

STATE OF MAINE
CUMBERLAND, ss

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.

PORTLAND REGIONAL CHAMBER OF)
COMMERCE; ALLIANCE FOR ADDICTION)
AND MENTAL HEALTH SERVICES,)
MAINE; SLAB, LLC; NOSH, LLC; GRITTY)
MCDUFF’S; and PLAY IT AGAIN SPORTS)

Plaintiffs)

v.)

CITY OF PORTLAND; and)
JON JENNINGS, in his official capacity as City)
Manager for the City of Portland,)

Defendants)

**AFFIDAVIT OF GRITTY
MCDUFF’S IN SUPPORT OF
JOINT MOTION FOR RELIEF
FROM COURT ORDERS
RELATED TO COVID-19, FOR AN
EXPEDITED SCHEDULE, AND
FOR RELIEF FROM
MANDATORY ADR PURSUANT
TO M.R. CIV. P. 16B(b)(9)**

I, Richard Pfeffer, being first duly sworn, state as follows:

1. I am the owner of Gritty McDuff’s (“Gritty’s”). Gritty’s is the assumed name of Brew Associates, LLC, a limited liability company organized under the laws of the State of Maine, which operates a restaurant and bar at 396 Fore Street, Portland, County of Cumberland, State of Maine.


2. I make this affidavit based on my own personal knowledge, including based on my review of Gritty’s business records.

3. As owner of Gritty’s, I have custody of or access to such records. It is Gritty’s regular practice to make such records, and such records are kept in the regular course of Gritty’s business. The records are made at or near the time of the acts, events, or conditions referenced therein by persons with actual knowledge or from information transmitted by persons who have actual knowledge, kept in the course of Gritty’s regularly conducted business, and it is Gritty’s regular practice to keep such records.

4. As a direct result of the requirement that Gritty's increase the hourly rates of pay as required by the Emergency Provision of the Minimum Wage Ordinance as amended by the Initiative, Gritty's will (1) reduce the number of kitchen employees from twelve to five; (2) reduce the hours of other employees among its lowest wage earners; (3) if necessary, further reduce the hours of its employees; and (4) if necessary, cease operations altogether several days per week.

5. Gritty's customarily schedules its kitchen staff for overtime but because of the requirement that it increase hourly rates of pay as described above, Gritty's will eliminate all opportunity for overtime rather than pay \$27.00 per hour as would be required.

Dated: 11/30/2020


Richard Pfeffer
Owner
Gritty McDuff's

STATE OF MAINE
CUMBERLAND, SS

Personally appeared before me the above-named Richard Pfeffer, Owner of Brew Associates, LLC d/b/a Gritty McDuff's, and made oath that the above-stated facts are true based upon his personal knowledge as described above.

Dated: 11/30/2020


Notary Public
My Commission Expires: