

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 NOSH, LLC 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, Matthew Moran, being first duly sworn, state as follows:

1. I am an owner of Nosh, LLC (“Nosh”). Nosh is a limited liability company organized under the laws of the State of Maine operating a restaurant business at 551 Congress 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 Nosh’s business records.

3. As an owner of Nosh, I have custody of or access to such records. It is Nosh’s regular practice to make such records, and such records are kept in the regular course of Nosh’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 Nosh’s regularly conducted business, and it is Nosh’s regular practice to keep such records.

4. As a direct result of the requirement that Nosh increase the hourly rates of pay as required by the Emergency Provision of the Minimum Wage Ordinance as amended by the Initiative, Nosh is highly likely to discontinue all on-site dining and offer only curbside pickup on or shortly after December 5, 2020 because of the added cost of operating its business.

5. As a direct result of eliminating on-site dining, Nosh will lay off three kitchen staff Employees.

6. As a direct result of eliminating on-site dining, Nosh will lay off four Service Employees.

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

Dated: 12/1/20



Matthew Moran
Owner
Nosh, LLC

STATE OF MAINE
CUMBERLAND, SS

Personally appeared before me the above-named Matthew Moran, Owner of Nosh, LLC, and made oath that the above-stated facts are true based upon his personal knowledge as described above.

Dated: 12/1/2020



Notary Public
My Commission Expires:

DENISE M. PLOURDE
Notary Public, Maine
My Commission Expires April 1, 2021