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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92057132
Party	Plaintiff Tao Licensing, LLC
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Date	12/21/2015
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**  
In the Matter of U.S. Trademark Registration No. 4,169,245

TAO LICENSING LLC,

Petitioner,

v.

BENDER CONSULTING LTD. d/b/a ASIAN  
PACIFIC BEVERAGES

Respondent.

Cancellation No. 92057132  
Mark: TAO VODKA  
Serial No. 85/367,535  
Registered: July 3, 2012

**EXPERT TESTIMONY OF JAMES WILLIAM BONBREST WITH EXHIBITS**

Pursuant to 37 C.F.R. § 2.123(b) and stipulation of the parties' in the above-captioned cancellation proceeding (*see* D.I. No. 39), Petitioner Tao Licensing LLC submits the enclosed Expert Disclosure and Expert Report of James William Bonbrest and accompanying exhibits.

Respectfully submitted,

KENYON & KENYON LLP

Dated: December 21, 2015

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*Counsel for Petitioner  
Tao Licensing LLC*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of U.S. Trademark Registration No. 4,169,245

TAO LICENSING, LLC

Petitioner,

v.

BENDER CONSULTING LTD.  
*d/b/a* ASIAN PACIFIC BEVERAGES,

Registrant.

Cancellation No. 92057132

Mark: TAO VODKA

Serial No. 85/367,535

Registered: July 3, 2012

**REPORT OF INVESTIGATION, FINDINGS, AND OPINIONS IN THE ABOVE-  
CAPTIONED CANCELLATION PROCEEDING  
ON BEHALF OF PETITIONER TAO LICENSING, LLC**

**BY**

**JAMES WILLIAM BONBREST**

**I. BACKGROUND, QUALIFICATIONS AND EXPERIENCE**

1. My name is James William Bonbrest. I am the Chief Operating Officer of The TAO Group, a company that has created, owns and operates a number of unique and well-known restaurants and nightclubs in the United States. The TAO Group is an affiliate of Petitioner Tao Licensing, LLC (“Petitioner”). Hereinafter I shall refer to The TAO Group and Petitioner collectively as the “The TAO Group” or “Petitioner.”

2. A complete copy of my curriculum vitae is attached as hereto as Exhibit “A”.

3. Over the last thirty years, I have consulted, owned and managed many restaurants and nightclubs in various locations in the United States, including the well-known Carmine’s Restaurant Group, The ‘21’ Club, Elios Restaurant, the Signature Restaurant Division of the King Seafood Company, and The TAO Group.

4. I attended Bennington College in 1981 with a liberal arts focus, specifically in Arts and Literature. In 1991, I attended the Executive Training Program for Hotel and Restaurant Management at Cornell University.

5. In connection with my current and previous employment, I have extensive and wide ranging managerial and consultative responsibilities and experience in the restaurant and nightclub industries, including data and new market trend analysis, leading advertising and promotional campaigns, menu and beverage selection, profitability and brand management, and consumer identification and relations. As a result, I have a great deal of experience in evaluating the restaurant and nightclubs markets' receptiveness to products offered, and how restaurants, nightclubs, and their respective brands are perceived by the consuming public across the United States, and, in particular, how consumers relate restaurants and nightclubs to the consumption of alcohol. This often includes evaluating the fame of a restaurant or nightclub within the market and/or how well known the restaurant or nightclubs and its trademarks are perceived within the market, the public for which the restaurant caters to, and its menu and beverage offerings.

6. In addition, I have consulted and/or managed numerous promotional events featuring alcoholic beverages, and, in particular, vodka. Some of these events were run by the restaurants and/or nightclubs individually, while others were jointly run by the restaurant and/or nightclub and a spirits manufacturer and/or distributor.

## **II. PERSONAL FAMILIARITY WITH THE TAO BRAND AND THE TAO VENUES**

7. In addition to my responsibilities at The TAO Group, I also conducted my own independent investigation into issues that I have been asked to opine on and reviewed documentation provided to me by The TAO Group and its attorneys.

8. As a prominent restaurateur and nightclub manager in New York, I have been familiar with the TAO venues since shortly after the first TAO venue opened in 2000.

9. The TAO Group owns and operates over twenty restaurants, nightclubs and other similar venues across the United States, including TAO Downtown (New York), TAO Uptown (New York), TAO Restaurant (Las Vegas), TAO Beach (Las Vegas), TAO Nightclub (Las Vegas), as well as LAVO Nightclub (New York), LAVO Restaurant (New York), LAVO Nightclub LV (Las Vegas), LAVO Restaurant LV (Las Vegas), Marquee NY (New York), Marquee Nightclub (Las Vegas), Marquee Dayclub (Las Vegas), Rue 57 (New York), Avenue Nightclub (New York), and many others.

10. The venues operated and marketed under the mark “TAO” (the “TAO Mark”) are Asian-themed restaurants and nightclubs that specialize in providing upscale cuisine, wine and spirits and other alcoholic beverages with exceptional customer service (“TAO Venues”). The TAO Venues have long been famous, due to advertising, promotion, publicity and outstanding reputation, and frequent appearances by celebrities, musicians, actors and actresses and other well-known personalities in popular culture. These persons attend the TAO Venues either as unsolicited guests or as paid host/hostesses and/or performers.

11. The TAO Venues have extensive branding using the TAO Mark. The TAO Mark appears on most, if not all, menus, advertisements, signage, and other displays. Due to the extensive use and promotion of the TAO Mark in connection with the TAO Venues, consumers and the public readily associate those goods and services with the TAO Mark.

12. Throughout my 30 years in the restaurant and nightclub industries, and as part of my current duties at The TAO Group, I have been following closely restaurants and nightclubs, as well as, the makeup of the consumer.

13. On the basis of that experience, and my knowledge and expertise in evaluating the restaurant and nightclub industries, I can conclude that the TAO Group and the TAO Venues are amongst the most well-known to the general public and consumers interesting in venues that

provide and promote alcoholic beverages, in particular vodka, and that the TAO brand is famous for restaurant and nightclub services across the United States.

14. Absent the opinion provided herein and any testimony I may provide as a result, I have not provided any expert testimony at trial or deposition in the past four years.

### **III. ASSIGNMENT AND SUMMARY OF OPINIONS**

15. I have been asked by Kenyon & Kenyon LLP (“Kenyon”) on behalf of Petitioner to provide this declaration in the above-captioned cancellation proceeding between Petitioner and Bender Consulting Ltd. *d/b/a* Asian Pacific Beverages (“Respondent” or “Bender Consulting”).

16. Kenyon has asked me to opine on the following topics concerning this proceeding:

- i. The fame and reputation of the TAO Group’s TAO Mark and TAO Venues;
- ii. The prevalence of the sale of alcohol in the restaurant and nightclub industries generally, and Petitioner’s business, particularly; and
- iii. The prevalence of private-label alcoholic beverage bottling in the restaurant and nightclub industry.

17. My expertise is with management, promotion, and supervision of restaurant and nightclubs in the United States, and I was asked to address these questions based on that expertise and in particular my expertise and experience in analyzing and consulting restaurants and nightclubs on the sale and consumption of alcoholic beverages. I apply that same knowledge, experience, and expertise here, and do so without influence, partiality or preferentialism to my current employer.

18. I am not receiving any additional compensation from either The TAO Group, or their counsel, in connection with this declaration or in the event I am asked to testify, absent my

regular compensation that I receive as the result of my present employment. However, I shall be reimbursed for any incidental out-of-pocket costs that I may accrue during the course of the above activities, including travel, hotels, air fare and the like, which are directly related to this declaration and/or any testimony I may provide.

19. In the remainder of my declaration, I list the materials that I have reviewed in coming to my opinion on the renown and fame of the TAO Venues and the TAO Mark, and concerning the sale of alcoholic beverages, including private-label alcohol, in the restaurant and nightclub industries.

## **ANALYSIS AND FINDINGS**

20. In my opinion, on the basis of their advertising, media references, word of mouth, and general reputation among the restaurant industry and general consumers, the Tao Venues are well-known and famous throughout the United States, including for, *inter alia*, the sale of alcohol. Furthermore, I find the sale of alcohol and private-labeling of alcoholic beverages, to be prevalent in the restaurant and nightclub industries.

### **A. TAO Venue's Fame**

21. One of the most important factors when evaluating a restaurant and/or nightclub's fame in the industry and amongst the consuming public is the advertising expenditures of the restaurant and/or nightclub. While the costs of advertising vary by medium, market, production costs, and other variables, certain types of advertising are known to be effective tools in the restaurant and nightclub industries. Further, when a restaurant or nightclub has expended a great deal of money to promote its brand and services, that often means that the restaurant or nightclub is well known.

22. I reviewed advertising expenditures for the Tao Venues for recent years and a New York Times article discussing the Tao Venues marketing and promotional efforts and

expenditures at the time, which are attached hereto as Exhibit “B”. From my experience in the restaurant industry, I know that these amounts of money are within the top tier of advertising and promotional expenditures for restaurants and nightclubs in the United States, and, in particular, expenditures for high-end venues. These advertising and promotional expenditures support a conclusion that the Tao Venues are well-known and famous amongst the consuming public.

23. Another crucial factor in judging the renown and fame of a restaurant or nightclub is the number and quality of media references it receives. Media references are important when evaluating the fame and goodwill of a nightclub or restaurant, because not only do consumers refer to media (both in print and online) when considering where to purchase food and beverages, in particular alcoholic beverages such as vodka, but media references (particularly positive media references) raise the profile of a restaurant or nightclub by associating these venues with the media professionals who report on them and the well-known individuals that patronize these venues. In addition, a large number of media references, combined with a large advertising budget, usually means that the advertising has been effective, as the media is discussing the restaurant or nightclub.

24. Therefore, analyzing the number and quality of the media references a restaurant receives can be used to evaluate the renown and fame of a restaurant and/or a restaurant’s brand.

25. The TAO Venues have an extensive list of media references. They show the TAO Venues have received hundreds of mentions in the media, and particularly the national media, rank the TAO Venues as some of the most sought after restaurants and nightclubs. In addition to the large number of celebrities and other well-known individuals who have patronized the TAO Venues, the media outlets often describe the TAO Venue as exclusive and sought after by locals and tourists. These media references often show consumers at TAO Venues consuming alcoholic beverages and quote the celebrities as having enjoyed the experience at the Tao Venues, including its food and beverages. Such media references, like those that the Tao Venues have received,



would increase consumers' awareness of the "TAO" brand, and drive consumers to visit restaurants and nightclubs marketed under the TAO Mark. Therefore, the Tao Venues' media references support a conclusion that the restaurants and nightclubs advertised under the TAO mark are well-known and famous, generally, and in particular for the sale of alcohol.

26. Based on the foregoing, and my independent research, knowledge, and experience in the restaurant and nightclub industries, I conclude that Petitioner's TAO Venues and TAO Mark are famous for restaurant and nightclub services designed for the sale of alcoholic beverages, including vodka.

**B. Prevalence of the Sale of Alcohol in the Restaurant and Nightclub Industries**

27. Several factors are relevant to determining the prevalence and importance of alcohol in the restaurant and nightclub industries. First, it is important to establish how the general industry perceives itself. According the National Club Industry Association of America ("NCIAA"), "the US bar and nightclub industry's drinking establishments primarily engaged in the retail sale of alcoholic drinks number around 45,000 [establishments]," not including, *inter alia*, restaurants, who also sell a substantial volume of alcoholic beverages. *See* NCIAA's current overview of the nightclub and bar industry (attached hereto as Exhibit "C"). Moreover,

[1]ast years total Restaurant and Bar Industry Sales accounted for \$632 billion with 970,000 locations and are projected to be the same or increase 1% in 2013. Sales of spirits, wine and beer in licensed on-premise locations increased 4.9 percent to reach \$93.7 billion in 2011 and projections call for continued growth up to 2015, according to Technomic's BarTAB (Trends in Adult Beverage) report. According to the Restaurant Industry Association and Dun & Bradstreet, Nightclubs generated approximately \$19-20 billion in combined annual sales revenue.

*Id.* Based on the figures above, it is clear the nightclub industry's sale of alcohol is quite substantial. *Id.*

28. Likewise, the restaurant industry recognizes that the sale of alcohol makes up a substantial component of its sales. For example, in its annual survey of over 1,200 professional member chefs of the American Culinary Foundation in connection with its annual “What Hot 2014” culinary forecast, the National Restaurant Association found that “the top five alcohol and cocktail trends will be micro-distilled/artisan spirits, locally produced beer/wine/spirits, onsite barrel-aged drinks, culinary cocktails (e.g. savory, fresh ingredients), and regional signature cocktails” (attached hereto as Exhibit “D”). Across the country, alcoholic beverages account for approximately 25% of all restaurant revenue.

29. However, at the TAO Venues, sales of alcoholic beverages account for more than 50% of all revenue. The TAO Venues have extensive sales of alcoholic beverages and, in particular, vodka. Attached hereto as Exhibit “E” is a true and correct list of sales of alcoholic beverages, generally, and vodka sales particularly, at the TAO Venues. As shown in that Exhibit E, the TAO Venues sell millions of dollars’ worth of alcohol annually. The sales of vodka make up over 50% of all spirits sales at the TAO Venues.

30. Second, the nature and extent to which restaurants or nightclubs advertise their sale of alcohol is also relevant in determining the importance those sales to the restaurant or nightclub overall.

31. Petitioner’s advertisements often promote the TAO Venues bar and alcoholic beverage services. Several of these advertisements specifically promote the TAO Mark in combination with the sale of vodka; for example, several advertisements promote a “Vodka Open Bar for TAO Goddesses.” Exemplary advertisements promoting the TAO Mark with the sale of vodka are attached hereto as Exhibit “F”. Additionally, the TAO Venues have participated in a number of co-promotional events with alcoholic spirits manufacturers and distributors. The advertising and promotion for those events prominently display the TAO Mark

in close proximity to vodka brand. Attached hereto as Exhibit “G” are images from a joint promotion by the TAO Group and Stolli vodka.

32. As shown in Exhibits “F” and “G”, the TAO Mark appears prominently on each of the advertisement, and often in combination with and/or proximity to the advertisement of alcohol. Thus, the consumer and public are intended to associate the TAO Mark with the sale the TAO Venue’s sale of alcoholic beverages. This is especially true in the case of vodka, which is singled out more than any other spirit in TAO advertising.

33. Third, one must consider the goods and services offered by the restaurant or venue. In the case of the TAO Venues, food and alcoholic beverages are the primary goods and services offered to its clientele. The TAO Venues offer their clients an extensive list of alcoholic beverages, and, in particular, vodka. A list of vodka brands offered for sale at the TAO Venues are attached hereto as Exhibit “H”.

34. Fourth, determining the importance of the sale of alcohol in a restaurant or nightclub’s business requires a consideration of any self-selection taken by any restaurant or nightclub. A restaurant or nightclub that offers its goods and services to only a certain segments of the public will have a narrower, more well-defined consumer target.

35. TAO Venues are adult oriented restaurants and nightclubs. Furthermore, TAO Beach and TAO Nightclub only permit persons twenty-one years of age or older due to the sale of alcohol on the premises. Therefore, at the very least, TAO Beach and TAO Nightclub have self-selected their target consumer to consist of individuals who are permitted to consume alcohol under the law.

36. Based on the foregoing, and my independent research, knowledge, and experience in the restaurant and nightclub industries, I conclude that the sale of alcohol is both prevalent and

important to the restaurant and nightclub industries. Further, I conclude that sale of alcohol, and in particular, the sale of vodka, are a predominant focus of Petitioner's restaurants and nightclubs.

**C. Private-Label Bottling of Alcoholic Beverages**

37. Private-label bottling in the alcoholic beverage industry is the practice in which one entity labels and sells an alcoholic beverage manufactured by another, under the first party's trademark.

38. Based on my extensive experience in the industry, private-label bottling is prevalent in the restaurant and nightclub industries, and becoming more prevalent, especially amongst the well-known restaurants and nightclubs.

39. Furthermore, based on my experience, restaurants and nightclubs that sell their own private-label alcoholic beverages do so bearing the brand and/or mark of that particular restaurant or nightclub. For example, my previous employer, the Carmine's Restaurant Group, sells private-label wines bearing its "CARMINE'S" mark at several of its restaurants throughout the United States, including:

- i. Carmine's, 200 West 34<sup>th</sup> Street, New York, N.Y. 10036
- ii. Carmine's, 425 7<sup>th</sup> Street NW (at the Penn Quarter), Washington D.C. 20004
- iii. Carmine's, The Forum Shops at Creaser's, 3500 South Las Vegas Blvd., Las Vegas, NV 89109
- iv. Carmines, 2450 Broadway, New York, N.Y. 10024
- v. Carmine's, Tropicana Hotel and Casino, 2801 Pacific Avenue, Atlantic City, N.J. 08401

40. I am also aware of several other restaurants and nightclubs in just the New York City area that have sold or sell private label spirits and wines, including:

- i. Pink Elephant labeled vodka sold by the Pink Elephant nightclub (New York). An article from the New York Times discussing their private-labeled vodka is attached hereto as Exhibit "I".

- ii. Parole labeled whiskey sold by Saxon + Parole restaurant (New York). A highlighted copy of their alcohol list and an advertisement for their whiskey are attached hereto as Exhibit “J”, and Saxon + Parole’s alcohol list is also available on their website, namely, <<http://saxonandparole.com/wp-content/uploads/2014/10/Saxon+Parole-Wine-List-10.22.14.pdf>>.
- iii. Masa labeled sake by Masa Restaurant (New York). A highlighted copy of Masa’s sake list is attached hereto as Exhibit “K”, and is also available on their website, namely, <[http://masanyc.com/masa\\_spring\\_sake.pdf](http://masanyc.com/masa_spring_sake.pdf)>.
- iv. Blue Smoke Single Barrel 8 YR bourbon sold at the Blue Smoke restaurant (New York). A highlighted excerpt from Blue Smoke’s beverage list featuring their private-labeled bourbon is attached hereto as Exhibit “L”. Blue Smoke’s beverage list is also available on their website, namely <<http://www.bluesmoke.com/flatiron/#location-menu>>.
- v. Private-labeled wine and beer sold by the Lessing’s Restaurant Group (New York). An article discussing the Lessing’s Restaurant Group’s private-label wine and beer is attached hereto as Exhibit “M”.
- vi. Shack Red and Shack White labeled wines sold by the Shake Shack Restaurant Group (pictured below, locations throughout the United States)



[\(http://www.shakeshack.com/food-and-drink/\)](http://www.shakeshack.com/food-and-drink/)

- vii. Eleven Madison labeled wine sold by the Eleven Madison Park restaurant (New York). Excerpts of their wine list featuring their private-labeled wine is attached hereto as Exhibit “N”. Eleven Madison Park’s wine list is also available on their website, namely, <[https://www.binwise.com/print/WineList\\_PDF.aspx?ListId=210&LocationID=120](https://www.binwise.com/print/WineList_PDF.aspx?ListId=210&LocationID=120)>.

- viii. Virgola Prosecco labeled wine sold by Virgola restaurant (New York) (expected release in December, 2014).
- ix. Bin 36 labeled wines at the Bin 36 restaurant (Illinois). A copy of an article discussing Bin 36's private labeled wine is attached hereto as Exhibit "O".
- x. Hudson Clearwater Green Door Cuvée labeled wine by 447 Hudson Clearwater restaurant (New York). A highlighted copy of their wine list is attached hereto as Exhibit "P". 447 Hudson Clearwater's wine list is also available on their website, namely <<http://www.hudsonclearwater.com/wines.pdf>>.
- xi. Quality Prosecco labeled wine by Quality Italian Steakhouse (New York). A highlighted excerpt of their wine list featuring their private-labeled wine is attached hereto as Exhibit "Q". Quality Italian Steakhouse's wine list is also available on their website, namely <<http://www.qualityitalian.com/content/pdfs/qi-wine-menu-11-17-new.pdf>>.
- xii. Smith and Wollensky Private Reserve labeled wine by the Smith and Wollensky restaurant group (locations nationwide). A highlighted copy of their alcohol list featuring their private-labeled wine is attached hereto as Exhibit "R". Smith and Wollensky's alcohol list is also available on their website, namely <[http://www.smithandwollensky.com/wp-content/uploads/2014/10/SW\\_LiquidAssets\\_Fall2014.pdf](http://www.smithandwollensky.com/wp-content/uploads/2014/10/SW_LiquidAssets_Fall2014.pdf)>.
- xiii. Sandhi 'Altamarea' labeled wine at Due Mari restaurant (New York) owned by the Altamarea Group. A highlighted excerpt of their wine list featuring their private-labeled wine is attached hereto as Exhibit "S". Due Mari's wine list is also available on their website, namely <<http://www.duemarinj.com/menus/2900>>.
- xiv. Sandhi 'Altamarea' at Costata restaurant (New York) owned by the Altamarea Group. A highlighted excerpt of their wine list featuring their private-labeled wine is attached hereto as Exhibit "T". Costata's wine list is also available on their website, namely <<http://www.costatanyc.com/menu>>.
- xv. Sandhi 'Altamarea' at Al Fiori restaurant (New York) owned by the Altamarea Group. A highlighted excerpt of their wine list featuring their private-labeled wine is attached hereto as Exhibit "U". Al Fiori's wine list is also available on their website, namely <<http://aifiorinyc.com/index.php?action=page&id=1880>>.
- xvi. Sandhi 'Altamarea' at Marea restaurant (New York) owned by the Altamarea Group. A highlighted excerpt of their wine list featuring their private-labeled wine is attached hereto as Exhibit "V". Marea's wine list is also available on their website, namely <<http://marea-nyc.com/index.php?action=page&id=1880>>.

xvii. Altamarea Cuvée Sandhi at the Bedford Post Inn restaurants (New York) owned by the Altamarea Group. A highlighted excerpt of their wine list featuring their private-labeled wine is attached hereto as Exhibit “W”. The Bedford Post Inn’s wine list is also available on their website, namely < [http://www.campagna-bedford.com/#campagna\\_menus](http://www.campagna-bedford.com/#campagna_menus)>.

xviii. I am also personally aware that the Del Frisco’s Restaurant Group sells private-label wines under the “Del Frisco’s” mark in its restaurants nationwide.

41. Several companies also offer to create “private-label” spirits, and, in particular, private-label vodka, for retailers such as restaurants and nightclubs in the United States. Exemplary companies are the Terressentia Corporation and Mile High Spirits LLC. Descriptions of these companies’ services are attached hereto as Exhibit “X”.

42. Further, private-label bottling is becoming increasingly popular in the restaurant and nightlife industries. Articles discussing this popular market trend are attached hereto as Exhibit “Y”.

43. Based on the foregoing, and my independent research, knowledge, and experience in the restaurant and nightclub industries, I conclude that the private-label bottling and sale for wines and spirits by restaurants and nightclubs using their “house” mark is prevalent, including the private-label bottling and sale of vodka.

#### **IV. SUMMARY OF CONCLUSIONS REACHED**

44. Based on my experience of over 30 years in the restaurant and nightclub industries, and my experience and expertise in evaluating, consulting, managing restaurants and nightclubs, and my evaluation of the documents I reviewed as a result of my independent investigation and documents provided to me by Petitioner and Petitioner’s counsel, it is my opinion that:

- i. The TAO Mark and the TAO Venues are well-known and famous throughout the United States for, *inter alia*, the sale of alcoholic beverages, including vodka;

PUBLIC VERSION

- ii. The sale of alcohol is prevalent in the restaurant and nightclubs industries generally, and in connection with Petitioner's restaurants and nightclubs, in particular;
- iii. Private-label bottling of alcoholic beverages is, already prevalent in the restaurant and nightclub industry, and is becoming increasingly common.

I declare under penalty of perjury under the laws of the United States and the State of New York that the foregoing is a true and correct statement of my opinions and the supporting facts and that this declaration was executed on Thursday, November 20, 2014 at New York, New York.



James William Bonbrest



**EXHIBIT REFERENCES PROVIDED**

- A. Curriculum Vitae of James William Bonbrest
- B. Advertising expenditures for the Tao Restaurants
- C. National Club Industry Association of America's overview of the nightclub and bar industry
- D. Summary of the National Restaurant Association's "What's Hot 2014" culinary forecast
- E. Revenue for the sale of alcoholic beverages at the TAO Venues
- F. Samples of general advertising for the Tao Venues
- G. Sample advertisement in which the TAO Mark appear in proximity to vodka
- H. List of vodka brands offered for sale at the TAO Venues
- I. New York Times article discussing Pink Elephant private-labeled
- J. Saxon + Parole restaurant alcohol list
- K. Masa Restaurant's sake list
- L. Excerpt from Blue Smoke restaurant's beverage list
- M. Ale News article discussing the Lessing's Restaurant Group's private-label wine
- N. Excerpt of Eleven Madison restaurant's wine list
- O. Black Enterprise article discussing Bin 36's private labeled wine
- P. 447 Hudson Clearwater restaurant's wine list
- Q. Excerpt of Quality Italian Steakhouse's wine list
- R. Smith and Wollensky restaurant group's alcohol list
- S. Excerpt of Due Mari restaurant's wine list
- T. Excerpt of Costata restaurant's wine list
- U. Excerpt of Al Fiori restaurant's wine list
- V. Excerpt of Marea restaurant's wine list
- W. Excerpt of Bedford Post Inn restaurants' wine list
- X. Descriptions of the Terressentia Corporation and Mile High Spirits LLC services
- Y. Articles about private label-market trends

# EXHIBIT A

# **Bill Bonbrest**

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## **Qualification Highlights:**

- Innovative professional with 30+ years of progressive management and operational expertise in Restaurants, Bars, and Night Clubs with demonstrated initiative, creativity and success
- Expertise in strategic planning, Restaurant/Nightclub Operations, food and beverage management, market plan execution, capital asset oversight, cost containment, budgeting/finance, marketing and PR, Guest service, staff training, mentoring and leadership development
- Known for developing and executing innovative corporate policies and procedures. Proven track record of increasing revenues, streamlining workflow and creating a team environment to increase productivity

## **Professional Experience:**

### **Chief Operating Officer – Tao Group – 2012–Current New York, NY and Las Vegas, NV**

- Responsible for the strategic direction and operations of all Restaurants, Nightclubs, Dayclubs and Special events at Lavo New York, Tao New York, Tao Downtown New York, Arlington Club, Tao Las Vegas, Lavo Las Vegas and Marquee Las Vegas
- Monitor systems and standards on both coasts to leverage cross-department strengths to take advantage of new areas of opportunities and to address organizational challenges
- Advise the partners and other key members of senior management on resource management, budgeting, and all policy matters
- Responsible for analyzing and disseminating all financial data, and facilitating P&L meetings with venue leadership teams
- Hired and on boarded CFO, who is a direct report
- Oversee the HR and Payroll Departments to ensure compliance with all state and federal labor and compensation laws
- Ensure that all activities and operations are performed in compliance with local, state, and federal regulations and laws governing business operations
- Establish and monitor leadership team performance and development goals, assign responsibilities, set objectives and conduct annual performance reviews
- Conceptualize and facilitate company retreats for partners and senior management
- Governor of Corporate Culture and Organizational Core Values

### **President of Signature Restaurant Division – King’s Seafood Company – 2009 –2012 Santa Monica, CA**

- Responsible for the strategic direction and marketing of all venues in the Signature Restaurant Division
- Responsible for full Profit and Loss analysis and reported directly to the CEO regarding financial planning and efficient resource allocation
- Worked proactively with legal team to ensure compliance of local, state and federal law in all company policies and procedures as well as assisted in resolution of any legal issues that arose
- Directed the development and establishment of adequate and equitable personnel policies throughout the organization, including compensation policies and employee benefit plans
- Mentored and developed staff using a supportive and collective approach: assigned team responsibilities, set goals and monitored and evaluated results
- Direct report and mentor to eight members of the Senior Leadership Team

### **Director of Sales, Director of Restaurant Operations, Owners’ Representative – Tao Group – 2004–2009 New York, NY and Las Vegas, NV**

- Developed a sales team and created infrastructure for high volume banquet operations
- Facilitated communication/cooperation between restaurant, banquet and nightclub operations
- Worked shoulder to shoulder with all management in restaurants and nightclubs and contributed to weekly manager meetings
- United the heart of house and the front of house in restaurants and nightclubs
- Coached management on exceeding guest expectations and providing gracious hospitality

- Standardized management practices between New York and Las Vegas
- Lead the HR Department in improving hiring competencies and best practices and improved all training material for new store openings
- Developed performance review materials and conducted senior management reviews
- Composed vision statement and decision making matrix for partners and senior management

**Owner and Operator – The Laundry Restaurant – 1997–2004**  
**East Hampton, NY**

**General Manager, Director of Operations, Managing Partner – Carmine’s and Virgil’s Restaurants – 1992–1997**  
**New York, NY**

**Manager, Director of Catering, Director of Marketing – The ‘21’ Club – 1989–1992**  
**New York, NY**

**Bar Manager, Restaurant Manager – Elio’s Restaurant – 1983–1989**  
**New York, NY**

**Activities:**

- NYC Hospitality Alliance- Founding Trustee
- Vistage- Executive Member
- Culintro- Board of Directors

**Education:**

*Hotel and Restaurant Administration*  
**Cornell University – 1991**

*Liberal Arts*  
**Bennington College – 1981**

# EXHIBIT B

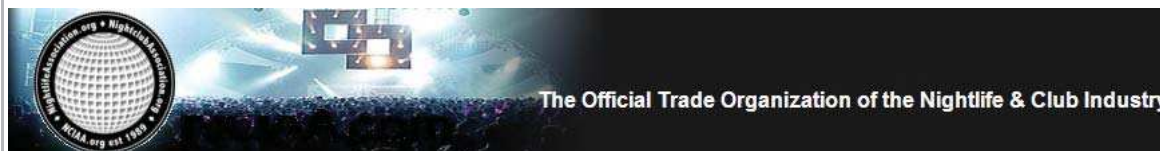
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### SNAPSHOT

The state of the economy and alcohol-related trends drive the Bars, Nightclub and Drinking Establishment industry. Personal income and entertainment needs drive demand. The profitability of individual companies depends on the ability to drive traffic and develop a loyal clientele. Large companies can offer a wide variety of food, drinks, and entertainment, and have scale advantages in purchasing, financing, and marketing. Small companies can compete effectively by serving a local market, offering unique products or entertainment, or providing superior customer service.

With the onset of the recession in 2008, revenue for the Nightclubs Industry contracted for the first time in more than 10 years. Over the five years to 2011, revenue has fallen at an average rate of 1.9% per year. At the height of the recession in 2009, industry revenue declined 10.1% in 2009 to \$1.9 billion. Revenue rebounded marginally in 2010 by 0.1% as the economy began its recovery, and grew 2.2% in 2011 to \$1.9 billion. Sales of spirits, wine and beer in restaurants, bars and other licensed on-premise locations increased 4.9 percent to reach \$93.7 billion in 2011. Adult beverage on-premise volume declined slightly in 2011 (-1.1 percent). The on-premise channel accounts for one-quarter of total adult beverage volume and slightly less than half of total dollars. Improving conditions across the economy will bring the industry back to solid health in the near future.

According to Technomic's BarTAB (Trends in Adult Beverage) report, the 2013 Top 100 Nightclub & Bar venues generated \$1.5 billion in total revenue. More than two-thirds (68.2%) of operators surveyed experienced revenue growth in 2012, and nearly two-thirds of them (31.4%) reported revenue growth in excess of 10%. Once again, the top nightclub and bar venues outperformed the industry overall. The bar and nightclub segment grew 3.9% in 2012. Through 2015, the industry is projected to continue experiencing competition from non-industry establishments such as restaurants as well as from people opting to drink at home.

The US bar and nightclub industry's drinking establishments primarily engaged in the retail sale of alcoholic drinks number around 65,000, according to Dun & Bradstreet, which generated approximately \$20 billion in combined annual sales revenue, with the average establishment accounting for about \$200,000. The industry has high product turnaround but low profit margins that make it susceptible to any adverse changes in demand (including any recessionary declines). States representing the majority of drinking places were: Wisconsin with 4,489; California with 4,449; Texas with 4,388; New York with 4,283; Illinois with 3,634; Pennsylvania with 3,572; Florida with 3,191; and Ohio with 3,201. Other significant states included Michigan, New Jersey, Louisiana, Indiana, Iowa, Minnesota, and Washington.

No major companies dominate; varying state liquor laws complicate the ability to form large chains. The industry is highly fragmented: the 50 largest companies hold just over 5 percent of sales. Taverns were the largest sector within industry, with 19,660 drinking places. Combined, they shared more than 32 percent of the market. Bars and lounges represented 19.8 percent edging out drinking places share of about 19.5 percent of the market. Cocktail lounges held 11.5 percent and night clubs had 8.6 percent. Per the U.S. Census Bureau's Statistics of U.S. Businesses, there were about 351,912 people employed within the industry with nearly \$4.1 billion in annual payroll in 2005.

### REVENUES

Last years total Restaurant and Bar Industry Sales accounted for \$632 billion with 970,000 locations and are projected to be the same or increase 1% in 2013. Sales of spirits, wine and beer in licensed on-premise locations increased 4.9 percent to reach \$93.7 billion in 2011 and projections call for continued growth up to 2015, according to Technomic's BarTAB (Trends in Adult Beverage) report. According to the Restaurant Industry Association and Dun & Bradstreet, Nightclubs generated approximately \$19-20 billion in combined annual sales revenue.

The 2013 Top 100 list was developed by Nightclub & Bar in partnership with Technomic Inc. using secondary research and yielded primary data from 1,444 nightclub, bar and lounge locations. Two Las Vegas nightclubs broke records in 2012, as XS Nightclub and Marquee Las Vegas each generated annual revenues in excess of \$80 million and delivered results so similar that they share the #1 spot on the Top 100 list. In 2012 the No. 1-ranked Marquee Nightclub & Dayclub in Las Vegas reported 2011 revenue in excess of \$70 million, a record-breaking figure for the club in its first full year of operation.

Altogether, the Top 100 venues generated \$1.5 billion. More than two-thirds (68.2%) of operators surveyed experienced revenue growth in 2012, and nearly two-thirds of them (31.4%) reported revenue growth in excess of 10%. Once again, the top nightclub and bar venues outperformed the industry overall. The bar and nightclub segment grew 3.9% in 2012 and 9.2% in 2011. Overall, the top clubs continue to generate growth well in excess of the overall bar and nightclub segment, which grew 1% in 2011.

Vegas is a major hub of nightclubs based on revenue for "Large Box Clubs." Of the Top 100, the top 3 nightclubs are in Las Vegas, NV and make \$60-70mm each; the 4th made \$45-60mm in 2011 and is in Miami. The next four nightclubs made revenues of \$35-45mm each and three are in Las Vegas. The following six nightclubs made revenues of \$15-10mm each and three are in Las Vegas. The next 35 venues #23 thru #57 had revenues of \$10-5mm each; and the remaining venues reported revenues less than \$5mm each which includes "small box clubs."

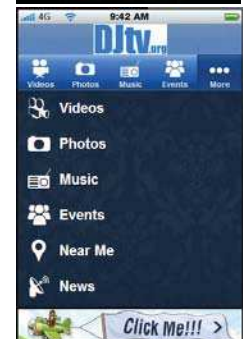
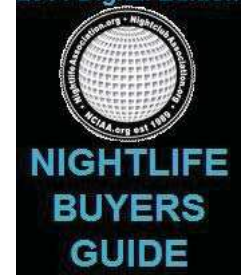
One quarter of the list — 25 venues — are located in California, with 15 in the Los Angeles area, seven in San Diego, two in San Francisco and one in Sacramento. Las Vegas contributes 22 venues, with eight of the top 10 venues located in Las Vegas. Ten of the 2012 Top 100 operations are in the five boroughs of New York City. Chicago contributes five venues, Texas delivers four and

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Atlantic City and Washington, D.C., each offer up three. It's expected that the major markets dominate the Top 100 list, but operators in a number of other markets — including Atlanta; Denver; Ocean City, Md.; Destin, Fla.; Lake Cuomo, N.J.; Kansas City, Mo.; Scottsdale, Ariz.; Myrtle Beach, S.C.; and Knoxville, Tenn. — also succeeded in bringing in the crowds and revenue.

Of the Top 100 survey participants, 42.8% identified their venues as nightclubs; 70.6% of them described their hotspots as dance clubs. Of those identifying their venue as bars, 31.7% are sports bars and 29.3% are traditional bar/taverns. DJs and live entertainment are featured by 88.3% and 73.6% of total respondents, respectively. Nearly 80% offer a dance floor, 70.1% provide VIP areas and 65% offer bottle service.

The majority reported solid growth in 2011. In fact, 70% of respondents to the Top 100 survey indicated their venues' revenues increased, and of them, nearly half (48%) reported revenue increases exceeding 10%. Consistent revenue was cited by 20% of survey respondents, while 3.4% cited revenue declines. Drinks generate the lion's share of venue revenues — 56% of sales from alcohol is the mean among Top 100 survey participants. While in the venues, partiers favored spirits, which generate 44% of alcohol sales. Beer contributes 25% and wine 9%. A full food menu is offered by 68% of survey respondents' venues. Gaming, such as pool tables, video game systems and jukeboxes, are available at 42% of respondents' venues. Nearly three quarters (73%) have outdoor patio, terrace or rooftop space, which is an increase from 63% a year ago.

Venues don't report cover charge revenue information specifically, but average fees range at \$5 to a local bar event, \$10 Guest list cover, \$20 average entry fees and higher for concert or performance style events. This would exclude Las Vegas where entry fees can range from \$20 - \$200. Current ticket prices for nightclub events are sourced from <http://mp.wantickets.com>

A study conducted by Optimize Atlanta with participating Atlanta nightclubs and lounges, reveals interesting information about nightclubs, VIP, bottle service, and group dynamics. We learned that the average overall bottle price is \$239; the overall average drink price is \$10.50; 67 percent consume two or more drinks, shots or cocktails; and spend \$55 on average. We also learned that most nightclubs and lounges also offer juices, mixers, bottled water, and energy drinks with VIP table reservations and bottle service. Some even offer complimentary champagne. This is in addition to the private tables and exclusivity.

## COMPETITIVE LANDSCAPE

Bars and nightclubs compete with other venues that offer alcoholic drinks or entertainment, including restaurants, hotels, casinos, and consumer homes.

Personal income and entertainment needs drive demand. The profitability of individual companies depends on the ability to drive traffic and develop a loyal clientele. Large companies can offer a wide variety of food, drinks, and entertainment, and have scale advantages in purchasing, financing, and marketing. Small companies can compete effectively by serving a local market, offering unique products or entertainment, or providing superior customer service. The industry is extremely labor-intensive: average annual revenue per worker is \$60,000.

The barriers to entry are low and steady, given that an operator can lease premises, equipment, furniture and fittings, which lowers the initial capital costs, outlays and borrowings. The main barrier to entry is in obtaining a suitable license. Entry costs can be lowered by either leasing or managing an establishment on behalf of the owner. Due to the small business nature of the industry and the low average revenue and profit margins per establishment, entry costs can also be low across some geographic locations.

## ORGANIZATION & STRUCTURE

A profile of the bar and tavern industry in terms of what percentage of the market is represented by larger concerns, such as major hotel lounges versus independently owned taverns, doesn't exist. However, the leading trade association of licensed servers of alcoholic beverages—the American Beverage Licensees—boasted 20,000 members throughout the 1990s and that number remained steady through the mid 2000s.

This industry, in general, consists of small businesses, with few major operators and many being family owned and operated. Census information indicates that just over 77.6% of establishments are small businesses employing up to nine people, and a total of 98.2% employing under 50 people. Due to the fragmented and small business nature of this industry, especially in the way it operates, the level of concentration is not expected to change over the next five years. The small neighborhood bar, the sports bar with menu, the brew pub, and the hotel lounge are generally spread throughout urban and suburban centers in the United States. While they may differentiate themselves in image, ambiance, and type of product served (some, for instance, serve only beer), they often coexist in close proximity to one another. Many have live entertainment, such as music, or associations with celebrities, such as sports bars bearing the name of their athlete-owner.

The drinking establishment industry—also known as the bar and tavern industry—dates back to colonial America, which adopted the concept of a roadhouse tavern as a gathering place. The industry, however, is changing rapidly and may not exist in its traditional form by the beginning of the next century. By the late 1980s, some consultants and bar owners were predicting that the corner bar, which sells nothing but alcohol, was heading toward its demise. By way of adaptation, bars and lounges, which serve food and even emphasize the sales of food items over alcoholic beverages have been gaining in popularity relative to establishments that sell beer, wine, and cocktails exclusively.

## BACKGROUND & DEVELOPMENT

The use of fermented beverages in celebratory rituals and social gatherings has been documented in many parts of the world throughout its history. The public roadhouse was developed by the Romans in the first century A.D. as they built their infrastructure of paved roads. The word pub, in fact, is shortened from "public house," a stopping place for the traveler to rest both himself and his horse. In the fifth century, Europeans fostered winemaking. In addition, in the tenth century an Arab physician is believed to have discovered the distillation process (for medicinal purposes).

The tavern, or pub, was an important aspect of English culture and was adopted by colonial America. Rum was prevalent at social occasions in early America, as were corn whiskey and hard cider. Tavern patrons were often entertained by performers, including ventriloquists, dancers, and musicians. The pub was also a place where the day's news was spread, as locals listened to travelers passing through from other places. This dissemination of news made the tavern a natural place for the establishment of local post offices.

The tavern owner was considered responsible for contributing to the town's orderliness. Licenses for serving alcoholic beverages dated back to 1672, and they were subject to suspension or revocation for sales to minors, slaves, servants, or intoxicated adults. Throughout the 1600s and 1700s, wine and malt liquors, as well as hard liquor or spirits, were sold. Rum was imported from the West Indies and had begun to eclipse the popularity of hard cider by the early 1700s. The colonies traded fish, tobacco, cotton, and lumber for rum and for molasses, which was then distilled in New England as rum.

England's Molasses Act of 1733 levied a duty on products imported into the colonies. This legislation provided an impetus for independence from England. Numerous historical figures in pre- and post-Revolutionary America that were tavern owners or sons of owners included Samuel Adams, Ethan Allen, William Penn, and Abraham Lincoln.

Prohibition caused the tavern to be replaced by "speakeasies"—illegal establishments where liquor was plentiful to those who provided the correct password. Organized crime gained its foothold in America during this period, as bootlegging flourished and dealers in whiskey and other liquors protected their market with weapons. Following the repeal of the Prohibition Act thirteen years



after its passage, the neighborhood tavern reemerged.

Americans were increasingly doubting the healthiness of alcohol consumption in the early and mid-1990s. Medical research linked high alcohol consumption to liver cancer and other degenerative diseases. Smokers who also drink alcohol were found to have 13 times the risk of developing lung cancer as those who neither smoke nor drink. Although some research had found that widespread consumption of wine with dinner in France was responsible for their lower levels of heart disease compared with that of Americans, a 1993 study contradicted that finding. The more recent study concluded that the relative health of the French was due not to their wine consumption, but to their love of vegetables.

The bar and tavern industry has been heavily impacted by the steadily declining consumption of distilled liquor in recent decades. One bar owner in San Francisco described the environment in the late 1980s as "neo-prohibitionist." In an article in *New York Times* in 1989, Gerry E. Murphy, then executive director of the then-National Licensed Beverage Association (NLBA), said, "The day of the old bar which just served alcoholic beverages is past." Indeed, the U.S. Industrial Outlook predicted that "Domestic consumption of, and spending for, alcoholic beverages will probably continue to decline, leveling off toward the end of the 1990s."

In the early to mid-1990s, the eating and drinking places industry as a whole was growing at a steady rate, averaging about five percent increase in overall sales per year. By contrast, sales from bars and taverns (including both alcohol and food receipts) were flat and in some years actually fell. According to the National Restaurant Association (NRA), for example, sales at such establishments fell from \$9.4 billion in 1991 to \$9.3 billion in 1993, rebounded to \$10.9 billion by 1995 but then fell again to \$9.4 billion in 1996 (the latter a drop of nearly 14 percent). The NRA expected 2000 sales of about \$12 billion, an increase due in large part to the rising popularity of sports bars.

Americans' growing emphasis on healthy eating and healthy living is the primary reason for the slow growth in this category. Self-help programs designed to help people identify and end addiction to alcohol flourished throughout the 1970s and 1980s. Moreover, those who drink alcohol in moderation have become more conscious of caloric measure and the nutritive value of food and drink consumed. In addition, Americans became more disapproving of driving while intoxicated, and groups such as Mothers Against Drunk Drivers (MADD) have gained political and social clout. Rising litigation over the responsibility of drinking establishments for the alcohol consumption of patrons also acted as a force toward lower purchases of alcoholic drinks. The overall effect of this shift in thinking is that the line is blurring between full-service restaurants which serve alcohol and bars and taverns that offer full lunch and dinner menus.

This grim outlook for the alcohol industry as a whole did not portend well for the bar and tavern industry. Many hotel lounges were transformed into combination eating/drinking establishments, or eliminated altogether to be replaced by meeting rooms. Although alcohol items have higher profit margins than food items, food was increasingly being emphasized more than drinks. Renewed interest in wine, martini bars, and sports bars helped stave off a continued decline at the end of the century, stopping the sales slippage with 2000 totals of \$11.9 billion.

While the overall cause in this threat to the industry is the nationwide trend toward healthier living, the signposts of this shift are many. There has been, for the past several decades, a growing acceptance for the nondrinker in social settings. This has occurred in large part because of the widespread recognition of the physical and emotional health problems created by alcohol addiction. The Alcoholics Anonymous (AA) program, begun in the early 1900s by Bill Wilson and others, was created to combat the problem of alcoholism through meetings of individuals who identify themselves as having an addiction to alcohol. The number of people who have ended their consumption altogether through this mutual support program is unknown, but is believed to be in the millions. Although people who wished to abstain from alcohol consumption felt social pressure to drink at parties and public gatherings, the stigma associated with "teetotaling" faded until it was almost nonexistent in the 1990s. MADD gained political influence and helped create a stigma surrounding driving an automobile while intoxicated. In addition, several key civil actions brought by victims of auto collisions and their families resulted in increased liability of alcohol servers for intoxicated patrons that leave establishments and cause accidents.

The response of the bar and tavern industry to the liability issue was the education of its workforce about this challenge. A program sponsored by the American Beverage Licensees (ABL)—formed by the merger of the NLBA and National Association of Beverage Retailers (NABR) in 2002—called Techniques of Alcohol Management (TAM) certifies bartenders and other alcohol servers in methods of curtailing the problem. The program teaches employees of taverns to identify signs of intoxication in patrons, the effect of food consumption on the rate of intoxication, how to discreetly regulate a customer's consumption, and the application of state and local laws to the sale of alcoholic beverages. A similar program is called Training for Intervention Procedures (TIPS).

Several different pieces of federal legislation either hampered the industry or threatened it in the 1990s. President Clinton signed a bill that reduced the business meals and entertainment tax deduction from 80 percent to 50 percent in 1993. The industry immediately began lobbying for repeal of that legislation through separate bills introduced in both the Senate and House of representatives.

A bill under consideration in 1999 included a provision to lower the national blood-alcohol content (BAC) level defining intoxication from .10 to .08. The then-NLBA opposed this measure on the basis that, of those intoxicated drivers who were killed in auto accidents, 81 percent had a BAC higher than the legal limit of .10. However, several states, including California, had already lowered the BAC to .08 while national legislation was still being considered. By the mid-2000s all states had adopted the lower limit.

While opposing legislation that was perceived to be harmful to the industry, bar and tavern owners fought back by courting consumers. The rise of sports bars in the 1980s provided an example of industry adaptation to consumer health concerns. In contrast to the dark, smoke-filled bar of past decades, sports bars are lighter, with an updated, high-energy ambiance. The vast majority of such bars, in addition to having televisions for their customers to view, serve full menus of lunch and dinner items. These types of establishment stress a casual atmosphere and efficient but unobtrusive service so that patrons may meet to watch an athletic event and enjoy gathering with friends. Sports bars also target women and families, often tailoring their menu to include light, healthy food in addition to burgers and other American fare. The celebrity element is another prominent characteristic of sports bars. Many are owned by, or named after, athletes, and rely on visits by athletes to publicize and promote the establishment.

Another successful concept of the 1990s has been the brew pub. Although this is a borderline category since many brew pubs derive more than half of their sales from the food they serve, the brew pub—and microbrewer beer generally—has helped to revive both a beer industry on the decline and the drinking places industry itself. According to Michelle Dorfman, writing in *ID: The Voice of Foodservice Distribution*, "brew pubs, by definition, have an on-site brewery and more than 50 percent of the brew product is consumed on-premise." After gaining initial popularity early in the 1990s, the category has since exploded with more than 500 brew pubs nationwide by late 1996.

Posher alternatives that catered to popular fads such as swing dancing, martini bars became more prevalent and helped rejuvenate the industry. Industry entrepreneurs also embraced the cigar fad of the 1990s, and began to allow their patrons to smoke cigars on-site or created specialty cigar bars that sold a variety of cigars in addition to selling alcoholic beverages. Such innovations were signs that the industry would keep reinventing itself despite all the negative trends.

## PRODUCTS, OPERATIONS & TECHNOLOGY

Major sources of revenue include beer (35% of sales), distilled spirits or hard liquor (30%), food and non-alcoholic beverages (20%), and wine (7%). Companies may specialize in certain beverages, like craft beers or martinis. Among the key findings:

- Beer is the largest adult beverage category on-premise, generating more than four-fifths of volume and nearly half of dollars. Major domestic brands, while challenged, maintain the lion's share of volume and sales, but imported and craft beer are growing.
- Drinking establishments, which include bars, taverns/pubs, lounges, nightclubs, comedy clubs and music/cabaret venues,

- account for the largest portion of on-premise adult beverage sales, followed by casual-dining restaurants.
- Sparked by cost-conscious consumers and winemaker innovation, on-premise domestic wine growth outpaced that of imports to account for three-quarters of total wine volume in restaurants and bars.
- Spirits generate one-third of total on-premise dollars, and the vibrant cocktail scene continues to evolve, evidenced by the notable growth of both the largest category, vodka, and the smallest category, Irish whiskey.
- Consumers value drink programs at restaurants; one-third report that the adult beverage offering influences their decision to visit a particular concept.
- More than three-quarters of consumers order food with their adult beverage.

Entertainment includes live music, DJs, dancing, and adult entertainment. While most customers go to bars and nightclubs to socialize, bar activities tend to focus more on drinking, while nightclubs focus on entertainment and dancing. Types of bars include microbreweries, taverns, pubs, wine bars, and martini bars. Bars and nightclubs may have themes, like sports or country-western. The failure rate for nightclubs can be high due to the trend-driven nature of the industry; an estimated eight of 10 nightclubs will fail during the first year of operation, according to Nightclub and Bar magazine.

To open a bar or nightclub, a location must have proper zoning from local government. Community resistance to new bars and nightclubs is common due to anticipated problems with drunken patrons and noise. Companies may need both a standard liquor license to sell alcohol, and a pouring license to serve alcohol for consumption on-premise. Multiple types of liquor licenses dictate what types of alcohol a bar can sell, and the availability and cost of licenses can vary greatly. Licenses to serve beer and wine tend to be less expensive than to serve hard liquor. Some communities issue a limited number of liquor licenses, and companies may have to buy one from an existing licensee. Local municipalities may also require an entertainment license to provide TV programming, live music, or dancing.

Local laws typically dictate days and hours of operation. A venue may announce a "last call" or last chance, to buy an alcoholic beverage, prior to the required closing time. The majority of business is during the weekend. Most nightclubs are not open during the day, and many open only two to three nights per week.

Almost all companies consist of a single operation, although the industry includes some regional chains and franchises. Tourist destinations can be good locations, since vacationers tend to visit bars and nightclubs. Size varies greatly, from small corner taverns to warehouse-sized dance clubs. The majority of nightclubs range from 3,500 to 7,000 square feet, according to nightclubbiz.com. Experienced owners tend to run the largest nightclubs, which range from 10,000 to 30,000 square feet. A 3,000 square foot club can gross between \$24,000 and \$64,000 per month. A 15,000 square foot club can gross between \$100,000 and \$260,000 per month.

Bars that serve food may have an area for table seating. Nightclubs may have one or more bars, table seating, a stage, or a dance floor. Outdoor seating is popular in warm weather and many tourist locations. Most companies use lighting and decor to create a distinctive ambiance or image to attract specific clientele. For example, a sports bar may have numerous large screen TVs and sports memorabilia to draw sports fans, while a nightclub may have expensive lighting and sound systems to draw the dance crowd. In addition, a friendly bartender or a popular DJ can help develop a loyal customer base. Some nightclubs promote an image of exclusivity, and may be selective as to which patrons can enter.

Bartenders are responsible for mixing and serving drinks. How fast a bartender operates and how much a bartender pours can significantly affect sales and profitability. Companies may use special pour spouts to standardize liquor dispensation. In addition, secret audits monitor liquor consumption and can be used to identify "heavy-handed" bartenders. Some companies audit liquor inventory daily.

Companies typically buy alcoholic beverages from state-licensed liquor distributors. Federal and state laws prohibit direct sales from manufacturers. Large bars and nightclubs can hold sizeable, expensive inventories of alcohol, especially if the company stocks high-end liquor. Inventory management and cost control can be difficult due to employee error, overpouring, and theft. Proper storage is important to minimize bottle breakage and prevent theft. Bars and nightclubs that serve food typically buy ingredients from food distributors.

Companies may use computerized point-of-sale (POS) systems to record orders, look up drink recipes, and manage bar tabs. Beverage monitoring systems use miniature sensors attached to liquor bottles to record individual drink servings and transmit data wirelessly to inventory management systems. Handheld scanners help track inventory. For nightclubs, technology plays an important role in providing entertainment and ambiance. Computer systems that integrate sound, light, special effects, and music videos help create a distinctive environment. In addition, some companies use digital surveillance systems to catch illegal activity by both customers and employees.

## WORKFORCE

For the category of beer, wine, and liquor stores, the U.S. Department of Labor's Bureau of Labor Statistics reported a total employment of 137,390 in May 2009. The largest portion (79 percent) of the workforce is dedicated to sales and related occupations. Roughly 13 percent of workers are employed in positions related to office and administrative support. About 3 percent are involved in moving and transportation.

## CURRENT CONDITIONS

According to Technomic's BarTAB (Trends in Adult Beverage) report, the 2013 Top 100 Nightclub & Bar venues generated \$1.5 billion in total revenue. More than two-thirds (68.2%) of operators surveyed experienced revenue growth in 2012, and nearly two-thirds of them (31.4%) reported revenue growth in excess of 10%. Once again, the top nightclub and bar venues outperformed the industry overall. The bar and nightclub segment grew 3.9% in 2012. Through 2015, the industry is projected to continue experiencing competition from non-industry establishments such as restaurants as well as from people opting to drink at home.

While the distilled spirits industry has been lucrative, Federal and state excise taxes play a significant role in the industry. In 2005, The National Center for Policy Analysis (NCPA) reported that thirteen states sought increases in taxes and related fees on alcoholic beverages. Further, taxes on distilled spirits were about \$0.21 per ounce of alcohol. According to the Distilled Spirits Council (DSC) of the United States, "distilled spirits are one of the most heavily taxed consumer products in the United States. More than half of the price that consumers spend on a typical bottle of distilled spirits goes toward a tax of some kind." The resulting effect on the entire hospitality industry is wide-reaching, as the DSC goes on to say "When beverage alcohol taxes are increased, it creates a devastating ripple effect on jobs throughout the entire hospitality industry."

Despite the excise tax, the U.S. Department of Commerce reported that adjusted alcohol sales were up 5.2 percent to nearly \$9.2 billion in June of 2008 over the same period a year earlier. Also, according to the NCPA, the total amount of Federal excise tax collected from the distilled spirits category for 2006 was \$4.4 billion, from the beer category for \$3.6 billion, from the wine category for \$800 million. Additionally, state taxes during that same time reached nearly \$5 billion.

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# News & Research

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## What's Hot in 2014 culinary forecast confirms sourcing, nutrition trends

December 3, 2013

The National Restaurant Association's annual **What's Hot** culinary forecast predicts menu trends for the year ahead by surveying nearly 1,300 professional chefs – members of the **American Culinary Federation (ACF)** – and the results for 2014 are in.

The top restaurant menus trends for 2014 focus on local sourcing, environmental sustainability and nutrition - children's nutrition in particular. These trends have been gaining momentum for several years, indicating that these wider themes influence the national culinary scene.

"Today's consumers are more interested than ever in what they eat and where their food comes from, and that is reflected in our menu trends research," said Hudson Riehle, senior vice president of the National Restaurant Association's research and knowledge group. "True trends – as opposed to temporary fads – show the evolution of the wider shifts of our modern society over time, and focus on the provenance of various food and beverage items, unique aspects of how they are prepared and presented, as well as the dietary profiles of those meals."

"The American Culinary Federation chefs who took part in the survey understand that sourcing locally and environmental sustainability tie in with ongoing efforts to provide more-healthy foods for everyone, especially children," said Thomas Macrina, CEC, CCA, HGT, AAC, ACF national president. "Chefs recognize that nutrition is a vital component of the foodservice industry, and constantly revise and update recipes to reflect the concerns and desires of a diverse group of consumers who are looking for good food choices to best meet their nutrition and other needs."

Get the full results at [Restaurant.org/FoodTrends](http://Restaurant.org/FoodTrends).

In addition, the **What's Hot in 2014** survey found that the top five alcohol and cocktail trends will be micro-distilled/artisan spirits, locally produced beer/wine/spirits, onsite barrel-aged drinks, culinary cocktails (e.g. savory, fresh ingredients), and regional signature cocktails.

When asked which current food trend will be the hottest menu trends 10 years from now, environmental sustainability topped the list, followed by local sourcing, health-nutrition, children's nutrition and gluten-free cuisine.

The five items with the highest ranking as a waning trend in 2014 were foam/froth/air, bacon-flavored chocolate, fish offal, gazpacho, and fun-shaped children's items. The



### Monthly Industry Update



NRA's Hudson Riehle provides an update on the latest Restaurant Performance Index and other economic indicators.

[View more videos](#)

### Consumer Spending Report



### Featured Video

#### Industry of Opportunity 2014



Millions of individuals are living the American Dream by working in our industry. This video captures a few poignant stories that help tell the 'Industry of Opportunity' story.



five items with the highest points as perennial trends next year were fried chicken, Italian cuisine, frying, barbeque, and Eggs Benedict.

The five items that gained most in trendiness since last year in the annual survey were nose-to-tail/root-to-stalk cooking, pickling, ramen, dark greens, and Southeast Asian cuisine. The five items with the largest drop in "hot trend" rating were Greek yogurt, sweet potato fries, new cuts of meat, grass-fed beef, and organic coffee.

Compared with five years ago, items that have remained top 20 food trends include locally grown produce, healthful kids' meals, gluten-free cuisine, sustainable seafood, and health/nutrition. Items that have dropped substantially down the list from the top 20 food trends in 2009 include gelato, micro-greens, flatbreads, tapas/meze/dim sum, and dessert flights.

Also included in the What's Hot in 2014 survey were questions about other trends. Nearly six out of 10 (59 percent) of the chefs said they always make efforts to adjust dishes and recipes to be more healthful, while one-third (33 percent) said they cook with nutrition in mind, but that not all recipes are easily adjusted.

When it comes to technology trends, the chefs ranked menus on tablet computers as the top trend, followed by smartphone apps for consumers (ordering, reservations, daily deals, etc.), smartphone apps for chefs (recipes, table management, POS tracking, etc.), mobile payment and social media marketing.

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[▲ Back to Top](#)



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2055 L St. NW, Suite 700, Washington, DC 20036  
(202) 331-5900 | (800) 424-5156

# EXHIBIT E



**FILED UNDER SEAL**

# EXHIBIT F

# TAO GODDESS

GODDESS #20070986 - 10  
 1. A LITTLE GODS A BUNCH OF BEAUTY OF THE SMALL SEX  
 WHEN THE MIGHTY OF JUPITER PRESENTED HERSELF  
 AMONG A CROWD OF GODDESSES, SHE WAS DISTINGUISHED  
 BY HER GRACEFUL STATURE AND SUPERIOR BEAUTY - ZEUS  
 2. A WOMAN OF SUPERIOR CHARACTERS OR EXCELLENCE

[CLICK HERE FOR THE GUESTLIST](#)

AS A MEMBER OF THE TAO GODDESS CARD PROGRAM YOU ARE AWARDED ACCESS TO ONE OF THE MOST  
 PRESTIGIOUS CLUBS IN LAS VEGAS. YOU WILL BE ABLE TO TAKE ADVANTAGE OF EXCLUSIVE INFORMATION  
 WHICH WILL GRANT YOU VIP ACCESS TO OUR SPECIAL EVENTS, PARTIES, PRIVATE DINNERS AT TAO, AS WELL  
 AS EXCLUSIVE SALES AT LOCAL BOUTIQUES, SALONS AND MORE.

THE FIRST 25 TAO GODDESS TO SHOW THEIR GODDESS CARD AT TAO TONIGHT,  
 SEPTEMBER 10, WILL RECEIVE A GIFT BAG WITH A SKIN CARE SAMPLE  
 AND SPECIAL OFFER COMPLIMENTS OF AVEDA IN THE FASHION SHOW MALL.

## AVEDA™

PRESENT YOUR GODDESS CARD TONIGHT  
 FOR A WRISTBAND GOOD FOR WELL DRINK OPEN BAR 10PM-12AM

FRIDAY, SEPTEMBER 19

**TAO BEACH**  
 next face of tao beach casting  
 WINNER RECEIVES \$5000 PRIZE AND WILL BE FEATURED AS THE  
 FACE OF THE BEACH FOR THE REST OF THE YEAR. THE WINNER  
 MUST BE 18+ AND A RESIDENT OF LAS VEGAS. ALL  
 PARTICIPANTS MUST WEAR A BATHING SUIT/BIKINI AT ALL TIMES.  
 (SEE OFFICIAL RULES FOR FULL DETAILS)  
 (SEE www.taovegas.com)

SATURDAY, SEPTEMBER 19

**TAO**  
 ASIAN BISTRO • NIGHTCLUB • BEACH  
**KID CUDI**  
 OFFICIAL RECORD RELEASE PARTY FOR  
**MAN ON THE MOON: THE END OF DAY**  
 BY KID CUDI  
 SOUNDS BY **Juice**  
 www.taovegas.com

PRESENT YOUR TAO GODDESS CARD AT TAO BEACH TO RECEIVE A  
 VODKA OPEN BAR  
 MONDAY - FRIDAY 1PM-3PM AND SUNDAYS 1PM-3PM.

**LAVO**  
 RESTAURANT • NIGHTCLUB  
**DJ VICE SUNDAYS**  
 VODKA OPEN BAR FOR TAO GODDESSES  
**11PM-1AM**  
 SOUNDS BY **Juice** DOORS 11PM  
 THE PALAZZO

### REWARDS FOR THE WEEK

(CLICK ON THE SPONSORS TO VISIT THE REWARDS PAGE)



TAO GROUP BLOG | TAO WEBSITE OFFICIAL | OFFICIAL LAVO WEBSITE | TAO MYSPACE | LAVO MYSPACE | TAO FACEBOOK | LAVO FACEBOOK

# TAO GODDESS

GODDESS: GODDESS, N.  
 1. A FEMALE GOD; A LITHE L.S. OR M.F.Y. OF THE FEMALE SEX.  
 WHEN THE DAUGHTER OF HERETIC BROTHERS THE HERBLES  
 AND HER BROTHERS THE HERBLES SHE WAS BORN TO THE SIDE  
 OF HER CRASHFUL SISTER AND SUPERB BEAUTY -- GODDESS.  
 2. A WOMAN OF SUPERIOR CLARITY OR INTELLIGENCE.

**CLICK HERE FOR THE GUESTLIST**

AS A MEMBER OF THE TAO GODDESS CARD PROGRAM YOU ARE AWARDED ACCESS TO ONE OF THE MOST  
 EXCLUSIVE VENUES IN LAS VEGAS. YOU WILL BE ABLE TO TAKE ADVANTAGE OF INSIDER INFORMATION  
 WHICH WILL GRANT YOU VIP ACCESS TO RESTAURANTS, EVENTS AND THE BEST VIEW OF THE TAO, AS WELL  
 AS A HOST OF SPECIAL TREATS BOTH HERE, THERE AND YORE.

**PRESENT YOUR GODDESS CARD THURSDAY NIGHT  
 FOR A WRISTBAND GOOD FOR A VODKA OPEN BAR 10PM-12AM**

**eleven  
spa vegas**

Eleven Spa Vegas is having a "Rock the Block" Open House with 971 The Point and Gaudin  
 Jaguar this Sunday from 12 noon - 4pm. You are invited to experience Eleven Spa and the Ben  
 Fawcett salon while they provide you with a sampling of spa treatments and services. The Crew  
 will be on hand as well to provide food and beverage. There will be prizes given away from all  
 of the fabulous shops and restaurants throughout Town Square and at the end of the event  
 someone will win an Ultimate Spa Day. While you are there you will also be able to take  
 advantage of some special "Rock the Block" pricing and promotions for future services. So come  
 down this Sunday from 12 noon - 4pm and let the hostess show you  
 in Vegas show you everything they have to offer.



THE FIRST 20 TAO GODDESSES TO SHOW THEIR CARD AT TAO ON THURSDAY,  
 APRIL 2ND, WILL RECEIVE A COMPLIMENTARY TAN IN ANY BED AT TAHITIEN  
 TAN. TAHITIEN TAN IS LOCATED AT THE CORNER OF LAS VEGAS BLVD AND  
 WINDMILL. FOR MORE INFORMATION ABOUT TAHITIEN TAN, [CLICK HERE](#)

**TAO** SUNDAY, MAY 24, 2009 **TAO**  
 MEMORIAL DAY WEEKEND

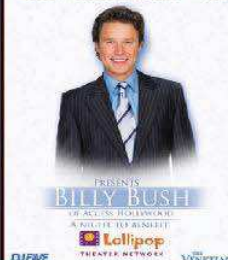


**PRESENT YOUR TAO GODDESS CARD AT TAO BEACH MON - FRI 1PM-3PM  
 FOR A VODKA OPEN BAR.**

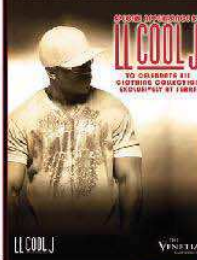
WORSHIP THURSDAYS | APRIL 2ND



WORSHIP THURSDAY | APRIL 2ND | 10PM



WORSHIP THURSDAYS | APRIL 16TH



**LAVO**  
 RESTAURANT • NIGHTCLUB  
**DJ VICE SUNDAYS**  
 VODKA OPEN BAR FOR TAO GODDESSES  
 10PM-12AM  
 SOUNDS BY **VICE** DOORS 11PM  
 THE PALAZZO

**REWARDS FOR THE WEEK**  
 (CLICK ON THE SPONSORS TO VISIT THE REWARDS PAGE)



TAO GROUP BLOG | TAO WEBSITE OFFICIAL | OFFICIAL LAVO WEBSITE | TAO MYSPACE | LAVO MYSPACE | TAO FACEBOOK | LAVO FACEBOOK



# TAO Goddess

TAO Goddess is a program for women who are looking for a special night out. It's a place where you can relax, enjoy the view, and have a great time. It's a place where you can be a Goddess for a night.

AS A MEMBER OF THE TAO Goddess Card Program you are awarded access to one of the most exclusive areas in Las Vegas. You will be able to enjoy all the TAO Goddess Card benefits including access to the TAO Goddess lounge, TAO Goddess bar, and TAO Goddess restaurant.

**FOR GUESTLIST AND INFORMATION CLICK HERE**

PRESENT YOUR GODDESS CARD THURSDAY NIGHT FOR A WRISTBAND GOOD FOR A VODKA OPEN BAR 10PM-12AM



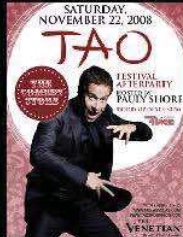
Las Vegas Dermatology  
and a tradition of great medical care

PRESENT YOUR TAO Goddess CARD ON THURSDAY, NOVEMBER 20 AND YOU WILL AUTOMATICALLY BE ENTERED IN A RAFFLE TO WIN A PACKAGE OF 3 UNDERARM LASER HAIR REMOVAL SESSIONS OR EQUIVALENT VALUE (\$450) FROM LAS VEGAS DERMATOLOGY COMPLIMENTS OF DR. H.L. GREENBERG

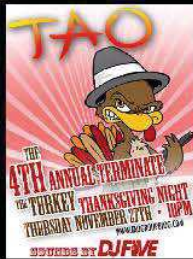
635 N. TOWN CENTER DRIVE  
378 #110 LAS VEGAS, NV 89144  
702.456.3120

**CLICK HERE**  
FOR LASER HAIR REMOVAL VIDEO

Click here to sign up



## UPCOMING EVENTS



FROM THE CREATORS OF TAO

# LAVO

RESTAURANT • BATHHOUSE • NIGHTCLUB

## VICE SUNDAYS

WITH THE IN-GARAGE

SOUNDS BY DJ VICE

VODKA OPEN BAR FOR TAO GODDESSES  
10PM-12AM

MEDITERRANEAN BISTRO OPEN 7 DAYS A WEEK

## LAST WEEK'S RUN DOWN



FRIDAY NIGHT AT THE LAVO, "PATTY MURPHY AND CHERIE FAY" WERE THE MAIN ATTRACTION AS THEY PERFORMED AT THE LAVO. PATTY MURPHY AND CHERIE FAY WERE THE MAIN ATTRACTION AS THEY PERFORMED AT THE LAVO. PATTY MURPHY AND CHERIE FAY WERE THE MAIN ATTRACTION AS THEY PERFORMED AT THE LAVO.

ON THURSDAY NIGHT AT THE LAVO, "JESSIE JENSEN AND MICKY" WERE THE MAIN ATTRACTION AS THEY PERFORMED AT THE LAVO. JESSIE JENSEN AND MICKY WERE THE MAIN ATTRACTION AS THEY PERFORMED AT THE LAVO. JESSIE JENSEN AND MICKY WERE THE MAIN ATTRACTION AS THEY PERFORMED AT THE LAVO.

AT THE LAVO, "ANA CLOUTIER, KYLE MORGAN, JAY, AN DOLLA, MARY, AND TAYLOR DUNN" WERE THE MAIN ATTRACTION AS THEY PERFORMED AT THE LAVO. ANA CLOUTIER, KYLE MORGAN, JAY, AN DOLLA, MARY, AND TAYLOR DUNN WERE THE MAIN ATTRACTION AS THEY PERFORMED AT THE LAVO.

Photo: ICE COOLERS

## REWARDS FOR THE WEEK

PLEASE SEE THE SPONSORS FOR MORE DETAILS



# TAO GODDESS

AS A MEMBER OF THE TAO GODDESSES CARD PROGRAM, YOU ARE INVITED TO ENJOY THE MOST EXCLUSIVE AND DELICIOUS TAO MENU. THE MENU IS ONLY AVAILABLE TO OUR MEMBERS WHO WILL ENJOY THE BEST OF OUR MENU ITEMS FOR THE PRIVATE VENUE LAY, AS WELL AS EXCLUSIVE SALES AT LAGO, FOLKIES, SOUVENIR AND MORE...

**FOR GUESTLIST AND INFORMATION CLICK HERE**

PRESENT YOUR GODDESS CARD THURSDAY NIGHT FOR A WRISTBAND GOOD FOR A VODKA OPEN BAR 10PM-12AM

CONGRATULATIONS TO TAO GODDESSES FORTIN & RODRIGUEZ WHO WON LAST WEEK'S FANTASY CATERING REMOVAL PACKAGE (\$525 VALUE) FROM LAS VEGAS. DERMATOLOGY COMPLIMENTS OF DR. HILL GREENBERG.

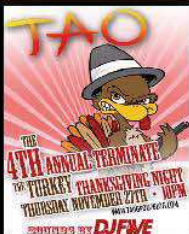
## TAN FACTORY

THIS WEEK BRING A BUNCHED TAO GODDESS ON THANKSGIVING NIGHT. PRESENT YOUR TAO GODDESS CARD ON THURSDAY NOVEMBER 27 AND YOU WILL BE ENTERED TO WIN ONE OF THESE AWESOME PACKAGES FROM TAN FACTORY.

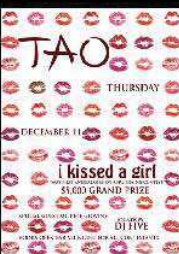
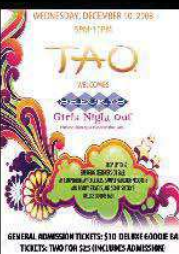
1ST PRIZE - 3 MONTHS OF UNLIMITED TANNING 2ND PRIZE - 3 MONTHS OF UNLIMITED TANNING  
3RD PRIZE - 1 MONTH OF UNLIMITED TANNING

PRIZES CAN BE REDEEMED IN ANY TAO AT ANY OF TAN FACTORY'S 13 CONVENIENT LOCATIONS. ALL OF THE GODDESSES WHO ATTEND WILL BE REWARDED WITH A GIFT CERTIFICATE FOR \$20 OFF ANY PACKAGE.

**CLICK HERE TO JOIN TAN FACTORY'S APP AND NEW SPECIAL SYSTEM**



### UPCOMING EVENTS



FROM THE CREATORS OF TAO

# LAVO

RESTAURANT-BAR-BOULEVARD

## VICE SUNDAYS

BATHE IN NIGHTLIFE

SOUNDS BY DJ VICE

VODKA OPEN BAR FOR TAO GODDESSES 10PM-12AM

MEDITERRANEAN BISTRO OPEN 7 DAYS A WEEK

### LAST WEEK'S RUN DOWN



ARISTO THOMAS, PHILIPPOURIS, PHILIPPOURIS, PHILIPPOURIS, PHILIPPOURIS, PHILIPPOURIS, PHILIPPOURIS, PHILIPPOURIS, PHILIPPOURIS, PHILIPPOURIS

THE ANNUAL TAO & LAGO BRUNCH IN THE AFTERNOON ON 11/23/09 WAS A SUCCESSFUL EVENT. WE WERE PLEASSED TO HAVE SO MANY OF OUR MEMBERS AND FRIENDS JOIN US FOR THE DAY. THE BRUNCH WAS A GREAT SUCCESS AND WE WERE PLEASED TO HAVE SO MANY OF OUR MEMBERS AND FRIENDS JOIN US FOR THE DAY. THE BRUNCH WAS A GREAT SUCCESS AND WE WERE PLEASED TO HAVE SO MANY OF OUR MEMBERS AND FRIENDS JOIN US FOR THE DAY.

ALSO, WE WERE PLEASED TO HAVE SO MANY OF OUR MEMBERS AND FRIENDS JOIN US FOR THE DAY. THE BRUNCH WAS A GREAT SUCCESS AND WE WERE PLEASED TO HAVE SO MANY OF OUR MEMBERS AND FRIENDS JOIN US FOR THE DAY.

WE WERE PLEASED TO HAVE SO MANY OF OUR MEMBERS AND FRIENDS JOIN US FOR THE DAY. THE BRUNCH WAS A GREAT SUCCESS AND WE WERE PLEASED TO HAVE SO MANY OF OUR MEMBERS AND FRIENDS JOIN US FOR THE DAY.

WE WERE PLEASED TO HAVE SO MANY OF OUR MEMBERS AND FRIENDS JOIN US FOR THE DAY. THE BRUNCH WAS A GREAT SUCCESS AND WE WERE PLEASED TO HAVE SO MANY OF OUR MEMBERS AND FRIENDS JOIN US FOR THE DAY.

### REWARDS FOR THE WEEK

CLICK ON THE SPONSORS TO VISIT THE SPONSOR PAGE











# TAO GODDESS

GODDESS GODDESSES IS  
A BRANDED & PROMOTED COLLECTIVE OF THE FEMALE ARTS  
WHOSE THE DAUGHTER OF ENTERTAINMENT HERSELF  
WANTS A LEGION OF GODDESSES SHE HAS CREATED WITH  
BY THE BRINK OF SOCIAL AND SURVIVAL. ACCORDING  
TO A WOMAN OF SUPERIOR CHARITY OR EXCELLENCE.

AS A MEMBER OF THE TAO GODDESSES CARD PROGRAM YOU ARE GRANTED ACCESS TO ONE OF THE MOST  
EXCLUSIVE VENUES IN LAS VEGAS. YOU WILL BE ABLE TO TAKE ADVANTAGE OF INSIDE INFORMATION  
WITH HIGH SOCIAL STATUS AND ADVANCE SEATING AND PRIORITY ACCESS TO TAO. AS WELL  
AS INCLUDING SALES OF GREAT BOUTIQUE MERCH AND MORE.

**FOR GUESTLIST AND INFORMATION CLICK HERE**

PRESENT YOUR GODDESS CARD THURSDAY NIGHT FOR A WRISTBAND  
GOOD FOR A VODKA OPEN BAR 10PM-12AM

**faceogic**

THE FIRST IN LAS VEGAS AS FAR AS YOUR GODDESSES GO! ON THURSDAY OCTOBER 23<sup>RD</sup>  
YOU WILL RECEIVE A KEPT CERTIFICATE FROM FACEOGIC.COM (ADD VALUE)

[WWW.FACEOGIC.COM](http://WWW.FACEOGIC.COM)

702-333-1212

FRIDAY, OCTOBER 24, 2008

## TAO

### QUARANTINE

FIEM RELEASE PARTY

HOSTED BY CO-STARS

COLUMBUS SHORT

AND JOHNATHON SCHAECH

WITH DJ BEACH

10PM-12AM

MINOR CHARGES. RESERVE TODAY!

SATURDAY, OCTOBER 25, 2008

## TAO



CELEBRATING THE BIRTHDAY OF  
**MATT DALLAS**

STAR OF "KYLE XY"

WITH DJ BEACH

10PM-12AM

MINOR CHARGES. RESERVE TODAY!

## UPCOMING HALLOWEEN EVENTS

SATURDAY, NOVEMBER 1, 2008

### TAO

**2nd Annual  
INSANITY**  
HOSTED BY  
THE MARCHING  
BAND OF  
THE MARCHING BAND  
10PM-12AM

### TAO HALLOWEEN

**TAO HALLOWEEN**  
FRIDAY, OCTOBER 31<sup>ST</sup> 2008  
**TERA PATRICK**  
10PM-12AM

THURSDAY | OCTOBER 30<sup>TH</sup> | 2008

**TAO HALLOWEEN 3**  
944  
THURSDAY  
OCTOBER 30<sup>TH</sup> | 2008  
**TAO HALLOWEEN 3**  
OCTOBER 30<sup>TH</sup> | 2008  
10PM-12AM  
**ALIEN  
TOUCHER**  
Open bar 10PM-12AM For Ladies

FROM THE CREATORS OF TAO

## LAVO

RESTAURANT • BATHHOUSE • NIGHTCLUB

### VICE SUNDAYS

BATHE IN NIGHT LIFE

SOUNDS BY DJ VICE

VODKA OPEN BAR FOR TAO GODDESSES  
10PM-12AM

MEDITERRANEAN BISTRO OPEN 7 DAYS A WEEK

## THE RUN DOWN



THURSDAY NIGHT AT TAO LAS VEGAS WAS ABSOLUTELY MEMORABLE. SINCE THEN WE WILL KEEP  
THE BIRTHDAY PARTY FROM BEING FORGOTTEN. THURSDAY NIGHT AT TAO LAS VEGAS WAS  
ABSOLUTELY MEMORABLE. SINCE THEN WE WILL KEEP THE BIRTHDAY PARTY FROM BEING FORGOTTEN.  
THURSDAY NIGHT AT TAO LAS VEGAS WAS ABSOLUTELY MEMORABLE. SINCE THEN WE WILL KEEP  
THE BIRTHDAY PARTY FROM BEING FORGOTTEN. THURSDAY NIGHT AT TAO LAS VEGAS WAS  
ABSOLUTELY MEMORABLE. SINCE THEN WE WILL KEEP THE BIRTHDAY PARTY FROM BEING FORGOTTEN.  
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ABSOLUTELY MEMORABLE. SINCE THEN WE WILL KEEP THE BIRTHDAY PARTY FROM BEING FORGOTTEN.  
THURSDAY NIGHT AT TAO LAS VEGAS WAS ABSOLUTELY MEMORABLE. SINCE THEN WE WILL KEEP  
THE BIRTHDAY PARTY FROM BEING FORGOTTEN. THURSDAY NIGHT AT TAO LAS VEGAS WAS  
ABSOLUTELY MEMORABLE. SINCE THEN WE WILL KEEP THE BIRTHDAY PARTY FROM BEING FORGOTTEN.

## REWARDS FOR THE WEEK

CLICK ON THE SPONSORS TO VISIT THE REWARDS PAGE



# TAO GODDESS

ELIGIBLE MALES (18+) IN THE STRIP AREA, IMMEDIATELY OR LATER BY THE STRIP AREA, WHEN THE DAUGHTER OF LUTER PRESENTED HIMSELF AMONG A GROUP OF GODDESSES, THE MALE IS ELIGIBLE TO BE A MEMBER OF THE TAO GODDESS PROGRAM. A MALE CAN BE A MEMBER OF THE STRIP AREA OR ENTIRE STRIP.

[CLICK HERE FOR THE GUESTLIST](#)

AS A MEMBER OF THE TAO GODDESS CARD PROGRAM YOU ARE AWARDED ACCESS TO ONE OF THE MOST EXCLUSIVE VENUES IN LAS VEGAS. YOU WILL BE ABLE TO TAKE ADVANTAGE OF FASTER INFORMATION WHICH WILL SHOW YOU THE BEST SEATING, TABLE SERVICE, SPECIAL TRAVEL DISCOUNTS, AND AS WELL AS EXCLUSIVE MERCHANDISE, GIFT CERTIFICATES, AND MORE...



THE FIRST 30 TAO GODDESS TO SHOW THEIR GODDESS CARD AT TAO ON THURSDAY, MAY 14, WILL RECEIVE A GIFT CERTIFICATE FOR A COMPLIMENTARY SESSION AT CROSSFIT LAS VEGAS. FOR MORE INFORMATION ABOUT CROSSFIT LAS VEGAS [CLICK HERE](#).

PRESENT YOUR GODDESS CARD THURSDAY NIGHT FOR A WRISTBAND GOOD FOR A VODKA OPEN BAR 10PM-12AM

**TAO** MEMORIAL DAY WEEKEND **erick morillo**  
 SUNDAY, MAY 24, 2009  
ARISH & TON - NIGHTCLUB [CLICK HERE TO PURCHASE TICKETS](#)

SUNDAY, MAY 17  
**Sunset Sessions**  
 10PM - 10PM  
**TARA McDONALD**  
 PERFORMING LIVE AT THE TAO NIGHTCLUB  
 AND SINGING THE MEANS OF PROTECTION  
THE MEANS OF PROTECTION IS A NEW RELEASE

MEMORIAL DAY WEEKEND  
 SUNDAY, MAY 24  
**Sunset Sessions**  
 10PM - 10PM  
**INTERNATIONAL DJ  
 TVROCK**  
WWW.MEMORIALDAYWEEKEND.COM

SATURDAY, MAY 30  
**U.S. HOT BODIES**  
 HOSTED BY **MEL B**  
WITH SPECIAL GUESTS: RICHIE MONTANO AND MORE

SUNDAY, MAY 31<sup>ST</sup>  
**Sunset Sessions**  
 10PM - 10PM  
**DJ CHRIS GARCIA &  
 RAVI DRUMS ON PERCUSSION**

SUNDAY, MAY 31<sup>ST</sup>  
**Sunset Sessions**  
 10PM - 10PM  
**DJ CHRIS GARCIA  
 ACCOMPANIED BY  
 SAXOPHONIST JIM REID**

SUNDAY, JUNE 7<sup>TH</sup>  
**Sunset Sessions**  
 10PM - 10PM  
**CELEBRITY DJ  
 STEVE AOKI  
 AKA KID MILLIONAIRE**

PRESENT YOUR TAO GODDESS CARD AT TAO BEACH TO RECEIVE A VODKA OPEN BAR MONDAY - FRIDAY 1PM-3PM AND SUNDAYS 1PM-3PM.

**LAVO**  
 RESTAURANT • NIGHTCLUB  
**DJ VICE SUNDAYS**  
 VODKA OPEN BAR FOR TAO GODDESSES  
**11PM-1AM**  
 SOUNDS BY **Juice** DOORS 11PM  
 THE PALAZZO

REWARDS FOR THE WEEK  
CLICK ON THE SPONSORS TO VISIT THE REWARDS PAGE!





# TAO GODDESS

FRIDAY, NOVEMBER 14TH, 2008  
 TAO IS A ONE OF A KIND NIGHT CLUB, RESTAURANT, BAR & VODKA OPEN BAR. THE VENETIAN HOTEL & CASINO, 3355 LAS VEGAS BLVD., LAS VEGAS, NV 89109. TAO IS A MEMBER OF THE VENETIAN RESORT & CASINO. A DIVISION OF VENTURA GROUP HOLDINGS.

AS A MEMBER OF THE TAO GODDESSES EXCLUSIVE PROGRAM WHO HAS ACQUIRED ACCESS TO ONE OF THE MOST EXCLUSIVE CLUBS IN LAS VEGAS, YOU WILL RECEIVE THE BEST SEATING AND THE BEST SERVICE. WE WILL BE GRANTING YOU ACCESS TO THE SPECIAL AFTER PARTY, NIGHTLY SHOWS AT TAO AS WELL AS ALL THE SPECIALS AND SPECIALS OFFERS AND MORE...

**FOR GUESTLIST AND INFORMATION CLICK HERE**

PRESENT YOUR GODDESS CARD THURSDAY NIGHT FOR A WHISTLEBAND GOOD FOR A VODKA OPEN BAR 10PM-12AM



THE FIRST 25 TAO GODDESSES TO SHOW THEIR GODDESS CARD AT TAO ON THURSDAY, NOVEMBER 13, WILL RECEIVE A VOUCHER GOOD FOR 2 TICKETS TO THE BLUE MAN GROUP (SELECT 10:00PM SHOWS ONLY). IF YOU MISS OUT ON THIS OFFER, YOU CAN STILL RECEIVE A COMPLIMENTARY SEAT UPGRADE WHEN PURCHASING BLUE MAN GROUP TICKETS AT THE VENETIAN BOX OFFICE (VENTION CODE: BBT1TAOUP1).  
[WWW.VENETIAN.COM](http://WWW.VENETIAN.COM)

FRIDAY, NOVEMBER 14TH, 2008

TAO  
 CHA GRATING THE HELLBOY OF  
**Zack and Miri  
 make a porno**  
 GUESTS WHO STAR  
**JASON MEWES**  
 OF JAY & MICHELE BOON  
 MESSIAH OF  
 CLASH OF TITANS

SATURDAY, NOVEMBER 15, 2008

TAO  
 AFTER PARTY  
 JACQUELINE LEAH KENNY FLOREN  
 AMMA FICHELIER  
 LARRY MONTGOMERY  
 MARY VICTORIA

## UPCOMING EVENTS

Click here to sign up

**TAO  
 at-gogo**

**\$10,000  
 GUINNESS PRIZE**  
 WEEKLY HORSE RACING SCIENCE OF FORECAST

**THURSDAY, NOVEMBER 20, 2008**  
 DOORS AT 10 - SOUNDS BY **DJ VICE**

FROM THE CREATORS OF TAO

**LAVO**  
 RESTAURANT • BATHHOUSE • NIGHTCLUB  
**VICE SUNDAYS**  
 RESTING IN THE CITY  
 SOUNDS BY DJ VICE  
 VODKA OPEN BAR FOR TAO GODDESSES  
 10PM-12AM  
 MEDITERRANEAN BISTRO OPEN 7 DAYS A WEEK

## LAST WEEK'S RUN DOWN



ACTRESS STACY STEINER  
 JENNIFER TILLEY FROM "THE CROWN"  
 ACTRESS DANIEL SICKELMANN  
 RUSSELL PETERSON FROM "6"  
 ACTRESS ANASTASIA ARISTON  
 HAITI B. MARLOVA  
 JEAN BOUTIER  
 SUEA TORRES, KATE WILSON  
 CLIVE FORAN, "THE DIVER"  
 ACTRESS KATE WILSON  
 ACTRESS DANIEL SICKELMANN  
 MUSIC BY BRUCE L. BROWN  
 ACTRESS JENNIFER TILLEY  
 ACTRESS JENNIFER TILLEY  
 TAO'S VODKA OPEN BAR  
 FROM 10PM-12AM  
 MUSIC BY DJ VICE  
 TAO'S VODKA OPEN BAR  
 FROM 10PM-12AM

THE VENETIAN HOTEL & CASINO LAS VEGAS IS PLEASED TO ANNOUNCE THAT WE HAVE RECENTLY REOPENED THE RESTAURANT LAVO. LAVO IS A ONE OF A KIND NIGHT CLUB, RESTAURANT, BAR & VODKA OPEN BAR. THE VENETIAN HOTEL & CASINO, 3355 LAS VEGAS BLVD., LAS VEGAS, NV 89109. TAO IS A MEMBER OF THE VENETIAN RESORT & CASINO. A DIVISION OF VENTURA GROUP HOLDINGS.

