.
67. The Equinox offers a range of private and semi-private dining and function rooms, including The Wine Room seating up to 12 guests, The Front Atrium seating up to 30, and The Atrium seating up to 60 guests.
68. Rasika offers a private dining room that seats up to 16 guests.
69. 701 offers private dining rooms including the Admiral Room, which seats up to 6-12 guests, State Room, which seats up to 40 guests, Memorial View, which seats up to 40 guests, and Window Alcove, which seats up to 10 guests.
70. Bibiana Osteria Enoteca offers a private dining room that seats up to 48 guests.
71. The Bombay Club offers a private dining room that seats up to 20 guests.
72. Tosca offers semi-private dining that seats 12-32 guests and a private dining room that seats up to 14 guests.
73. The Occidental Grill offers a range of private dining and function rooms, including the Monument Room seating up to 120 guests, the Presidential Room seating up to 56 guests, and The Willard Atrium seating up to 100 guests.
74. Bistrot Lepic has a private Wine Room, seating up to 14 guests.
75. 1789 has three private dining rooms. The John Carroll Room features seating for up to 60 guests, the Middleburg Room features seating for up to 56 guests, and the Garden Room features seating for up to 18 guests.
76. Fiore offers a range of private and semi-private dining and function rooms, including Aliche seating up to 25 guests, Luca seating up to 15 guests, Toto seating up to 60 guests, Lounge seating up to 18 guests, Rooftop seating up to 70 guests, and Patio seating up to 65 guests.
77. Fiore Mare offers a range of private and semi-private dining and function rooms, including Panerai seating up to 14 guests, Marea seating up to 36

guests (or 45 standing), Bar Piccolo seating 20 guests, Mermaid seating up to 18 guests, the Veranda seating up to 40 guests, and the Marina seating up to 40 guests.

78. Cafe Milano offers three private and semi-private dining and function rooms. These are the Domingo Room seating up to 30 guests, the Wine Room seating up to 70 guests, and the Garden Room seating up to 25 guests.
79. Del Campo offers a private dining room that seats up to 22 guests and a Mezzanine room that seats up to 32 guests.
80. Kinship has a private dining room that seats up to 20 guests.
81. Marcel's has a private room, the Palladin Room, which accommodates 15 to 60 guests.
82. Brasserie Beck has two private dining rooms, Brabo which seats up to 32 guests and Waterloo, which also seats up to 32 guests. They can be combined to seat up to 64 guests.
83. I Ricchi has two private spaces, the Tuscan Palm Room which seats up to 50 guests and the Wine Room which seats up to 20 guests.
84. Petit Plats has five private dining rooms that can accommodate 26, 32, 50, 20, and 20 guests, respectively.
85. Acadiana has two private dining rooms, the Lake room can accommodate up to 30 guests and the Bayou room that can accommodate up to 60.
86. Corduroy has two private dining rooms, Private Dining Room 1 can accommodate up to 16 guests and Private Dining Room 2 can accommodate up to 24.
87. NOPA Kitchen+Bar has three private dining rooms, the Adam Room can accommodate up to 12 guests, the Gallery Room can accommodate up to 36 guests, and the Ledroit Room can accommodate up to 20.
88. The private dining, event, and meeting spaces of the restaurants (or the hotels they cater) listed in this section each compete with comparably-sized private dining, event, or meeting spaces at Trump International Hotel. I reach this conclusion because these restaurants are located within

the trade area of the Trump International Hotel's private dining, event, and meeting spaces, and because these restaurants, like the Trump International Hotel, offer event sites that are customized, specialized, unique, authentic, elegant, or new to the market, and thus that are appealing to both casual and professional event planners.

VII. BLT Prime by David Burke Competes with Restaurants at National Harbor in Suburban Maryland

A. Location

89. 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. BLT Prime by David Burke, a Celebrity Chef-operated fine dining/luxury steak house is located in the lobby of the Trump International Hotel.
90. The National Harbor waterfront resort is located on the Potomac River in Oxon Hill, Maryland. The MGM National Harbor, which features a casino, and the Gaylord National Resort and Convention Center are both located here. The following fine dining/luxury and celebrity chef-owned restaurants are located at the National Harbor complex:

Restaurant	Address	Taxi/Uber Ride Time to Trump International Hotel⁴
Voltaggio Brothers Steakhouse	MGM National Harbor 101 MGM National Ave. Oxon Hill, MD	15-20 minutes
Fish by José Andrés	MGM National Harbor 101 MGM National Ave. Oxon Hill, MD	15-20 minutes
Marcus National Harbor by Marcus Samuelsson	MGM National Harbor 101 MGM National Ave. Oxon Hill, MD	15-20 minutes
Old Hickory Steakhouse	Gaylord National Resort and Convention Center 201 Waterfront St., Oxon Hill, MD	15-24 minutes

⁴ Driving time is based on the Google Maps estimated range, depending on traffic, at 7:00 p.m. on a weekday.

Bond 45	National Harbor 149 Waterfront St., Oxon Hill, MD	15-20 minutes
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B. Comparable Restaurant Offerings

91. BLT Prime by David Burke is located in the Trump International Hotel. It is a luxury steakhouse by Celebrity Chef David Burke, which serves daily breakfast, lunch, and dinner.⁵ BLT Prime features 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 (for an entrée designed for two people), and dinner menu prices range from \$33.00 to \$120.00 (for an entrée designed for two people).
92. The Voltaggio Brothers Steakhouse is a locally owned, fine dining/luxury steakhouse, operated by Michael and Bryan Voltaggio, two competitors on the Top Chef reality television show. Prices for a la carte dinner menu items range from \$40.00 to \$85.00 and prices for a Prix Fixe tasting menu range from \$85.00 to \$195.00.
93. Fish by José Andrés is a locally owned, fine dining/luxury seafood restaurant operation by the multiple Michelin star-awarded Celebrity Chef José Andrés. Prices range for a la carte from \$35.00 to \$75.00.
94. Marcus is a fine dining/luxury Modern American restaurant operated by the James Beard award winning Celebrity Chef, Marcus Samuelson. Prices range for a la carte dinner entrée range from \$18.00 to \$70.00.
95. The Old Hickory Steakhouse, is a fine dining/luxury steakhouse in the lobby of the Gaylord National Resort and Conference Center. Prices range for a la carte dinner entrees range from \$30.00 to \$98.00.
96. Bond 45 is a fine dining/luxury steak and seafood restaurant. Prices for a la carte dinner entrees range from \$22.00 to \$96.00.
97. Given the characteristics of the restaurants described in this section, I conclude that they each compete with BLT Prime. I reach this conclusion

⁵ On Sunday, BLT Prime serves brunch instead of its daily lunch menu.

because the restaurants listed above are located with BLT Prime's trade area; like BLT Prime, are in the fine dining and/or luxury dining market segment; and they have comparable pricing to BLT Prime for some or all of their menu items. In addition, several of the restaurants are, like BLT Prime, associated with a celebrity chef. Association with a celebrity chef adds a luxury value to a restaurant.

C. Comparable Event, Meeting, and Catered Offerings

98. The Trump International Hotel has a large portfolio of ballroom, event, and meeting spaces, all catered by the hotel's banquet chef. These spaces include the 13,200 square foot Presidential Ballroom, and two spaces with more than 3,000 square feet each, the Lincoln Library which can accommodate 150, and the Franklin Study which can accommodate 110. In addition to these spaces, the Trump International Hotel features 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.
99. The Voltaggio Brothers Steakhouse has two private dining areas. The Private Dining Room seats up to 16 guests, and the Kitchen Dining Room seats up to 25 guests.
100. Marcus National Harbor by Marcus Samuelsson has a Private Dining Room, Sammy's, with seating for up to 24 guests.
101. Fish by José Andrés has a selection of semi-private and private spaces including the Raw Bar with 16 seats, the Cocktail Bar with 20 seats, and the Patio with 93 seats.
102. Bond 45 has a selection of private spaces including the Veranda Chef's Table with 18 seats, Veranda Marina with 20 seats, Veranda Toscana with 20 seats, and the Wine Room with 32 seats.
103. The private dining, event, and meeting spaces of the restaurants listed in this section each compete with the comparably-sized private dining, event, or meeting spaces at Trump International Hotel. I reach this conclusion because these restaurants are located within the trade area of the Trump

International Hotel's private dining, event and meeting spaces, and because these restaurants, like the Trump International Hotel, offer event sites that are customized, specialized, unique, authentic, elegant, or new to the market, and thus that are appealing to both casual and professional event planners.

VIII. BLT Prime by David Burke Competes with Restaurants in Suburban Maryland Adjacent to Washington, D.C.

104. There likely are dozens of restaurants in suburban Maryland that compete with BLT Prime. I do not attempt to identify and describe each restaurant. Rather, I analyze a subset of restaurants located in Chevy Chase, MD and Bethesda, MD.

A. Location

Restaurant	Address	METRO Rail Time to Trump International Hotel⁶	Taxi/Uber Ride Time to Trump International Hotel⁷
Morton's The Steakhouse	Hyatt Regency Hotel 7400 Wisconsin Ave. Bethesda, MD	23 minutes	25-55 minutes
Ruth's Chris Steak House	7315 Wisconsin Ave., Bethesda, MD	25 minutes	28-45 minutes
The Capital Grille	5310 Western Ave. Chevy Chase, MD	20 minutes	22-45 minutes
Sushiko	5455 Wisconsin Ave., Chevy Chase, MD	24 minutes	22-45 minutes
Le Vieux Logis	7925 Old Georgetown Rd. Bethesda, MD	33 minutes	26-40 minutes
Black's Bar & Kitchen	7750 Woodmont Ave. Bethesda, MD	30 minutes	28-45 minutes
Bistro Provence	4933 Fairmont Ave. Bethesda, MD	30 minutes	28-40 minutes

⁶ Metro Rail time is based on the Google Maps estimate at 7:00 p.m. on a weekday.

