

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NATIONAL ASSOCIATION OF THEATRE OWNERS; NATIONAL ASSOCIATION OF THEATRE OWNERS OF NEW JERSEY; AMERICAN MULTI-CINEMA, INC.; CINEMARK USA, INC.; REGAL CINEMAS, INC.; BJK ENTERTAINMENT, INC.; BOW TIE CINEMAS, LLC; and COMMUNITY THEATERS LLC,	X	Case No. 3:20-cv-08298-BRM-TJB
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	:	ECF Case
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	:	DECLARATION OF PETER LIEU IN SUPPORT OF PLAINTIFFS’ APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION
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Plaintiffs,	:	
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- against -	:	
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PHILIP D. MURPHY, in his official capacity as Governor of New Jersey; and JUDITH PERSICHILLI, in her official capacity as Acting Commissioner of Health,	:	
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Defendants.	X	

I, PETER LIEU, hereby declare as follows:

1. I am the Vice President of Operations for the Northeast Region of American Multi-Cinema, Inc. (“AMC”), one of the Plaintiffs herein. I submit this declaration in support of Plaintiffs National Organization of Theatre Owners, National Organization of Theatre Owners of New Jersey, American Multi-Cinema, Inc., Cinemark USA, Inc., Regal Cinemas, Inc., BJK Enterprises, Inc., Bow Tie Cinemas, LLC, and Community Theaters LLC’s application for a temporary restraining order and preliminary injunction. I have personal knowledge of the matters set forth herein. If called and sworn as a witness, I could and would competently testify to the facts set forth herein.

2. As Vice President of Operations at AMC, my job responsibilities include overseeing all AMC theatres in the Northeast Region, which consists of 160 individual locations, including all AMC theatres in New Jersey. I am tasked with ensuring proper execution of

associate, guest, and theatre operation protocols. Since February of this year, my responsibilities have also included the operational response to the COVID-19 pandemic for the theatres within the Northeast Region.

3. AMC owns and operates movie theatres in the State of New Jersey, specifically, AMC Brick Plaza 10 (in Brick), AMC DINE-IN Bridgewater 7, AMC Cherry Hill 24, AMC Clifton Commons 16 (in Clifton), AMC Deptford 8, AMC Brunswick Square 13 (in East Brunswick), AMC East Hanover 12, AMC Monmouth Mall 15 (in Eatontown), AMC DINE-IN Menlo Park 12 (in Edison), AMC Jersey Gardens 20 (in Elizabeth), AMC Freehold 14, AMC DINE-IN Shops at Riverside 9 (in Hackensack), AMC Hamilton 24, AMC Newport Centre 11 (in Jersey City), AMC Aviation 12 (in Linden), AMC Marlton 8, AMC Headquarters Plaza 10 (in Morristown), AMC Mountainside 10, AMC New Brunswick 18, AMC Garden State 16 (in Paramus), AMC MarketFair 10 (in Princeton), AMC Ridgefield Park 12, AMC Rockaway 16, AMC Seacourt 10 (in Toms River), AMC Voorhees 16, AMC Wayne 14, and AMC DINE-IN Essex Green 9 (in West Orange). AMC is a member of NATO NJ and NATO.

4. AMC understands the importance of, and fully supports the goal of, protecting the public health from the risks of COVID-19. By this lawsuit, AMC simply seeks to be treated fairly in comparison to other places of public assembly that have been allowed to reopen. AMC 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. AMC has been working on procedures for the safe reopening of its movie theatres throughout the United States in consultation with current and former faculty from the Harvard School of Public Health. The protocols that have been proposed for movie theatres in New Jersey meet those that AMC plans to implement 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. AMC is ready, willing, and able to implement these protocols, if allowed to reopen in New Jersey. AMC theatres in New Jersey have the facilities, equipment, manpower, training resources, and management resources to implement these protocols. AMC also is committed to address promptly other concerns, if any, that may arise from health officials in New Jersey.

9. AMC'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. 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 AMC'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 AMC's theatres in New Jersey have remained closed since March 16, 2020.

14. As a result, AMC has suffered a complete and total loss of all box office and concession 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, AMC has had to furlough, reduce working hours, or lay off all of its approximately 1,350 theatre level employees in New Jersey.

16. The government-required closure of all of AMC'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 AMC in its theatres. Some of those films include "Antebellum", "Black Widow", "Candyman", "F9", "Fatima", "Free Guy", "The French Dispatch", "Ghostbusters: Afterlife", "The Green Knight", "In The Heights", "Jungle Cruise", "The Personal History of David Copperfield", "Minions: Rise of Gru", "Mulan", "The New Mutants", "No Time To Die", "Saint Maud", "Soul", "Spiral", "Tenet", "Top Gun: Maverick", "The Woman In The Window", and "Wonder Woman 1984". The Governor's orders have absolutely prevented AMC from showing these films, and has absolutely prevented our patrons from seeing these films in theatres.

17. AMC 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 Leawood, Kansas.



Peter Lieu