WELCOME TO TAO LAS VEGAS. WE ARE PLEASED TO ANNOUNCE THAT WE HAVE RECENTLY REOPENED THE RESTAURANT LAVO. LAVO IS A ONE OF A KIND NIGHT CLUB, RESTAURANT, BAR & VODKA OPEN BAR. THE VENETIAN HOTEL & CASINO, 3355 LAS VEGAS BLVD., LAS VEGAS, NV 89109. TAO IS A MEMBER OF THE VENETIAN RESORT & CASINO. A DIVISION OF VENTURA GROUP HOLDINGS.

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## REWARDS FOR THE WEEK

CLICK ON THE SPONSORS TO VISIT THEIR WEBSITE



# TAO GODDESS

TAO GODDESSES ARE THE MOST BEAUTIFUL WOMEN IN LAS VEGAS. THEY ARE THE MOST POWERFUL WOMEN IN LAS VEGAS. THEY ARE THE MOST INFLUENTIAL WOMEN IN LAS VEGAS. THEY ARE THE MOST IMPORTANT WOMEN IN LAS VEGAS. THEY ARE THE MOST RESPECTED WOMEN IN LAS VEGAS. THEY ARE THE MOST LOVED WOMEN IN LAS VEGAS. THEY ARE THE MOST BELOVED WOMEN IN LAS VEGAS. THEY ARE THE MOST TREASURED WOMEN IN LAS VEGAS. THEY ARE THE MOST VALUED WOMEN IN LAS VEGAS. THEY ARE THE MOST APPRECIATED WOMEN IN LAS VEGAS. THEY ARE THE MOST RESPECTED WOMEN IN LAS VEGAS. THEY ARE THE MOST LOVED WOMEN IN LAS VEGAS. THEY ARE THE MOST BELOVED WOMEN IN LAS VEGAS. THEY ARE THE MOST TREASURED WOMEN IN LAS VEGAS. THEY ARE THE MOST VALUED WOMEN IN LAS VEGAS. THEY ARE THE MOST APPRECIATED WOMEN IN LAS VEGAS.

AS A MEMBER OF THE TAO GODDESSES GAME PROGRAM YOU ARE GRANTED ACCESS TO ONE OF THE MOST EXCLUSIVE PARTIES IN LAS VEGAS. YOU WILL BE SEATED AT THE MOST EXCLUSIVE TABLES AND WILL ENJOY ACCESS TO OUR SPECIAL EVENTS, BUFFETS, PRIVATE DINING AT TAO, AS WELL AS EXCLUSIVE TABLES AT LOCAL HOTELS, SALONS AND MORE...

**FOR GUESTLIST AND INFORMATION CLICK HERE**

PRESENT YOUR GODDESS CARD TONIGHT FOR A WRISTBAND.  
GOOD FOR A VODKA OPEN BAR 10PM-12AM

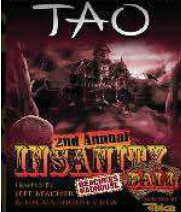


in sunset tan

SUNSET TAN HALLOWEEN SPECIAL: 25% OFF MOBILE SPRAY TANS FROM SUNSET TAN. WHEN YOU CALL 702.515.8.833 TO BOOK YOUR APPOINTMENT. MENTION YOU'RE A TAO GODDESS CARD HOLDER AND GET A FREE SPARKLE SPRAY AS WELL. OFFER VALID THROUGH NOVEMBER 3RD.

\*SUNSET TAN'S NEW MOBILE DIVISION IS THE MOST CONVENIENT WAY TO GET A SPARKLE TAN IN LAS VEGAS. WE COME TO YOU! WHETHER IT'S YOUR HOME OR ONE OF OUR HOTELS, WE WILL BRING OUR MOBILE TANNING SERVICES TO SAVE YOU THE TRAVEL TRUBLES & TIME!

SATURDAY, NOVEMBER 1, 2008



TAO HALLOWEEN

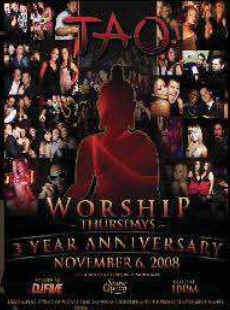


FRIDAY, OCTOBER 31<sup>ST</sup> 2008  
TERA PATRICK

THURSDAY | OCTOBER 30<sup>TH</sup> | 2008



## UPCOMING EVENTS



WORSHIP THURSDAYS  
3 YEAR ANNIVERSARY  
NOVEMBER 6, 2008



SATURDAY, NOVEMBER 8, 2008  
YOU ARE CORDIALLY INVITED  
FOR THE THREE YEAR ANNIVERSARY OF  
TAO  
VODKA 9:30PM  
THREE YEAR 3 ANNIVERSARY



FROM THE CREATORS OF TAO  
**LAVO**  
RESTAURANT • BATHHOUSE • NIGHTCLUB  
VICE SUNDAYS  
BATHE IN NIGHTLIFE  
SOUNDS BY DJ VICE  
VODKA OPEN BAR FOR TAO GODDESSES  
10PM-12AM  
MEDITERRANEAN BISTRO OPEN 7 DAYS A WEEK

## LAST WEEK'S RUN DOWN



THURSDAY NIGHT AT TAO LA VEGAS CELEBRATED HUSBAND MICHAEL SHEEN AND THE WINNERS OF THE SUPER BOWL AND THE BRITISH ACADEMY AWARDS AND MORE AT THE TAO LA VEGAS. THE NIGHT WAS A SUCCESS AND THE GODDESSES ENJOYED THE SPECIAL EVENTS AND BUFFETS. THE NIGHT WAS A SUCCESS AND THE GODDESSES ENJOYED THE SPECIAL EVENTS AND BUFFETS.

FRIDAY NIGHT AT TAO LA VEGAS CELEBRATED THE BIRTHDAY OF THE GODDESSES. THE NIGHT WAS A SUCCESS AND THE GODDESSES ENJOYED THE SPECIAL EVENTS AND BUFFETS. THE NIGHT WAS A SUCCESS AND THE GODDESSES ENJOYED THE SPECIAL EVENTS AND BUFFETS.

SATURDAY NIGHT AT TAO LA VEGAS CELEBRATED THE BIRTHDAY OF THE GODDESSES. THE NIGHT WAS A SUCCESS AND THE GODDESSES ENJOYED THE SPECIAL EVENTS AND BUFFETS. THE NIGHT WAS A SUCCESS AND THE GODDESSES ENJOYED THE SPECIAL EVENTS AND BUFFETS.

## REWARDS FOR THE WEEK

CLICK ON THE SPONSORS TO VISIT THEIR WEBSITE



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SATURDAY, OCTOBER 31  
HALLOWEEN

TAO<sup>®</sup>

BEACH  
10AM-SUNSET



SCARY BIKINI  
CONTEST

\$1000 GRAND PRIZE

VODKA OPEN BAR FOR LADIES 1PM-3PM

THE  
VENETIAN<sup>®</sup> FOR DAY BED & CABANA RESERVATIONS INFO@TAOGROUP.COM OR 702-388-8588





THURSDAY, JUNE 11

TAO

BEACH



SPEARMINT RHINO  
GENTLEMEN'S CLUBS

10 YEAR ANNIVERSARY  
CELEBRATION

---

YOU ARE CORDIALLY INVITED TO JOIN  
OWNERS, MANAGERS & ENTERTAINERS

---

VODKA OPEN BAR 1PM-3PM

THE PARTY CONTINUES TONIGHT AT TAO NIGHTCLUB 10PM

FOR GUEST LIST OR CABANA RESERVATIONS

702.388.8588 BEACH@TAOGROUP.COM

THE  
**VENETIAN**  
Resort • Hotel • Casino

702.388.8588 | WWW.TAOLASVEGAS.COM | 21+ ID | WWW.TAOGROUPBLOG.COM \*FACEBOOK USERS: TEXT 'fan tao' to 326655\* TO BE ADDED TO OUR FACEBOOK

# TAO GODDESS

TAO GODDESSES ARE THE MOST BEAUTIFUL & SENSITIVE OF WOMEN TO THE POINT OF BEING THE DAUGHTER OF HETRA PRESENTED HERSELF AMONG A GROUP OF GODDESSES. SHE WAS THEN CHOSEN BY THE GODS TO BE THE MOST BEAUTIFUL GODDESS. TO BECOME A WOMAN OF TAO IS TO BE A GODDESS OF THE FUTURE.

[CLICK HERE FOR THE GUESTLIST](#)

AS A MEMBER OF THE TAO GODDESSES EXCLUSIVE PROGRAM YOU ARE GRANTED ACCESS TO ONE OF THE MOST EXCLUSIVE VENUES IN LAS VEGAS. YOU WILL BE ABLE TO TAKE ADVANTAGE OF PREFERRED INFORMATION WHICH WILL GRANT YOU ACCESS TO OUR SPECIAL SEATED TABLES, PRIVATE DINING AT TAO AS WELL AS EXCLUSIVE SHOPS AT LOCAL HOTELS, SHOWS AND MORE...

## Dior SEPHORA

THE FIRST 25 TAO GODDESS TO SHOW THEIR CARD AT TAO NIGHTCLUB ON THURSDAY, MAY 21, WILL RECEIVE A SPECIAL GIFT BAG COMPLEMENTS OF DIOR COSMETICS AND SEPHORA IN CELEBRATION OF DIOR'S "NEW LOOK" SUMMER COLLECTION.

ON YOUR WAY TO TAO BEACH THIS WEEKEND, COME JOIN SEPHORA VENETIAN AS WE LAUNCH CHRISTIAN DIOR'S "NEW LOOK" SUMMER COLLECTION, FRIDAY, MAY 22ND - MONDAY, 25TH FROM 12-7PM. RECEIVE A MAKEOVER FROM OUR DIOR CELEBRITY NATIONAL MAKEUP ARTIST'S AS YOU ENJOY THE SOUNDS BY DJ FLAMBYAN. COMPLIMENTARY REFRESHMENTS WILL BE SERVED. SPONSORED BY L'AMOR CREATIONS, THE MEETING POT AND THE CLUBKATRY! BOOK YOUR APPOINTMENT NOW! (702) 735-3896

PRESENT YOUR GODDESS CARD THURSDAY NIGHT FOR A WRISTBAND GOOD FOR A VODKA OPEN BAR 10PM-12AM



## TAO MEMORIAL DAY WEEKEND



PRESENT YOUR TAO GODDESS CARD AT TAO BEACH TO RECEIVE A VODKA OPEN BAR MONDAY - FRIDAY 1PM-3PM AND SUNDAYS 1PM-3PM.

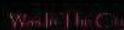
MEMORIAL DAY WEEKEND  
SUNDAY, MAY 24

# LAVO

ITALYAN RESTAURANT • SIGARETTE BAR

**DJ VICE SUNDAYS**  
VODKA OPEN BAR FOR TAO GODDESSES  
11PM-1AM  
THE PALAZZO  
WWW.LAVO.VG.COM

REWARDS FOR THE WEEK  
CLICK ON THE SPONSORS TO VIEW THE REWARDS MENU



TAO GROUP BLOG | TAO WEBSITE OFFICIAL | OFFICIAL LAVO WEBSITE | TAO MYSPACE | LAVO MYSPACE | TAO FACEBOOK | LAVO FACEBOOK



# EXHIBIT G



# EXHIBIT H

**Brands of vodka that are sold at TAO Venues:**

1. Tao Las Vegas (Tao Beach, Tao Restaurant, Tao Nightclub) – Grey Goose, Belvedere, Ketel One, Absolut, Stolichnaya, Hangar One, Ultimat, Pinnacle, Ciroc
2. Tao Downtown – Grey Goose, Ketel One, Belvedere, Tito’s, Wodka, Stolichnaya, Absolut, Ciroc, Chopin, Finlandia, Crop, Hangar One
3. Tao Midtown – Grey Goose, Ketel One, Tito’s, Stolichnaya, Belvedere, Absolut, Chopin, Purity, Crop, Finlandia

# EXHIBIT I

BOÎTE

# Pink Elephant

By BRIAN SLOAN  
Published: August 1, 2012

THE corner of Eighth and Macdougall Streets is not exactly the white-hot center of night life. And that's the point of the latest iteration of Pink Elephant, the high-end late-night club run by Robert Montwaid and David Sarnier. (The previous one was in Chelsea.) "Our new space is equal distance from the meatpacking district and the Lower East Side," said Mr. Sarnier, who began at Studio 54 in the 1980s. "And there's no competition."

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Benjamin Norman for The New York Times  
The Pink Elephant.

The underground venue, previously Club Love, was gutted and given what Mr. Sarnier calls a "retro glam" makeover. The main room, decorated in dark reflective surfaces, has a dance floor as its center circled by black banquettes. With rainbow-colored lights covering the ceiling and a half-moon disco ball overhead, it feels almost like a shoe-box Studio 54. It also has a sound system that will make your pants vibrate. Resistance to dancing is futile.

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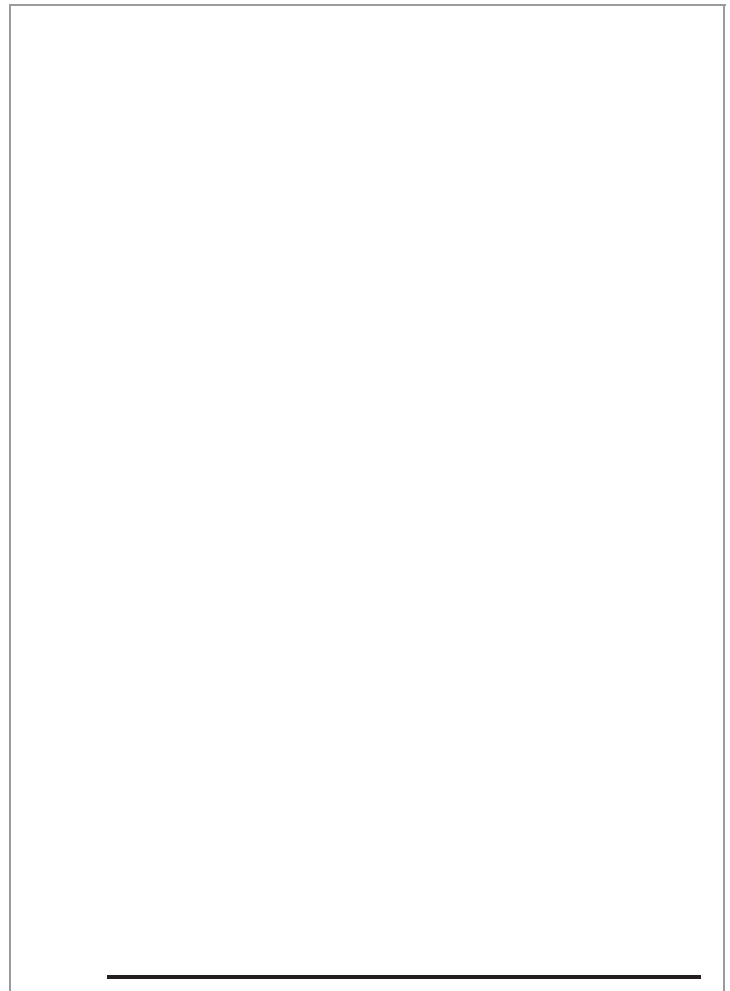


their heels. They were surprisingly well behaved, more inclined to sit on the banquettes than to dance on them. Despite all the bottle service, there was a refreshing lack of attitude and boldface names.

**THE PLAYLIST** "Happy house" is how Mr. Sarnier describes the music, which also comes with a mission. "It makes people want to

**THE SPACE** The club's three rooms have been redesigned with multiple references to Stanley Kubrick's films, notably "2001: A Space Odyssey," the inspiration in the Infinity Room, which serves as the trippy vestibule. "I want to disorient people when they come in, so they forget the outside world," Mr. Sarnier said.

**THE CROWD** On a recent Friday, the main room was filled with a clean-cut group of 20-somethings: preppy guys in polos and fresh-faced girls wearing identical minis that were as high as



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MC OPEN

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- RETRO REPORT  
Vindication at Last for a Woman Scorned by Australia's News Outlets
- OP-ED | STEVEN RATTNER  
Inequality, Unbelievably, Gets Worse

buy more Champagne,” he said.

**GETTING IN** Capacity is 200, so expect a wait. Guys will need two qualifiers: a collared shirt and a date. There’s a third option: table reservations with a \$1,500 minimum.

**DRINKS** Bottle service is the rule; they have their own Pink Elephant brand of vodka, from France. Bottles start at \$400. There are also delightful cocktails, courtesy of the mixologist Ben Wood, for \$16.

*The Pink Elephant, 40 West Eighth Street (near Macdougall Street), (212) 777-1511, [pinkelephantclub.com](http://pinkelephantclub.com). Thursday to Saturday, 11 p.m. to 4 a.m.*

A version of this review appeared in print on August 2, 2012, on page E7 of the National edition with the headline: Pink Elephant: Greenwich Village.

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Pink Elephant (Manhattan, NY, Nightclub)

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# EXHIBIT J





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## WINES FOR FALL

Fall has crept up on us again! We love to sip on these lighter styles of red and heavier styles of white as the new season brings in another wave of fresh vegetables from the green market. These wines pair particularly well with our extensive selection of seafood and savory dishes. So relax, come inside and get warm.

### WHITES

DOMAINE SIGALAS ASSYRTIKO 2013 <i>citrus aromas mixed with a pleasant mineral aftertaste and classic earthy flavors that the volcanic soil of Santorini provides</i>	SANTORINI	GREECE	55
D'ANGELO CHARDONNAY/PINOT BIANCO 2013 <i>full of fresh pear and melon followed by soft, round finish and elegant acidity</i>	BASILICATA	ITALY	48
ALTA ALELLA XAREL-LO 2013 <i>ripe green apple with flavors of almond, fennel and lemon followed by a lingering aftertaste</i>	CATALUNYA	SPAIN	45
HENRI MILAN 'LE GRAND BLANC' WHITE BLEND 2011 <i>floral aromas of jasmine with a rich mouth feel and creamy texture of white peach, nectarine and persimmon</i>	PROVENCE	FRANCE	65

### REDS

LOSADA MENCIA 2009 <i>balanced tannins with lingering flavors of dark strawberry and raspberry with a smoky finish</i>	BIERZO	SPAIN	52
PACINA TOSCANA ROSSO IGT SANGIOVESE 2009 <i>100% certified organic grapes with flavors of blackberry, crushed flowers and sweet tobacco</i>	TUSCANY	ITALY	63
RAVINES CABERNET FRANC 2012 <i>ripe plum and red berry fruit with spicy and earthy aromas</i>	FINGER LAKES	NEW YORK	50
VENDING MACHINE 'HORROR SHOW' RED BLEND 2011 <i>drawing inspiration from the movie Creature From The Black Lagoon, this wine echoes flavors of dark plum, chocolate and licorice</i>	NAPA	CALIFORNIA	65

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## WHISKEY

### BOURBON

BASIL HAYDEN'S	CLERMONT	40%	12
BOOKER'S BARREL PROOF	CLERMONT	64.3%	19
BUFFALO TRACE	FRANKFORT	45%	12
EAGLE RARE 10 YEAR SINGLE BARREL	FRANKFORT	45%	12
HILLROCK 'SOLERA AGED'	NEW YORK	46.3%	23
KNOB CREEK 9 YEAR SMALL BATCH	CLERMONT	50%	14
LARCENY	BARDSTOWN	46%	13
MICHTER'S 10 YEAR SINGLE BARREL	BARDSTOWN	47.2%	24
NOAH'S MILL	BARDSTOWN	57.15%	16
<b>PAROLE WHISKEY</b>	LOUISVILLE	43.3%	11
WILD TURKEY 'RARE BREED'	LAWRENCEBURG	54.1%	14
WILLET POT STILL RESERVE	BARDSTOWN	47%	14
WOODFORD RESERVE	VERSAILLES	45.2%	12

### RYE

HUDSON BY TUTHILLTOWN	GARDINER, NY	46%	22
OLD OVERHOLT	CLERMONT	40%	11
RITTENHOUSE	LOUISVILLE	50%	11
MICHTER'S	LOUISVILLE	42.4%	12

b. 1873

*Bottled in Kentucky*



# PAROLE

**AUTHENTIC AMERICAN WHISKEY**

*Purity Guaranteed*

An AvroKO Product

750ml 86.6 proof (43.3%) ABV.

To learn more about Parole Whiskey, [click here](#) or follow us on [Facebook](#) (<http://www.facebook.com/pages/Parole-Whiskey/145932508820072>) and [Twitter](#) (<http://twitter.com/#!/ParoleWhiskey>) below.