⁷ Driving time is based on the Google Maps estimated range, depending on traffic, at 7:00 p.m. on a weekday.

Mon Ami Gabi	7239 Woodmont Ave. Bethesda, MD	27 minutes	28-45 minutes
Kapnos Kouzina	4900 Hampden Lane Bethesda, MD	27 minutes	28-45 minutes
La Ferme	7101 Brookville Rd. Chevy Chase, MD	Not accessible to Metro rail	24-55 minutes

B. Comparable Restaurant Offerings

105. BLT Prime by David Burke is located in the Trump International Hotel. It is a luxury steakhouse by Celebrity Chef David Burke, which serves daily breakfast, lunch, and dinner.⁸ BLT Prime features 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 (for an entrée designed for two people), and dinner menu prices range from \$33.00 to \$120.00 (for an entrée designed for two people).
106. Morton's The Steakhouse is a fine dining/luxury steakhouse. Prices for a la carte dinner entrees range from \$23.00 to \$114.00.
107. Ruth's Chris Steak House is a fine dining/luxury steakhouse. Prices for a la carte dinner entrees range from \$28.00 to \$115.00.
108. The Capital Grille is a fine dining/luxury steakhouse. Prices for a la carte dinner entrees range from \$31.00 to \$60.00.
109. Sushiko is a fine dining Japanese sushi restaurant locally co-owned by Chefs Daisuke Utagawa, Handry Tjan, and Piter Tjan. Prices for dinner sushi, sashimi, and complete omakase or dinner items run from \$28.00 to \$45.00.
110. Le Vieux Logis is a fine dining, traditional French restaurant. Prices for a la carte dinner entrees range from \$26.00 to \$38.00.
111. Black's Bar & Kitchen is a fine dining American restaurant. Prices for a la carte dinner entrees range from \$27.00 to \$38.00.

⁸ On Sunday, BLT Prime serves brunch instead of its daily lunch menu.

112. Bistro Provence is a fine dining, traditional French restaurant owned by James Beard-nominated chef Yannick Cam. Prices for a la carte dinner entrees range from \$28.00 to \$39.00.
113. Mon Ami Gabi is a fine dining French bistro and steakhouse. Prices range for a la carte dinner entrees range from \$18.00 to \$40.00.
114. Kapnos Kouzina is a fine dining Greek restaurant owned by Celebrity Chef Mike Isabella. The price of a Chef's Tasting menu is \$65.00.
115. La Ferme, is a fine dining/luxury French restaurant. Prices for a la carte dinner entrees range from \$24.00 to \$85.00.
116. Given the above-described characteristics of the restaurants listed in this section, I conclude that they each compete with BLT Prime. I reach this conclusion because the restaurants listed above are located in BLT Prime's trade area; like BLT Prime, they are in the fine dining and/or luxury dining market segment; and they have comparable pricing to BLT Prime for some or all of their menu items. In addition, several of these restaurants are, like BLT Prime, associated with a celebrity chef. Association with a celebrity chef adds a luxury value to a restaurant.

C. Comparable Event, Meeting, and Catered Offerings

117. The Trump International Hotel has a large portfolio of ballroom, event, and meeting spaces, all catered by the hotel's banquet chef. These spaces include the 13,200 square foot Presidential Ballroom, and two spaces with more than 3,000 square feet each, the Lincoln Library which can accommodate 150, and the Franklin Study which can accommodate 110. In addition to these spaces, the Trump International Hotel features 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.
118. The Capital Grille has a portfolio of private meeting spaces including the Board Room with dinner seating for up to 12 guests, the Chevy Chase Room with dinner seating for up to 30 guests, and the Wine Room with seating dinner seating for up to 30 guests.

119. Morton's The Steakhouse three private dining rooms that seat up to 16 guests each. These rooms can be combined to seat up to 72 guests, if all three are combined, or 40 guests when two rooms are combined.
120. Sushiko has a private dining room with seating for 35 to 40 guests.
121. Bistro Provence has a private dining room with seating for 30 to 40 guests.
122. Mon Ami Gabi has "The Right Bank" private dining room with seating for up to 40 guests.
123. The private dining, event, and meeting spaces of the restaurants listed in this section each compete with the comparably-sized private dining, event, or meeting spaces at Trump International Hotel. I reach this conclusion because these restaurants are located within the trade area of the Trump International Hotel's private dining, event and meeting spaces, and because these restaurants, like the Trump International Hotel, offer event sites that are customized, specialized, unique, authentic, elegant, or new to the market, and thus that are appealing to both casual and professional event planners.

D. Foreign and Domestic Government Clientele

124. Within a 4.5-mile radius of BLT Prime and the Trump International Hotel's event and meeting spaces, there are 177 foreign embassies and 61 Federal Buildings.

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

Executed the 6th day of November, 2017



Christopher C. Muller, Ph.D.

Appendix A to Declaration of Christopher C. Muller, Ph.D.

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