



3. The Defendants, in their opposition brief, claim that it would be difficult to enforce a mask requirement in a movie theatre because an auditorium is somewhat darkened during the show.

4. A movie theater auditorium is not totally dark during a performance. This is for a variety of reasons. The auditorium is not completely dark for safety reasons. Auditoriums are lit sufficiently for egress should there be an emergency situation. Audience members also get up during a performance, for example, to go to the restroom, and so the auditorium is not entirely dark for that reason as well. There are commonly lights on steps and along aisles so that patrons can see the steps and aisles in the auditorium. Exit signs are also illuminated. Furthermore, movies themselves are light projected onto the screen with a high-powered light bulb. There are also often lights on the sides of auditoriums. For all of these reasons, a movie theatre auditorium is not completely dark during a show. An usher or manager generally would be able to see if a patron removed his or her mask.

5. In addition, ushers and managers at BJK, and at movie theaters generally, have flashlights in order to enforce the theatres' rules. Generally speaking, it is not necessary to have to remind audience members to follow theatre rules. Once asked, there is generally nearly 100% compliance with requests.

6. In my earlier declaration I addressed the protocols for reopening of movie theatres that we proposed to the Governor of New Jersey's office. Those protocols address the issue of patrons wearing face coverings in theatres comprehensively. Among other things, the protocols would require: all patrons must wear masks; signs and placards will be posted in appropriate public areas reminding patrons to adhere to safety rules; signs will be posted warning patrons that if safety policies are not followed, the patron will be asked to leave the theatre; all safety



policies will also be posted on the theatre's website; theatres and patrons will be required to follow all CDC Coronavirus Prevention Guidelines, New Jersey Department of Health requirements, and social distancing requirements established by the Governor; and training will be provided to all employees on all COVID-19 policies prior to reopening and again when updates or changes are to be implemented;

7. If movie theatres are allowed to reopen in New Jersey either as a result of a court order in this case or because the Defendants were to retract or amend the Executive Orders, BJK would reopen for business.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 31st day of July, 2020, at Hillsborough Township, New Jersey.

A handwritten signature in black ink, appearing to read 'Robert Piechota', written over a horizontal line.

Robert Piechota