# EXHIBIT K

## Masa Sake

Private Label	carafe	bottle
<b>Masa Dry, Iwate</b> (720 ml) Clean and dry; inspired by the pure water sources of Iwate Prefecture	30	87
<b>Junmai Daiginjo</b>		
Sennichi, <i>Ishikawa</i> (720 ml) Full bodied and rich with honeyed notes	121	350
Kimura, <i>Akita</i> (720 ml) Rich and fragrant. Very smooth with a clean finish	84	243
Miyosakae Tenmi, <i>Ehime</i> (750 ml) Clean and elegant with a noticeably sharp finish	85	246
Senshin, <i>Niigata</i> (720 ml) Well-balanced sake with very clean and sophisticated finish	98	283
Kubota Manjyu, <i>Niigata</i> (720 ml) Aged sake with a refined aroma and elegant flavor	91	263
Koshi no Kanbai Chotokusen, <i>Niigata</i> (500 ml) A legendary sake with delicate and impeccably balanced flavor	96	193
Taiten Shiragiku, <i>Okayama</i> (720 ml) Bold and floral flavor with a fruity finish	88	255
Ai, <i>Ishikawa</i> (720 ml) Lightly bodied with a smooth flavor and fragrance	52	150
<b>Daiginjo</b>		
Ken, <i>Fukushima</i> (720 ml) Dry with a sharp and sensitive finish	85	246
<b>Junmai Ginjo</b>		
Shimeharitsuru <i>Pure Jun, Niigata</i> (720 ml) Dry with a hint of tropical fruits and a rich but refreshing finish	55	159
Kokuryu "Black Dragon", <i>Fukui</i> (720 ml) Full bodied demonstrates deep "umami" flavor	57	162
Dewatsuru Tamaki (Organic), <i>Akita</i> Rich, tangy sake with a full body and mellow flavor	72	208
<b>Junmai</b>		
Akita Issui, <i>Akita</i> (720 ml) Dry with pure robust flavor and smooth finish	48	139
Ichinokura Himezen, <i>Miyagi</i> (720 ml) Light, mildly sweet and crisp with bitter complexity	39	114
Hanahato Kijoshu 8yr (500 ml) Smokey with aroma of savory nuts, dried fruits and spices	85	171
<b>Ginjo</b>		
Izumi Judan, <i>Yamagata</i> (720 ml) Very dry sake with a hint of Juniper	46	133
<b>Nigori</b>		
Ohyama, Tokubetsu Junmai, <i>Yamagata</i> (500 ml) Very dry, unfiltered sake with pear and apple aromas	37	74
Hadare Yuki, Junmai, <i>Akita</i> (720 ml) Rich, unfiltered sake with a complex finish	48	139

# EXHIBIT L

JAZZ STANDARD



CATERING

LOCATIONS &amp; MENUS

STORY

CAREERS

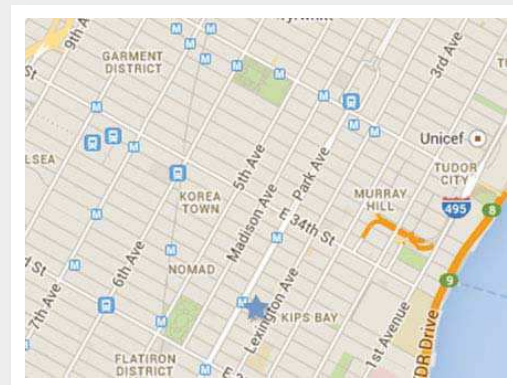
COMMUNITY &amp; EVENTS

SHOP

NEWSLETTER

# ABOUT

Blue Smoke celebrates the evolving American South and honors its culinary traditions. The food is soulful with a selection of smoked meats, fresh produce, and thoughtfully sourced ingredients. The flagship Blue Smoke, with the internationally renowned club **Jazz**



<b>HOUSE SMOKED MAKERS 46</b>	15
Smoked in house. Cocktail of your choice	
<hr/>	
<b>LYNCHBURG LEMONADE</b>	12
Jack Daniel's Whiskey, Triple Sec and Lemonade	
<hr/>	
<b>VIEUX CARRE</b>	13
Rittenhouse Rye, Cognac, Sweet Vermouth, Benedictine and Bitters	
<hr/>	
<b>GUSSIED UP</b>	15
Tanqueray Gin, Cocchi Americano, Lavender, and Schramsberg Mirabelle Brut	
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<b>THE ELLINGTON</b>	11
Tito's Vodka, Cucumber, Lime and Plum Bitters	
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<b>WHISKEY COCKTAIL</b>	12
George Dickel No. 12, Orange Bitters, Angostura Bitters and Sugar	
<hr/>	
<b>BOURBON SMASH</b>	14
Pure Kentucky Bourbon, Lemon, Sugar, Mint, and Seasonal Fruit	
<hr/>	
<b>COOPERSTOWN COOLER</b>	12
Beefeater Gin, Campari, Lemon, Honey and Ommegang Witte	
<hr/>	
<b>THE PORCH SWING</b>	13
Hendrick's Gin, Pimm's No. 1, Lemonade and Cucumbers	
<hr/>	
<b>PEACH MARGARITA</b>	14
Pueblo Viejo Blanco Tequila, Rothman & Winter Peach Liqueur, Fresh Peach and Lime Juice	
<hr/>	

## BOURBON



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BALCONES BABY BLUE	16
BASIL HAYDEN'S	13
BLUE SMOKE SINGLE BARREL 8YR	18
BRECKENRIDGE	14
BULLEIT	11
ELIJAH CRAIG 12 YR	11
HUDSON BABY	23
JIM BEAM BLACK 8 YR	10
MAKER'S MARK	11
NOAH'S MILL	13
PURE KENTUCKY	11
SMOOTH AMBLER OLD SCOUT 10 YR	14
WILD TURKEY 101	10

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BAKER'S	13
<hr/>	
BARTERHOUSE ORPHAN BARREL	20
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BLANTON'S	14
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BOOKER'S	15
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BUFFALO TRACE	11
<hr/>	
BULLEIT 10 YR	16
<hr/>	
HILLROCK SOLERA	25
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JEFFERSON'S SMALL BATCH	15
<hr/>	
KNOB CREEK	12
<hr/>	
MICHTER'S "US 1"	15
<hr/>	
PEACH STREET	19
<hr/>	
RUSSELL'S RESERVE	14
<hr/>	
WIDOW JANE	15
<hr/>	

WOODFORD RESERVE 12

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## RYE

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CORSAIR RYEMAGEDDON 14

---

GEORGE DICKEL 12

---

MICHTER'S "US 1" 12

---

RUSSELL'S RESERVE 11

---

TEMPLETON 13

---

WIDOW JANE 14

---

BULLEIT 11

---

FEW 15

---

HIGH WEST DOUBLE 11

---

RITTENHOUSE 10

---

SAZERAC 10

---

WHISTLE PIG 18

---

## BOURBON FLIGHT

---

BASIL HAYDEN'S

---

BULLEIT 10 YR

---

BOOKERS

---

BRECKINRIDGE

---

**BLUE SMOKE SINGLE BARREL 8YR**

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FIVE 1 OZ. TASTES \$34

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## AMERICAN WHISKEY

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CORSAIR TRIPLE SMOKE 15

# EXHIBIT M

## LESSING'S AND BLUE POINT TEAM UP FOR LOCAL ALE ON LONG ISLAND

**BY BERNIE KILKELLY**

Lessing's Hospitality Group, one of Long Island's leading restaurant and catering companies, expanded their commitment to highlighting craft beer in 2009 by partnering with Blue Point Brewing to create a special beer for Lessing's restaurants.

Blue Point, Long Island's leading microbrewery, was a natural partner because of the strong relationship the two companies have formed over the past decade. "I believe our Riverview Restaurant in Oakdale was the first restaurant that served Blue Point beers after they started up in 1998," said Kevin Lessing, director of business development for Lessing's. "We've been a big seller of their beers over the years and we're also very close with Blue Point's distributor, Clare Rose."

Lessing's, a family-owned company that was founded in 1890 in Manhattan, has a big presence on Long Island with eight restaurants and numerous catering facilities including country clubs and historic mansions. The company has increased its focus on craft beer in the past few years, including making a craft beer menu available at its restaurants. Lessing's also holds beer dinners at several of its restaurants, including the Library Café in Farmingdale and Mirabelle at Three Village Inn in Stony Brook, their newest restaurant which opened last spring to glowing reviews.

The idea for a special house beer came from Jennifer Cantin, Lessing's director of training and development, who said Lessing's has had good success with private label wines made for them by Long Island's Lenz winery. "Lenz has made merlot and chardonnay for



Managers from Lessing's restaurants take a taste of Lessing's Local Ale from the tanks at Blue Point.

our restaurants for over five years and they are very popular," said Cantin. "I've known Mark and Pete from Blue Point for a long time and thought it would be great to do something similar with beer."

At the start of the process, brewers from Blue Point met with the chefs from Lessing's restaurants to get input on the flavor profile for the new beer. The recipe they developed is German in style, falling somewhere between Blue Point's flagship Toasted Lager and its popular Oktoberfest beer. The beer is malty but light enough to pair very well with a wide range of foods from spicy wings and burgers to more refined pasta and seafood dishes.

The next step was to name the beer, and Lessing's sponsored a naming contest that attracted over 1,000 potential names from far and wide. Winner Nick Burford received a \$150 gift certificate for his entry,

Lessing's Local Ale, which was selected to represent Lessing's and Blue Point's inseparable connection to Long Island. The two companies collaborated on an attractive label for the beer that features Lessing's distinctive family crest along with both Lessing's and Blue Point's names.

The new beer was introduced on Oct. 1 at a special 5-course beer dinner at the Mirabelle Tavern at Three Village Inn. Mark Burford, co-owner and brewmaster of Blue Point, was the guest speaker at the well-attended dinner, which featured Lessing's Local Ale and other Blue Point beers such as RastafaRye Ale and 10th Anniversary IPA paired with a delicious menu from renowned chef Guy Reuge.

Lessing's Local Ale is now available at all of Lessing's restaurants on Long Island and several of its catering facilities.

# EXHIBIT N



## GLASSES OF WINE

### SPARKLING WINE

CRÉMANT	Stéphane Tissot, Crémant du Jura, France	19
CHAMPAGNE	Bérèche & Fils, <i>Brut Réserve</i> , Ludes	29
	Larmandier-Bernier, <i>Terre de Vertus</i> , Blanc de Blancs, Vertus 2008	45
	Chartogne-Taillet, Brut Rosé, Merfy	39
	Krug, <i>Grande Cuvée</i> , Brut, Reims (half bottle)	125
SHERRY WINE		
MANZANILLA	Equipo Navazos, <i>La Bota de Manzanilla</i> , <i>Eleven Madison Park</i> , Jerez	22
AMONTILLADO	Equipo Navazos, <i>La Bota de Amontillado</i> , #37, Jerez	30
PALO CORTADO	Equipo Navazos, <i>La Bota de Palo Cortado</i> , #34, Jerez	25
	Equipo Navazos, <i>La Bota de Palo Cortado</i> , 'Bota NO,' #41, Jerez	75
	Valdespino, <i>Viejo</i> , C.P., Jerez	18
YELLOW WINE		
SAVAGNIN	Domaine de Montbourgeau, <i>Vin Jaune</i> , l'Étoile, Jura, France 2006	30
RICE WINE		
SAKE	Tedorigawa, <i>Kinka</i> , Nama Daiginjo, Ishikawa Prefecture, Japan	15

# EXHIBIT O

## In the Spirit

Alleyne, Sonia

Black Enterprise; Aug 2009; 40, 1; ABI/INFORM® Professional Advanced  
pg. 82

Your Entrée to Luxury Living

# Lifestyle

### EXECUTIVE ENTERTAINING

## In the Spirit

Great tastes, cool packaging, and a spot to indulge. Here are summer suggestions for toasting the good life

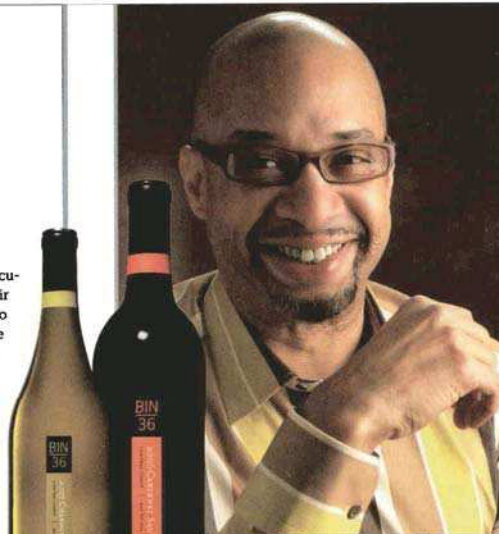
### NOTEWORTHY EXPERIENCES

Brian Duncan and his business partners Dan Sachs and Executive Chef John Caputo enjoy wining and dining guests at their celebrated wine café, BIN 36, with seasonal fare and wine to match from their own private label of the same name. Wine director Duncan offers a delectable selection of international reds, whites, and "bubbles" that he has personally chosen from his travels—and often offers food pairing suggestions on the label. This year he presents a special blend: 2001 Chardonnay/Pinot Noir, BIN 36 "10th Anniversary Cuvee," a rosé blend of cherries, cranberries, and orange-scented tea notes. And like their wines, their prices are also savory.

Inside the restaurant, one can enjoy casual dining in the Tavern, a more intimate setting in the Cellar, or scrumptious tastes at the wine or cheese bar, where there is a selection of 50 cheeses on the menu. Duncan believes the best way to learn about wine is to try it. That's why all plated treats can be accompanied with the option of a *flight*—four different tasting pours served at the same time allowing guests to compare tastes; or the purchase of four bottles in a particular category, such as Italian whites—which also makes a great executive gift.

Visit them online ([www.bin36.com](http://www.bin36.com)) for their wine list as well as gift ideas and accessories. There are also restaurant event listings and recipes for sparkling wine cocktails and a BIN 36 mulled wine, with black peppercorn and ginger. In addition, the company holds classes through the BIN School for a variety of wine interests, which includes tours of Italy and Spain.

—Sonia Alleyne



DUNCAN  
CREATES THE  
PERFECT SETTING  
FOR SAMPLING  
HIS WINES.





**NEW TO THE MIX**

This is not your father's cognac. Produced from grapes that are first converted into a wine and distilled twice, Hennessy Black is made in the same tradition as the other Hennessy brands. But this incarnation, bottled in black with silver lettering, is new and versatile, perfect for mixing and blending with a distinct style even for serving. Enjoy it neat or as a cocktail with ice. Hennessy Black presents a light and mellow offering of fruit tastes and floral aromas, a perfect complement alongside other traditional summer spirits.



**A HEARTY DRINK**

Gin has a long-standing history, but Beefeater 24 introduces a blend that will elevate it beyond the familiar. Distilled in London, theirs is a rich, handcrafted, Artisan cut (a process by which the master distiller takes from the center or heart of the run). The combination of 12 botanicals, such as grapefruit and Seville orange peels, bitter almond, andorris root, as well as rare Japanese Sencha tea and Chinese green tea, provides a smooth, earnest, and distinctive taste. Furthering the experience is its celebratory bottle inspired by a flask owned by James Burrough, a distiller in the 1860s and creator of the original Beefeater London Dry Gin.

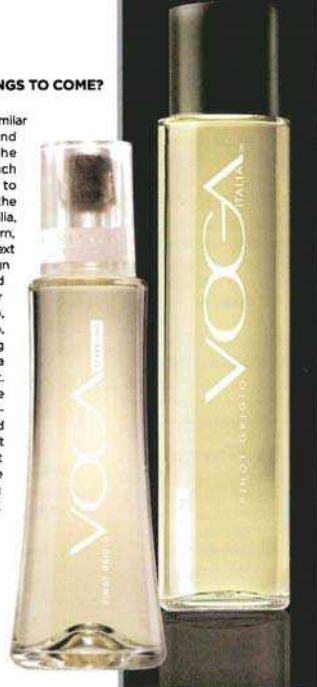
**STILL A CLASSIC**

Vodka remains a favorite summertime drink. Versatile with broad appeal, vodka is a bar staple for martinis or cosmos, or with a dash of orange or cranberry juice. Grey Goose is a sure crowd-pleaser and can easily be enjoyed neat. The first French vodka, distilled in Cognac, France, it is distinguished by its smooth yet complex characteristics. Its fruit-infused variations simply heighten the experience. Le Citron's tart flavor evokes the lemon harvest of the provincial town of Menton, France. The La Poire blend provides sweet notes under nutty flavor courtesy of the Anjou pear grown in the Loire river valley in France. L'Orange is a burst of fragrant, rich, floral aromas that also engage the palate with a refreshingly familiar fruity taste.



**SHAPE OF THINGS TO COME?**

The bottle looks similar to a swanky brand of water, but the contents are much more engaging to the palate, and the bottlers, Voga Italia, suggest the modern, sleek look is the next evolution in design for sophisticated wine drinkers. Their offerings: a crisp, light pinot grigio, a 100% sparkling pinot grigio, and a full-bodied merlot. Their blends are perfect for a variety of spicy and exotic foods—but they would insist on flouting the rules and letting your tastes decide.



# EXHIBIT P



# 447 HUDSON Clearwater

WINE LIST

## Sparkling

CHAMPAGNE, BRUT, CHRISTIAN ETIENNE, CHAMPAGNE, FRANCE	\$ 68
CHAMPAGNE, BRUT, HENRIOT, "SOUVERAIN", CHAMPAGNE, FRANCE	\$ 76
CHAMPAGNE, BRUT RESERVE, CHARLES HEIDSIECK, CHAMPAGNE, FRANCE	\$ 100
PROSECCO, VALDO DI VALDOBBLADENE, VENETO, ITALY	\$ 32
LAMBRUSCO, CARAFOLI, "TOCCACIELO", EMILIA-ROMAGNA, ITALY	\$ 44
SPARKLING ROSÉ, BRUT, ROEDERER ESTATE, ANDERSON VALLEY, CALIFORNIA	\$ 64
SPARKLING ROSÉ, BRUT, BILLECART-SALMON, CHAMPAGNE, FRANCE	\$ 165

## Sparkling Reserve

CHAMPAGNE, VINTAGE BRUT, PHILIPPONNAT, "CLOS DES GOISSIES", CHAMPAGNE, FRANCE 1999	\$ 345
CHAMPAGNE, BRUT, LOUIS ROEDERER, "CRISTAL", CHAMPAGNE, FRANCE 2004	\$ 450

## White Wine

PINOT GRIS, ETUDE, CARNEROS, CALIFORNIA 2012	\$ 52
ALBARIÑO, BODEGAS LA VAL LICIA, RÍAS BAIXAS, SPAIN 2013	\$ 52
SANCERRE, DOMAINE GIRARD, "LA GARENNE", SANCERRE, FRANCE 2012	\$ 62
POUILLY-FUMÉ, REGIS MINET, "VIEILLES VIGNES", LOIRE VALLEY, FRANCE 2012	\$ 52
SAUVIGNON BLANC, GREYWACKE, MARLBOROUGH, NEW ZEALAND 2013	\$ 65
SAUVIGNON BLANC, CADE, NAPA VALLEY, CALIFORNIA 2013	\$ 75
SAUVIGNON BLANC, COLTERENZIO LAFOA, ALTO ADIGE, ITALY 2012	\$ 78
SEMILLON-SAUVIGNON BLANC, CLOS FLORIDENE BLANC, GRAVES, FRANCE 2010	\$ 66
MOSCATO, ST. SUPÉRY VINEYARDS, NORTH COAST, CALIFORNIA 2011	\$ 48
GRENACHE BLANC, MARK HEROLD, "FLUX BLANC", NAPA VALLEY, CALIFORNIA 2011	\$ 52
GRENACHE BLANC, CHATEAU LA NERITHE, CHATEAUNEUF-DU-PAPE, RHONE, FRANCE 2009	\$ 92
CHENIN BLANC, CLOSEL, "JALOUSIE", SAVENNIÈRES, FRANCE 2012	\$ 58
GODELLO, JOAQUIN REBELLEDO, VALDEORRAS, SPAIN 2011	\$ 74
ALTESSE, MAISON YVES DUPORT, ROUSSETTE DU BUGEY, MONTAGNIEU, FRANCE 2011	\$ 50
CHABLIS, ROMAIN BOUCHARD, PREMIER CRU, "VAU DE VEY", CHABLIS, FRANCE 2012	\$ 75
CHARDONNAY, ARGYLE, "NUTHOUSE", WILLAMETTE VALLEY, OREGON 2012	\$ 70
CHARDONNAY, PONT DE CHEVALIER, "ESTATE", KNIGHTS VALLEY SONOMA, CALIFORNIA 2008	\$ 108
BURGUNDY, CHATEAU DES RONTENTS, PIERREFOLLE, POUILLY-FUISSE, BURGUNDY, FRANCE 2011	\$ 75
BURGUNDY, MAISON LEROY, BOURGOGNE, FRANCE 2009	\$ 140
SILVANER, BRUDER DR. BECKER, RHEINHESSEN, GERMANY 2012	\$ 40
GEWÜRZTRAMINER, HERMANN J. WIEMER, FINGERLAKES, NEW YORK 2010	\$ 50
RIESLING, DOMAINE AGAPE, ALSACE, FRANCE 2012	\$ 40
RIESLING, TROCKEN, ROBERT WEIL, RHEINGAU, GERMANY 2008	\$ 74
ALSATIAN BLEND, ROBERT SINSEY, "ABRAXAS", LOS CARNEROS, CALIFORNIA 2012	\$ 76
*MELON, PHILIPPE BORNARD, "LE ROUGE QUEUE", JURA, FRANCE 2008	\$ 78

## White Reserve

SAUVIGNON BLANC, GAJA ALTENI DI BRASSICA, PIEDMONT, ITALY 2011	\$ 225
BURGUNDY, MAISON JESSIAUME, CORTON CHARLEMAGNE GRAND CRU, COTE DE BEAUNE, FRANCE 2010	\$ 315
BURGUNDY, JOSEPH DROUHIN, CORTON CHARLEMAGNE GRAND CRU, COTE DE BEAUNE, FRANCE 2011	\$ 350
CHARDONNAY, WILLIAMS SELYEM, "DRAKE VINEYARD", RUSSIAN RIVER VALLEY, CALIFORNIA 2006	\$ 218

