

Turnersville), Regal Cumberland Mall (in Vineland), Regal Hadley Theatre (in South Plainfield), Regal Hamilton Commons (in Mays Landing), Regal Independence (in Hamilton Township), Regal Manahawkin, Regal Moorestown Mall & RPX (in Moorestown), Regal Pohatcong (in Phillipsburg), and Regal UA Washington Township (in Sewell). Regal is a member of Plaintiffs National Association of Theatre Owners of New Jersey (“NATO NJ”) and National Association of Theatre Owners (“NATO”),

4. Regal understands the importance of, and fully supports the goal of, protecting the public health from the risks of COVID-19. By this lawsuit, Regal simply seeks to be treated fairly in comparison to other places of public assembly that have been allowed to reopen. Regal is not seeking any special treatment, it is just asking for fair treatment.

5. I have reviewed the protocols for health and safety that NATO NJ and NATO have proposed to the Governor of New Jersey’s office in connection with a reopening of movie theatres in the State. A true and correct copy of those proposed protocols are attached to the Declaration of John Fithian of NATO.

6. Regal has been working on procedures for the safe reopening of its movie theatres throughout the United States. The protocols that have been proposed for New Jersey meet or exceed those that Regal has implemented at its theatres in other states that have allowed movie theatres to reopen.

7. The protocols that have been proposed for New Jersey are a comprehensive and detailed plan for the safe and healthy reopening of movie theatres. They meticulously address all aspects of theatre operations, including employees, patrons, ticket sales, concessions sales, seating, security, training, and other elements of health and safety. In my opinion, they represent a safe plan for the health and safety aspects of reopening movie theatres in New Jersey.

8. Regal is ready, willing, and able to implement these protocols, if allowed to reopen in New Jersey. Regal theatres in New Jersey have the facilities, equipment, manpower, training resources, management resources to implement these protocols. Regal also is committed to address promptly any other concerns, if any, that may arise from health officials in New Jersey.

9. Regal's theatres present less of a risk for the spread of COVID-19 than other establishments that the Governor's orders have allowed to reopen. Unlike in churches or other places of worship, guests in our theatres generally do not engage with those outside their immediate groups to have conversations, hold or shake hands, hug, sing, provide verbal responses, do responsive readings, or engage in other forms of contact regularly engaged in at places of worship. Indeed, speaking and singing during the performance is not allowed during the performances in our movie theatres. Nor are there shared books or documents or frequent sitting, standing and kneeling in our theatres during performances. Persons at places of worship tend to arrive for the service at or near the same time and leave at or near the same time. In my experience, places of worship do not have assigned seating or seat reservation systems.

10. Persons in libraries frequently stay for extended periods of time, in excess of the length of a typical movie. Patrons of libraries often stand and sit, sit directly facing other patrons, touch books and other shared objects, sit at desks used by other patrons, and use public computers. Libraries do not have assigned seating or seat reservation systems. A school or public library often has many more people present than the seating capacity of one of our typical movie auditoriums.

11. Customers in shopping malls frequently stay for extended periods of time, in excess of the length of a typical movie. Patrons of shopping malls often stand and sit, try on

clothes and shoes, eat, and touch objects that are touched by others. Shopping malls ordinarily have many more customers present at any given time than the seating capacity of one of our theatres.

12. Massage parlors and tattoo parlors have been allowed to reopen in New Jersey, per the Governor's orders. I would consider the closeness and intensity of physical contact inherent in massage parlors and tattoo parlors to be much greater than anything that occurs in our movie theatres.

13. By virtue of Governor Philip D. Murphy's Executive Order No. 104, all movie theatres in the State of New Jersey were ordered closed as of March 16, 2020. All of Regal's movie theatres in the State did in fact close on that date. By virtue of Executive Order No. 104 and subsequent orders of the Governor, all of Regal's theatres in New Jersey have remained closed since March 16, 2020.

14. As a result, Regal has suffered a complete and total loss of all revenue and profit from its theatres in New Jersey, from March 16, 2020 and continuing.

15. In addition, due to the closure of all of its theatres in New Jersey, Regal has had to place 506 of its employees on furlough, reduced working hours, or have been laid off.

16. The government-required closure of all of Regal's theatres in New Jersey has meant that numerous films of significant artistic, cultural, political, and popular merit have not and cannot be shown to the public by Regal in its theatres. Some of those films include *Mulan*, *Tenent*, *Monster Hunter*, *James Bond*, and *Wonder Woman*. The Governor's orders has absolutely prevented Regal from showing these films, and has absolutely prevented our patrons from seeing these films in theatres.

17. Regal has not received, and has not been offered, any compensation from the State of New Jersey for its involuntary closure due to the Governor's orders.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 10th day of July, 2020, at Knoxville, Tennessee.



Matt Eyre