\* = NATURAL WINE

# 447 HUDSON Clearwater

WINE LIST

## Red Wine

PINOT NOIR, J CHRISTOPHER, "HUDSON CLEARWATER GREEN DOOR CUVÉE", WILLAMETTE, OREGON 2012	\$ 56
PINOT NOIR, WEINGUT ZIEREISEN SCHULEN, "BLAUER SPÄTBURGUNDER", BADER, GERMANY 2010	\$ 76
PINOT NOIR, DOMAINE SERENE, WILLAMETTE VALLEY, OREGON 2009	\$ 84
PINOT NOIR, AUGUST WEST, "ROSELLA'S VINEYARD", SANTA LUCIA HIGHLANDS, CALIFORNIA 2012	\$ 105
PINOT NOIR, WILLIAM SELYEM, "EAST SIDE ROAD NEIGHBORS", RUSSIAN RIVER, CALIFORNIA 2011	\$ 190
*PLOUSSARD, PHILIPPE BORNARD, "LA CHAMADE", JURA, FRANCE 2009	\$ 60
*GAMAY/PINOT NOIR, CHRISTIAN VENIER, "LES HAUTE DE MADAM", CHEVERNY, LOIRE, FRANCE 2013	\$ 42
GAMAY, JEAN PAUL BRUN, "L'ANCIEN", BEAUJOLAIS, FRANCE 2013	\$ 48
BURGUNDY, DOMAINE THIBAUT LIGER-BELAIR, "CLOS DU PRIEURÉ", COTES DE NUITS, FRANCE 2011	\$ 75
BURGUNDY, JOSEPH VOILLOT, "VIEILLES VIGNES", POMMARD, CÔTE D'OR, FRANCE 2010	\$ 100
BURGUNDY, ALBERT MOROT, "IER CRU", SAVIGNY-LÈS-BEAUNE, FRANCE 2010	\$ 120
*GRENACHE/SYRAH, MAS D'AGALIS, "NAVIS", LANGUEDOC-ROUSSILLON, FRANCE 2010	\$ 62
GRENACHE, BEAURENARD, CHATEAUNEUF-DU-PAPE, RHONE, FRANCE 2011	\$ 80
BLAUER ZWEIFELT, BUCHEGGER, NIEDERÖSTERREICH, AUSTRIA 2010	\$ 38
SANGIOVESE, CA' MARCANDA ANGELO GAJA, "PROMIS", TOSCANA IGT, TUSCANY, ITALY 2011	\$ 98
CHIANTI CLASSICO, CASTELLARE, CASTELLINA, ITALY 2012	\$ 52
BARBARESCO, CERETTO ASIJ, PIEDMONT, ITALY 2011	\$ 95
BRUNELLO DI MONTALCINO, ALTESINO, TUSCANY, ITALY 2009	\$ 120
BAROLO, MAURO VEGLIO, VIGNETTO GATTERA, PIEDMONT, ITALY 2005	\$ 95
TEMPRANILLO, CONDADO DE HAZA, RIBERA DEL DUERO, SPAIN 2009	\$ 58
TEMPRANILLO, LOPEZ DE HEREDIA, RESERVA, RIOJA, SPAIN 2002	\$ 80
BORDEAUX, CHÂTEAU DE PEZ, SAINT-ESTÈPHE, FRANCE 2011	\$ 100
BORDEAUX, CHÂTEAU CHERUBIN, GRAND CRU, SAINT-EMILION, FRANCE 2007	\$ 120
MERLOT, BEDELL, "MUSEE", NORTH FORK, NEW YORK 2008	\$ 120
MALBEC, COLOME, "ESTATE MALBEC", SALTA, ARGENTINA 2012	\$ 58
MALBEC, VINA COBOS, "BRAMARE", MENDOZA, ARGENTINA 2011	\$ 86
MALBEC, COLOME, "RESERVE", SALTA, ARGENTINA 2009	\$ 155
ZINFANDEL, SEGHESSIO, SONOMA COUNTY, CALIFORNIA 2012	\$ 56
ZINFANDEL, STORYBOOK MOUNTAIN, "MAYACAMAS RANGE", NAPA VALLEY, CALIFORNIA 2011	\$ 72
SYRAH, DUCHAMP, "SLAUGHTERHOUSE", DRY CREEK VALLEY, CALIFORNIA 2009	\$ 78
SYRAH, INGLENOOK, "RC RESERVE", RUTHERFORD, CALIFORNIA 2010	\$ 120
SYRAH, BIEN NACIDO, SANTA MARIA VALLEY, CALIFORNIA 2009	\$ 120
PETITE SIRAH, ERNA SHEIN, SPRING MOUNTAIN DISTRICT, NAPA VALLEY, CALIFORNIA 2006	\$ 100
CABERNET FRANC, REVOLVER, "THE FURY", NAPA VALLEY, CALIFORNIA 2010	\$ 86
CABERNET SAUVIGNON, CEDAR KNOLL VINEYARD CO., NAPA VALLEY, CALIFORNIA 2010	\$ 78
CABERNET SAUVIGNON, SILVERADO VINEYARDS ESTATE GROWN, NAPA VALLEY, CALIFORNIA 2010	\$ 110
CABERNET SAUVIGNON, GARGULO VINEYARDS, "MONEY ROAD RANCH", NAPA VALLEY, CALIFORNIA 2010	\$ 190

## Red Reserve

BRUNELLO DI MONTALCINO, GAJA PIEVE SANTA RESTITUTA, "SUGARILLE", TUSCANY, ITALY 2008	\$ 375
BAROLO, BRUNO GIACOSA, "FALLETO", PIEDMONT, ITALY 2005	\$ 395
TEMPRANILLO, ARTADI, "PAGOS VIEJO", RIOJA, SPAIN 2007	\$ 215
CABERNET SAUVIGNON, PALMAZ VINEYARDS ESTATE, NAPA VALLEY, CALIFORNIA 2005	\$ 225
CABERNET SAUVIGNON, SCHRADER, RIBS, "BECKSTOFFER", NAPA VALLEY, CALIFORNIA 2009	\$ 620
CABERNET SAUVIGNON, HUNDRED ACRE, "FEW & FAR BETWEEN", ST. HELENA, CALIFORNIA 2008	\$ 720

## Dessert Wine

WELSCHRIESLING/CHARDONNAY, KRACHER, CUVÉE AUSLESE, BURGENLAND, AUSTRIA 2010	\$ 42
PASSITO DI PANTELLERIA, DONNAFUGATA, "BEN RYE", SICILY, ITALY 2011	\$ 86

## Dessert Reserve

VINTAGE PORT CABERNET SAUVIGNON, KOBALT, NAPA VALLEY, CALIFORNIA 2005	\$ 125
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\* = NATURAL WINE



# EXHIBIT Q

# QUALITY ITALIAN

## WINE BY THE GLASS

### SPARKLING

**Quality Prosecco NV Brut Veneto, IT** 13  
*Made exclusively for QI by the illustrious Drusian Estate*

**Podere Giardino "Suoli Cataldi" 2012 Lambrusco Emilia-Romagna, IT** 16  
*This delicious & bubbly red wine is best served chilled*

**Moet-Chandon Imperial NV Brut Champagne Champagne, FR** 22  
*Champagne is made from Chardonnay, Pinot Noir & Pinot Meunier grapes*

### WHITE

**Pala "I Fiori" 2013 Vermentino Sardegna, IT** 12  
*Four generations of family wine making bring you this crisp island wine*

**Caposaldo 2013 Pinot Grigio Veneto, IT** 13  
*Pinot Grigio is referred to as Pinot Gris in Alsace and the US*

**Wellington 2013 Sauvignon Blanc Sonoma Valley** 14  
*A 21 acre winery run by a father and son team*

**San Marco 2013 Chardonnay Piedmonte, IT** 14  
*This vineyard is located in the hilltop region of Santo Stefano Belbo between the Langhe and Monferrato districts*

**Dr. Konstantin Frank 2013 Semi-Dry Riesling Finger Lakes, NY** 16  
*Dr. Frank was the pioneer of East Coast Viticulture*

**Dorigo 2013 Sauvignon Blanc Friuli-Venezia-Giulia, IT** 19  
*Small production, high quality wine from north east Italy*

**Castello della Sala "Bràmito del Cervo" 2013 Chardonnay Umbria, IT** 20  
*A project taken on by the Antinori family*

**Cakebread 2012 Chardonnay Napa (Poured from Magnum)** 27  
*Chardonnay was the first wine made at this great Napa Vineyard*

### RED

**Mater Domini 2012 Primitivo Puglia, IT** 12  
*Primitivo has been shown to be almost identical to Zinfandel*

**Brigaldara Classico 2013 Valpolicella Veneto, IT** 13  
*A blend of Corvina, Rondinella, Molinara and Sangiovese*

**Byron 2012 Pinot Noir Santa Barbara** 14  
*Santa Barbara County is the setting for the movie "Sideways"*

**Palladio DOCG 2013 Chianti Toscana, IT** 15  
*Grapes that produce Palladio wines are grown in the Montalbano district near the historical cities of Florence and Siena*

**Praesidium 2012 Cerasuolo d'Abruzzo Montepulciano, IT** 16  
*Fresh, juicy fruit forward wine*

**St. Michael Eppan 2013 Pinot Noir Alto Adige, IT** 16  
*In 2000, Gambero Rosso (Italy's leading food & wine magazine) named St. Michael-Eppan as the best Italian winery of the year*

**Talenti 2012 Rosso di Montalcino Tuscany, IT** 17  
*Made from 100% Sangiovese Grosso also known as Brunello*

**Quality Wine 2010 Super Tuscan Toscana, IT** 20  
*A hand-crafted custom blended Super Tuscan wine from the Tolaini estate*

**Duckhorn Decoy 2011 Red Blend Napa** 20  
*This red blend is often referred to as a meritage: a combination of the words merit & heritage*

**Provenance Vineyards 2011 Cabernet Sauvignon Napa** 26  
*Winemaker Tom Rinaldi was also the winemaker of the famous Duckhorn 'Three Palms Vineyard' Merlot*

**Caymus 2012 Cabernet Sauvignon Napa (Poured from a 1 liter)** 37  
*The first vintage of this classic Napa Cabernet dates all the way back to 1972!*

## THE 2006 BRUNELLO DI MONTALCINO VINTAGE

The 2006 vintage in Montalcino was perhaps one of the most impressive since 1997. These wines show with elegance, concentration, beautiful complexity and the structure to age very well. Warm days and cool nights resulted in wines that are big and rich without being forceful. These wines offer great aromatics, with layers of fruit and velvety soft tannins.

Castello Banfi "Poggio Alle Mura"	155
Le Gode	160
Capanna	180
San Filippo "Le Lucere"	190
Poggio Antico "Alteio"	195
Ciacci Piccolomini d'Aragona "Vigna di Pianrosso"	240
Siro Pacenti	265
La Serena	300
Uccelliera	320
Pian Dell'Orino	350
Poggio Antico	350

### JOSEPH PHELPS "INSIGNIA"

Insignia is the first proprietary Bordeaux-style blend produced in California. Each vintage is comprised of the best grapes from Joseph Phelps Vineyards, first from both grower and estate fruit. In 1973, Joe Phelps bought a 600-acre Connolly cattle ranch in Spring Valley, just outside of St. Helena, and began planting vineyards and building a winery. The winery construction was completed in 1974 and that same year the first grapes were crushed and first vintage of Insignia was produced.

2009	350
2004	400
2003	375
2002	425
2001	500
2000	300
1999	400

### JORDAN

Founder, Tom Jordan, had his game-changing moment after sipping from a glass of Chateau Latour and so modeled his wine to match Latour's elegance, power, and sheer beauty. In 1972 he founded the winery that bears his name and the rest is history. Synonymous with great wine, Jordan has led the charge and put Sonoma on the map. Today, 37 years later, winemaker Rob Davis is still at the helm and he has been since day one – the only winemaker in all of California to be working at one single winery for 35+ years.

2010	132
2007	175
2005	140
2004	150
2003	140
2002	165

### PETER MICHAEL

It's not so often that you get the opportunity to taste a full lineup of nearly every wine that a producer crafts. In 1982, Sir Peter Michael (yes he was knighted) established the Peter Michael winery on a square mile of rocky volcanic ridges that form the western face of Mount St. Helena in Sonoma County. From the beginning, the wine growing philosophy was modeled on the French tradition infused with a few modern influences: One, the vineyard terroir would be the single most important feature. Two, the wines would be elegant rather than overstated. Three, there would be a 100-year commitment to the development of a great estate. Given this commitment to the product, only a limited quantity will ever be made.

"l'Apres Midi" 2011 Sauvignon Blanc Sonoma	160
"L'Esprit des Pavots" 2011 Red Blend Knights Valley	175
"Mon Plaisir" 2012 Chardonnay Sonoma	195
"Les Pavots" 2010 Red Blend Knights Valley	375

### LARGE FORMAT SELECTIONS

Silver Oak Cellars 2009 Cabernet Sauvignon (1.5L) Napa Valley	325
Paradigm Winery 2010 Cabernet Sauvignon (1.5L) Napa Valley	375
Chimney Rock 2011 Cabernet Sauvignon (1.5L) Napa Valley	395
Gaja Pieve Santa Restituta 2008 Brunello di Montalcino (1.5L) Tuscany	475
Il Poggione 2007 Brunello di Montalcino Reserve (1.5L) Tuscany	515
Staglin Family Vineyards 2009 Cabernet Sauvignon (1.5L) Napa Valley	670
Joseph Phelps "Insignia" 2004 Cabernet Sauvignon (1.5L) Napa Valley	795
Quintessa 2010 Cabernet Sauvignon (3L)	1425

## QUALITY PROSECCO

A collaboration between the Quality Italian & Drusian family has brought you this exclusively produced Prosecco. Drusian has been producing 100% Prosecco for three generations beginning in the 19th century. Each step of the winemaking process from cultivation to the harvest is performed with the utmost care and no chemical pesticides are used – only organic fertilizers which help craft the highest “Quality” product.

65

## CHAMPAGNE & SPARKLING WINES

<b>Il Mosnel NV Franciacorta Brut Lombardy, IT</b>	<b>59</b>
<i>Chardonnay, Pinot Blanc, &amp; Pinot Noir, all organic certified</i>	
<b>Vignetto Saetti 2011 Lambrusco Emilia-Romagna, IT</b>	<b>79</b>
<i>This delicious &amp; bubbly red wine is best served chilled</i>	
<b>Roederer Estate NV Brut California</b>	<b>86</b>
<i>From the same team behind the legendary Champagne house – Cristal</i>	
<b>Ca'del Bosco “Cuvee Prestige” NV Franciacorta Brut Lombardy, IT</b>	<b>96</b>
<i>Franciacorta is Italy's answer to Champagne – produced mainly in the Lombardy region of northern Italy</i>	
<b>Perrier Jouët NV Brut Champagne</b>	<b>104</b>
<i>History: 2011 marked the 200th anniversary of the estate's first vintage</i>	
<b>Maso Martis Brut Rose NV Alto Adige, IT</b>	<b>106</b>
<i>Beautiful sparkling rose from the Dolomite Mountains</i>	
<b>Pierre Gimonnet &amp; Fils “Paradoxe” 2006 Champagne</b>	<b>115</b>
<i>Gimonnet's only wine that is not 100% Chardonnay – he blends Pinot Noir into this Champagne</i>	
<b>Krug Brut Grand Cuvee NV Champagne (375 ml)</b>	<b>120</b>
<i>Perfect for two – One of the most revered houses in Champagne</i>	
<b>Monte Rossa Cabochon Rose 2008 Franciacorta Lombardy, IT</b>	<b>135</b>
<i>60% Chardonnay 40% Pinot Nero 100% Pink</i>	
<b>Moët &amp; Chandon Imperial 2006 Brut Champagne</b>	<b>155</b>
<i>A name that everyone knows because their bubbles are always so delicious especially the vintage wines</i>	
<b>Ruinart Blanc de Blanc NV Champagne</b>	<b>160</b>
<i>Ruinart was the first established Champagne house in 1729</i>	
<b>J Dumangin NV Brut Rose Champagne</b>	<b>165</b>
<i>The use of Pinot Meunier in this cuvee makes it bright and elegant</i>	
<b>Billecart Salmon NV Brut Rose Champagne</b>	<b>175</b>
<i>Our owner's – Michael Stillman – favorite bottle of pink bubbles</i>	
<b>Dom Perignon 2004 Champagne</b>	<b>265</b>
<i>Dom Perignon was actually a monk who lived in the 1600s &amp; the first to master the art of blending grapes to improve the wine quality</i>	
<b>Perrier Jouët “Belle Epoque” Brut 2006 Champagne</b>	<b>350</b>
<i>“La Belle Epoque” was an era in France – 1870 through 1914 – characterized by optimism and peace at home</i>	
<b>Cristal 2005 Champagne</b>	<b>449</b>
<i>Shake up a bottle &amp; pour one out on the floor</i>	

## ROSÉ

<b>Chateau Bellet 2012 Provence, FR</b>	<b>87</b>
<i>This is a wine of exceptional elegance and complexity, production is extremely limited and distribution is almost entirely local</i>	

## OTHER NEW WORLD REDS

<b>Titus 2012 Zinfandel Napa</b>	<b>75</b>
<i>They blend a little bit of “Je ne sais quoi” into their Zins for a little extra punch</i>	
<b>Qupe “Sawyer Lindquist” 2010 Syrah Santa Barbara County</b>	<b>79</b>
<i>Qupe is the Chumash Indian word for California Poppy – the State Flower</i>	
<b>Chateau Montelena 2011 Zinfandel Napa</b>	<b>85</b>
<i>Zinfandel has been shown to be almost identical to Italian Primitivo</i>	
<b>Mayacamas 2008 Merlot Napa</b>	<b>90</b>
<i>Talk about history, this winery was built in 1889</i>	
<b>Moss Woods “Ribbon Vale” 2011 Red Blend Margaret River, Australia</b>	<b>92</b>
<i>A rich ,full Cabernet/Merlot blend from down under</i>	
<b>Penfolds Bin 138 2012 Red Blend Barossa Valley, AU</b>	<b>94</b>
<i>A traditional Southern Rhone blend of Grenache, Syrah and Mouvedre</i>	
<b>Robert Biale “Royal Punishers” 2011 Petite Sirah Napa</b>	<b>95</b>
<i>Every vintage of this wine from 2003 has received 90+ points from Robert Parker</i>	
<b>Duckhorn 2011 Merlot Napa</b>	<b>100</b>
<i>One of the first wineries in Napa to make a single vineyard Merlot</i>	
<b>Von Strasser 2010 Zinfandel Diamond Mountain, Napa</b>	<b>105</b>
<i>From high elevation vineyards in the Diamond Mountain AVA</i>	
<b>Bodegas Caro 2010 Malbec Mendoza, AR</b>	<b>125</b>
<i>A project between Catena and (Lafite) Rothschild</i>	
<b>Pride Mountain 2010 Merlot Spring Mountain, Napa</b>	<b>145</b>
<i>Since Bob Foley left his post as winemaker in 2006, the wines haven't missed a beat</i>	
<b>La Jota 2010 Merlot Howell Mountain, Napa</b>	<b>160</b>
<i>One of the earliest “cult” wines to come out of California</i>	
<b>Mollydooker “Carnival of Love” 2012 Shiraz McLaren Vale, AU</b>	<b>180</b>
<i>A massive high scoring wine from down under</i>	
<b>Catena Zapata “Malbec Argentino” 2009 Malbec Mendoza, AR</b>	<b>200</b>
<i>An example of Argentina's best &amp; brightest...also juiciest</i>	
<b>Achaval Ferrer “Finca Altamira” 2011 Malbec, Mendoza, AR</b>	<b>270</b>
<i>One of three single vineyard bottlings, this malbec will blow you away!</i>	

# EXHIBIT R

# Liquid Assets

Enjoy our premium Cocktails and Wines.

## Classic Cocktails

### Manhattan

Gentleman Jack, Carpano Antica Sweet Vermouth, Angostura and Orange Bitters, Luxardo Cherry

### Old-Fashioned

Tincup Colorado Whiskey, Angostura Bitters, sugar cube, orange

### Golden Margarita

Cuervo Gold, Cointreau, Solerno Blood Orange Liqueur, agave nectar

### Mojito

Don Q Cristal Rum, early mint, cane syrup, fresh lime juice, club soda

### Daiquiri

Flor de Caña Seven Year Old Rum, simple syrup, fresh lime

### Ralph Wollensky "Signature" Martini

Stoli Elit Vodka, hint of citrus, black peppercorns, 24K gold flakes

### Charlie Smith's "Ultimat" Martini

Ultimat Vodka, smoked Marcona almond-stuffed olives

### Horse's Neck

Tullamore Dew Irish Whiskey, ginger ale, Angostura Bitters, lemon peel

### Sazerac

Templeton Rye, Pernod Absinthe rinse, Peychaud's Bitters, cane syrup

### Moscow Mule

Russian Standard Platinum, Gosling's Ginger Beer, lime

### Dark & Stormy

Gosling's Black Seal Rum, Gosling's Ginger Beer

### Negroni

Hendrick's Gin, Campari, Carpano Antica Sweet Vermouth

## Mixology Selections

### Razz-tini

Three Olives Raspberry, Bols Peach Liqueur, Chambord, fresh raspberries

### On the Boulevardier

Buffalo Trace Rye Whiskey, Campari, Carpano Antica Sweet Vermouth, Luxardo Cherry

### Maestro of Ceremonies

Maestro Dobel Tequila, Cointreau, pineapple, Sprite

### Old Hollywood

Three Olives Marilyn, Moët & Chandon, Chambord, splash of Bols Yogurt Liqueur

### Pear-Ginger Martini

Grey Goose La Poire, Bols Elderflower Liqueur, Domaine de Canton Ginger Liqueur

### Bourbon Ball

Woodford Reserve, Fireball Cinnamon Whiskey, Galliano Ristretto, RumChata

### South Beach Mojito

Shellback Spiced Rum, Fragoli Wild Strawberry Liqueur

### Vegas T 'n' T

Boodles London Dry Gin, Jack Rudy Small Batch Tonic, soda

### Iced Chata

Brinley Gold Shiptoreck Vanilla, RumChata, Godiva, cream

### Golden Scotsman

Macallan 12, Cointreau, agave nectar, orange twist

## Reduced Calorie Cocktails

### Dark & Skinny

Gosling's Black Seal Rum, Gosling's Diet Ginger Beer

### Skinny Mojito

Don Q Limón, mint leaves, club soda

### Skinny Collins

Deep Eddy Cranberry Vodka, Jack Rudy Small Batch Tonic, club soda

## WINES BY THE GLASS Our full list of wines is always available.

### Sparkling & Whites

Bocelli	Prosecco	Valdobbiadene
Villa Rosa	Moscato d'Asti	Piedmont
Gloria Ferrer	Brut	Sonoma
Moët & Chandon Imperial	Brut	Épernay
Nicolas Feuillatte	Rosé Brut	Épernay
Château d'Esclans Whispering Angel		
	Rosé	Provence
Ca' Domini	Pinot Grigio	Veneto
King Estate	Pinot Gris	Willamette Valley
Whitehaven	Sauvignon Blanc	Marlborough
<b>Smith &amp; Wollensky "Private Reserve"</b>		
	Sauvignon Blanc	Sonoma
Domaine de la Perrière	Sancerre	Loire Valley
J. Lohr Arroyo Vista	Chardonnay	Arroyo Seco
Sonoma-Cutrer "RRR"	Chardonnay	Russian River Valley
Chalk Hill	Chardonnay	Sonoma
Blindfold	White Blend	Napa
Eroica	Riesling	Columbia Valley
Pacific Rim	Gewürztraminer	Columbia Valley

### Reds

Lyric by Etude	Pinot Noir	Santa Barbara
La Crema	Pinot Noir	Willamette Valley
The Calling	Pinot Noir	Napa
Yangarra Old Vine	Grenache	Napa
Marqués de Riscal Reserva	Tempranillo	Rioja
Clos du Val	Merlot	Napa
Casa Lapostolle	Merlot	Colchagua Valley
Marchesi de' Frescobaldi Nipozzano		
	Chianti Rufina	Pelago Firenze
Farrier "Presshouse"	Meritage	Alexander Valley
<b>Smith &amp; Wollensky "Private Reserve"</b>		
	Meritage	Napa
Hess 19 Block Mountain Cuvée	Meritage	Mt. Veeder
Liberty School	Cabernet Sauvignon	Paso Robles
Educated Guess	Cabernet Sauvignon	Napa
Beringer Knights Valley		
	Cabernet Sauvignon	Sonoma
Stags' Leap Winery	Petite Sirah	Napa
Trapiche Broquel	Malbec	Mendoza
Bonshaker	Zinfandel	Lodi
La Colomabaia	Amarone	Veneto
The Prisoner	Red Blend	Napa
Paraduxx Proprietary	Red Blend	Napa

### SMITH & WOLLENSKY "Private Reserve"

**Sauvignon Blanc** - A crisp, elegant and fresh wine with citrus, ripe mango and melon notes. Handcrafted by Kunde Family Estate in the Sonoma Valley, this special wine has a great balance and extremely long finish. It pairs nicely with our fresh seafood and Signature Shellfish Bouquet.

**Meritage** - A rich, aromatic cuvée handcrafted in Napa Valley, this Private Reserve is our best yet. Shades of plum and spice mingle with a hint of French oak to complement the intense flavor of our Prime beef. The lengthy, warm finish lingers on the palate. An excellent Meritage comprised of Cabernet Sauvignon, Cabernet Franc, Merlot, Petit Verdot and Malbec.



**Smith & Wollensky**  
YOU'VE ARRIVED.™



# EXHIBIT S

# WHITE WINES

## AMERICA

6441	Chardonnay, Wyatt (California)	2013	\$40
1232	Chardonnay, Calera (Central Coast)	2012	\$58
1098	Chardonnay, Sandhi 'Altamarea' (Santa Barbara)	2012	\$67
1214	Chardonnay, Cakebread Cellars (Napa Valley)	2012	\$82
1260	Sauvignon Blanc, Ferrari-Carano 'Fumé Blanc' (Sonoma)	2013	\$56
6105	Viognier, Calera (Central Coast)	2012	\$45
6106	Trousseau Gris, Wind Gap (Sonoma Coast)	2013	\$55

## GERMANY

1112	Riesling Medium-Dry, Zilliken 'Butterfly' (Mosel)	2012	\$42
7301	Riesling Trocken, Dr. von Basserman-Jordan (Pfalz)	2012	\$48
5818	Riesling, Van Volxem 'Goldberg' (Mosel)	2012	\$80

## ROSÉ

6551	Tavel, Château de Trinquedel (Rhône)	2013	\$49
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# EXHIBIT T

## WINES BY THE GLASS

### SPARKLING WINE

Prosecco Extra Dry <b>Cima da Conegliano</b>   Veneto	NV	13
Champagne Brut <b>Louis Roederer</b> "Collection"	NV	23
Champagne Brut <b>Krug</b> "Grande Cuvée"	375ml NV	115
Champagne Brut Rosé <b>Billecart-Salmon</b>	NV	36

### WHITE & SHERRY

Fino Sherry <b>Equipo Navazos</b> "En Rama"   Jerez	NV	12
Vermentino <b>Col di Bacche</b>   Tuscany	2012	10
Etna Bianco <b>Graci</b>   Sicily	2013	14
Sancerre <b>Foucher-Lebrun</b> "Le Mont"   Loire	2013	16
Riesling Kabinett <b>Schloss Lieser</b>   Mosel	2011	15
Chardonnay <b>Sandhi</b> " <b>Altamarea</b> "   Santa Barbara	2012	17
Saint-Aubin 1er Cru <b>Philippe Colin</b> "Le Charmois"   Burgundy	2010	25

### ROSÉ

Bandol <b>Le Galantin</b>   Provence	2013	14
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### RED

Barbera d'Asti <b>Bel-Sit</b> "La Turna"   Piedmont	2010	11
Côtes-du-Rhône <b>J. L. Chave</b> "Mon Coeur"   Rhône	2012	15
Pinot Noir <b>Clendenen</b> "The Pip"   Santa Maria Valley	2012	18
Margaux <b>Château La Gurgue</b>   Bordeaux	2007	20
Valpolicella Ripasso <b>Tedeschi</b> "Capitel San Rocco"   Veneto	2011	14
"Al Passo" <b>Tolaini</b>   Tuscany	2010	17
Montefalco Sagrantino <b>Còlpetrone</b>   Umbria	2008	15
Cabernet Sauvignon <b>Provenance Vineyards</b>   Rutherford, Napa Valley	2010	25

## WHITE WINE

### UNITED STATES

213	Chardonnay	<b>Arterberry Maresh</b>	"Maresh Vineyard"   Dundee Hills	2009	158
1193	Chardonnay	<b>Aubert</b>	"Ritchie Vineyard"   Sonoma Coast	2011	189
941	Chardonnay	<b>Ceritas</b>	"Heintz Vineyard"   Sonoma Coast	2011	126
214	Chardonnay	<b>Chalone</b>	"Estate"   Chalone	2010	80
218	Chardonnay	<b>Fama Winery</b>	"Hudson Vineyards"   Carneros	2010	130
211	Chardonnay	<b>Fogdog</b>	Sonoma Coast	2011	75
219	Chardonnay	<b>Hirsch Vineyards</b>	"Estate"   Sonoma Coast	2011	139
1887	Chardonnay	<b>Kistler</b>	"Les Noisetiers"   Sonoma Coast	2012	132
953	Chardonnay	<b>Marcassin</b>	"Marcassin Vineyard"   Sonoma Coast	2009	338
1271	Chardonnay	<b>Sandhi</b>	" <b>Altamarea</b> "   Santa Barbara	2012	79
6810	Sauvignon Blanc	<b>Soliste</b>	"Lune et Soleil"   Lake County	2013	72
1509	Riesling	<b>Penner-Ash</b>	Willamette Valley	2011	54
1437	Viognier	<b>Jaffurs</b>	Santa Barbara County	2012	72

### AUSTRALIA & NEW ZEALAND

236	Riesling	<b>Grosset</b>	"Polish Hill"   Clare Valley	2012	88
235	Chardonnay	<b>Kumeu River</b>	"Hunting Hill"   Kumeu	2009	77
5843	Sauvignon Blanc	<b>Cloudy Bay</b>	"Te Koko"   Marlborough	2010	170
6237	Sauvignon Blanc	<b>Craggy Range</b>	"Te Muna Road"   Martinborough	2012	65

### ROSÉ

1845	<b>Zenato</b>	Bardolino Chiaretto, Veneto	2013	45
1723	<b>Proprietà Sperino</b>	"Rosa del Rosa"   Piedmont	2013	54
1792	<b>Costaripa</b>	"Il Vino di Una Notte - RosaMara"   Valtènesi Chiaretto, Lombardy	2013	55
1783	<b>Graci</b>	Etna, Sicily	2013	59
1798	Bandol	<b>Le Galantin</b>   Provence	2013	63
1882	Bandol	<b>Domaine Tempier</b>   Provence	2013	100
1797	Cabernet Franc	<b>Channing Daughters</b>   North Fork of Long Island	2013	65

# EXHIBIT U



## WINES BY THE GLASS

### SPARKLING AND CHAMPAGNE

Prosecco di Valdobbiadene Extra Dry, Drusian		nv	14
Champagne Brut Blanc de Blancs 1er Cru "Cuvée Vendémiaire", Doyard		nv	25
Champagne Brut "Dom Pérignon", Moët et Chandon		2002	60
Champagne Brut "Grande Cuvée", Krug	375 ml	nv	130
Champagne Brut Rosé, Billecart-Salmon		nv	36
Apple Cider "Sidre Doux", Eric Bordelet, Normandy		2012	14

### WHITE

Colli di Luni Vermentino "Boboli", Giacomelli, Liguria		2011	16
Collio Pinot Grigio "Jesera", Venica & Venica, Friuli		2013	15
Malagousia, Domaine Gerovassiliou, Epanomi, Greece		2013	14
Sancerre "Le Mont", Foucher-Lebrun, Loire Valley		2013	16
Riesling "Feinherb", Weingut Seehof, Rheinhessen		2012	13
Chardonnay "Altamarea", Sandhi, Santa Barbara County		2012	20
Viognier "Antoine Creek Vineyard", Gramercy Cellars, Columbia Valley		2013	19
Puligny-Montrachet, Paul Chapelle, Burgundy		2008	29

### RED

Barbera d'Alba, Oddero, Piedmont		2011	13
Barolo, Ascheri, Piedmont		2009	25
Brunello di Montalcino, La Togata, Tuscany		2008	27
"Valdisanti", Tolaini - Tenuta S. Giovanni, Tuscany		2009	20
Amarone della Valpolicella, Fratta Pasini, Veneto		2009	19
Vacqueyras, Notre Dame De Cousignac, Rhône Valley		2011	17
Pinot Noir "Cuvée E", EIEIO, Willamette Valley		2009	19
Cabernet Sauvignon "Cru", Vineyard 29, Napa Valley		2012	32

## CORAVIN by the glass

Meursault, Domaines des Comtes Lafon, Burgundy		2011	56
Barolo, Bartolo Mascarello, Piedmont		2006	77
Brunello di Montalcino Riserva, Case Basse di Soldera, Tuscany		2000	125
"Tignanello", Antinori, Tuscany		2011	55
Vosne-Romanée 1er Cru "Les Suchots", Domaine de l'Arlet, Burgundy		1999	68
Cabernet Sauvignon, Quintessa, Napa Valley		2009	85
Sauternes, Château d'Yquem		1999	70

## UNITED STATES WHITE WINES

### CHARDONNAY

7110	Dutton Goldfield "Dutton Ranch", Russian River Valley	2012	92
6714	Hanzell Vineyards, Sonoma Valley	2012	148
4753	Lewis Cellars "Barcaglia Lane", Russian River Valley	2012	159
4751	Maldonado "Los Olivos Vineyards", Napa Valley	2010	105
1830	Marcassin "Marcassin Vineyard", Sonoma Coast	2007	409
1761	Marcassin "Three Sisters Vineyard", Sonoma Coast	2007	325
6634	Matthiasson "Linda Vista", Napa Valley	2013	68
4678	Mount Eden "Reserve", Santa Cruz Mountains	2009	168
4077	Pahlmeyer, Sonoma Coast	2010	210
6926	Patz & Hall "Dutton Ranch", Russian River Valley	2012	93
6952	Peter Michael "Ma Belle-Fille", Knights Valley	2012	201
3313	Peter Michael "Point Rouge", Sonoma County	2010	393
7249	Ramey "Hyde Vineyard", Carneros	2011	130
4205	Sandhi "Altamarea", Santa Barbara County	2012	75
7681	Sandhi "Bent Rock", Sta. Rita Hills	2012	200
4970	Sandhi "Rita's Crown", Sta. Rita Hills	2012	126
4801	Shafer "Red Shoulder Ranch", Carneros	2012	130
4997	Stony Hill, Spring Mountain District	2009	96
3330	Williams Selyem "Drake Estate", Russian River Valley	2008	280

### OTHER VARIETIES

7196	Sauvignon Blanc "L'Après-Midi", Peter Michael, Knights Valley	2013	121
4750	Sauvignon Blanc, Rudd, Mt. Veeder	2012	157
6301	Sauvignon Blanc, Spottswoode, Sonoma/Napa Counties	2013	88
4661	Roussanne "Stone Crusher", Donkey And Goat, El Dorado County	2012	76
4701	"On The White Keys", Arietta, Napa Valley	2012	140
4907	Viognier "Antoine Creek Vineyard", Gramercy Cellars, Columbia Valley	2013	68

# EXHIBIT V

## SELECTIONS BY THE GLASS

### SPARKLING WINE & CHAMPAGNE

PROSECCO SUPERIORE BRUT, <i>RUSTICO</i> NINO FRANCO (Veneto)	NV	13
FRANCIACORTA BRUT, BARONE PIZZINI Chardonnay (Lombardia)	NV	17
FRANCIACORTA BRUT ROSÉ, MAJOLINI Pinot Nero (Lombardia)	NV	25
BRUT GRAND CRU, <i>SELECTION</i> PEHU SIMONET Pinot Noir/Chardonnay (Champagne, France)	NV	29
BRUT BLANC DE BLANCS, <i>DOM RUINART</i> RUINART Chardonnay (Champagne, France)	2002	60
BRUT ROSÉ, BILLECART-SALMON Chardonnay/P.Meunier/P.Noir (Champagne, France)	NV	39

### WHITE WINE

<i>THALASSITIS</i> GAI'A Assyrtiko (Santorini, Greece)	2013	17
<i>...sourced from 80 plus year old ungrafted vines, Gai'a's "wine of the sea" is a mineral driven, complex wine that exudes subtle notes of honeysuckle and tropical fruit.</i>		
SANCERRE, <i>LE MONT</i> FOUCHER-LEBRUN Sauvignon Blanc (Loire, France)	2013	16
<i>...from steep hillside vineyards, comes a mineral driven sauvignon blanc that displays citrus fruit with a touch of melon and slate.</i>		
RIESLING, <i>FAB 6 SENIOR</i> PETER LAUER (Saar, Germany)	2013	19
<i>...Peter Lauer always kept barrel #6 for his family's personal consumption, and after one sip of this barely off-dry wine you will see why.</i>		
ROERO ARNEIS, CORNAREA (Piemonte)	2013	16
<i>...sourced from the first vineyards to ever be planted entirely to this native varietal, the chalky soils shine through in the wine with bright minerality amidst orchard fruit and mellow citrus.</i>		
PAESTUM GRECO, <i>CALPAZIO</i> SAN SALVATORE (Campania)	2012	18
<i>...from a biodynamic winery located inside the Cilento national park, this greco expresses tropical fruit balanced by a touch of salinity.</i>		
SYLVANER, PACHER HOF (Alto Adige)	2013	17
<i>...stone fruit, lemon verbena and white flowers on the nose lead into a palate of quince, pear and apricot with grip and vigor.</i>		
VERMENTINO, <i>BOBOLI</i> GIACOMELLI (Liguria)	2011	18
<i>...Giacomelli's vermentino expresses wild herbs, apricot, and an array of citrus fruit balanced by fresh acidity and a hint of oak spice.</i>		
SOAVE CLASSICO, <i>MONTE ALTO</i> CA' RUGATE Garganega (Veneto)	2012	17
<i>...from the volcanic and limestone rich soils of Monteforte d'Alpone comes a refined and aromatic Soave Classico that expresses stone fruit and citrus lightly kissed by oak.</i>		
CHARDONNAY, <b>ALTAMAREA</b> SANDHI (Santa Barbara County, California)	2012	19
<i>...our private label chardonnay is sourced from four of the area's most coveted vineyards and expresses subtle tropical fruit, citrus and slate.</i>		
VERDICCHIO DI MATELICA, <i>VIGNETO FOGLIANO</i> BISCI (Marche)	2010	16
<i>...aged only in glazed cement tank, this single vineyard verdicchio is a layered wine loaded with honeyed stone fruit, almond and a fine backbone of acidity.</i>		
CHASSAGNE-MONTRACHET 1ER CRU, <i>LES VERGERS</i> F. & L. PILLOT Chardonnay (Burgundy, Fr.)	2011	35
<i>...the vineyard of Les Vergers produces forward wines, and Pillot's 2011 expresses lime-laced citrus fruit with a touch of pie crust on the palate, balanced by savory mineral and gripping acidity.</i>		
VITOVSKA, ZIDARICH (Friuli)	2010	27
<i>...two weeks of skin contact during fermentation gives this wine an orange color and tannin with notes of pear, sage and saline mineral.</i>		

**WHITE WINE**  
**UNITED STATES**

**OREGON**

ARNEIS, PONZI (WILLAMETTE VALLEY)	2013	80
CHARDONNAY, <i>RESERVE</i> PONZI (WILLAMETTE VALLEY)	2012	90
CHARDONNAY, <i>SIGRID</i> BERGSTRÖM	2012	100
CHARDONNAY, <i>ROSE ROCK</i> GREG LINN (WILLAMETTE VALLEY)	2009	185
CHARDONNAY, <i>RESERVE</i> NORTH VALLEY BY SOTER VINEYARDS (WILLAMETTE VALLEY)	2012	110
PINOT GRIS, <i>VITAE SPRINGS VINEYARD</i> ST. INNOCENT (WILLAMETTE VALLEY)	2012	65
PINOT GRIS, <i>MARESH VINEYARDS</i> TEUTONIC WINE CO. (DUNDEE HILLS)	2013	65

**CALIFORNIA**

CHARDONNAY, <i>TROUT GULCH</i> ARNOT-ROBERTS (SANTA CRUZ MOUNTAINS)	2013	115
CHARDONNAY, <i>WATSON RANCH</i> ARNOT-ROBERTS (NAPA VALLEY)	2013	105
CHARDONNAY, AUBERT (SONOMA COAST)	2011	150
CHARDONNAY, <i>LARRY HYDE &amp; SONS</i> AUBERT (CARNEROS)	2012	240
CHARDONNAY, <i>CHARLES HEINTZ VINEYARD</i> CERITAS (SONOMA COAST)	2012	140
CHARDONNAY, <i>PORTER BASS VINEYARD</i> CERITAS (SONOMA COAST)	2012	150
CHARDONNAY, HANZELL (SONOMA VALLEY)	2012	175
CHARDONNAY, <i>HYDE VINEYARD</i> HdV (CARNEROS)	2010	150
CHARDONNAY, <i>ELLEN LANE ESTATE</i> PAUL HOBBS	2012	185
CHARDONNAY, <i>LES NOISETIERS</i> KISTLER (SONOMA COAST)	2012	135
CHARDONNAY, <i>MARCASSIN VINEYARD</i> MARCASSIN (SONOMA COAST)	2010	425
CHARDONNAY, <i>THREE SISTERS VINEYARD</i> MARCASSIN (SONOMA COAST)	2010	265
CHARDONNAY, <b>ALTAMAREA</b> SANDHI (SANTA BARBARA COUNTY)	2012	76
CHARDONNAY, <i>DIERBERG VINEYARD</i> TYLER (SANTA MARIA VALLEY)	2012	125
CHARDONNAY, WENZLAU (STA. RITA HILLS)	2012	115
CHENIN BLANC, LIEU DIT (SANTA YNEZ VALLEY)	2013	60
CHENIN BLANC, SANDLANDS (AMADOR COUNTY)	2011	60
GRÜNER VELTLINER, <i>MEERESBODEN</i> TATOMER (SANTA BARBARA COUNTY)	2013	70
MELON, LIEU DIT (SANTA MARIA VALLEY)	2013	55
RIBOLLA GIALLA AMPHORA, <i>VARE VINEYARD</i> ARNOT-ROBERTS (NAPA VALLEY)	2012	105
<i>ESSENCE DE ROUSSANNE</i> CLOS SELÈNE (PASO ROBLES)	2010	149
SAUVIGNON BLANC, <i>L'APRÈS MIDI</i> PETER MICHAEL (KNIGHTS VALLEY)	2013	135
SAUVIGNON BLANC, <i>ST. ANDELAIN</i> SOLISTE (LAKE COUNTY)	2011	120
<i>LES PINOTS</i> LICHEN ESTATE	2012	75
<i>THE MOMENT</i> SINE QUA NON	2011	600
<i>VIN BLANC</i> VALLIN (SANTA YNEZ VALLEY)	2013	65

# EXHIBIT W



# WINES BY THE GLASS

## SPARKLING

Prosecco Valdobbiadene <i>Extra Dry</i> <b>Sorelle Bronca</b> (Veneto)	NV	12
Champagne <i>Brut 17</i> <b>J. Dumangin</b>	NV	22
Franciacorta <i>Rosé</i> <b>Il Mosnel</b> (Lombardia)	NV	19

## WHITES

Roero Arneis <i>Vigne Sparse</i> <b>Giovanni Almondo</b> (Piemonte)	2013	13
Sancerre <i>Vieilles Vignes</i> <b>Foret des Dames</b> (Loire Valley)	2013	16
Fiano di Avellino <i>Selvecorte</i> <b>Contrada</b> (Campania)	2012	14
Riesling Feinherb <b>Seehof</b> (Rheinhessen)	2012	15
Chardonnay <i>Altamarea Cuvée</i> <b>Sandhi</b> (Santa Barbara)	2012	20
Trebbiano d'Abruzzo <i>Altare</i> <b>Marramiero</b> (Abruzzo)	2010	18

## REDS

Côte de Brouilly <b>Nicole Chanrion</b> (Beaujolais)	2012	15
Pinot Noir <b>Banshee</b> (Sonoma)	2012	16
Barbaresco <b>Fenocchio</b> (Piemonte)	2010	22
Taurasi <b>Tenuta Ponte</b> (Campania)	2005	18
Primitivo <i>Criteri</i> <b>Schola Sarenti</b> (Puglia)	2012	13
Brunello di Montalcino <b>La Togata</b> (Toscana)	2008	26
Super Tuscan <i>Valdivanti</i> <b>Tolaini</b> (Toscana)	2009	19

# WHITE WINE

## UNITED STATES

217	Chardonnay <i>Ritchie's Vineyard</i> <b>Aubert</b> (Sonoma Coast)	2011	190
280	Chardonnay <i>Heintz Vineyard</i> <b>Ceritas</b> (Sonoma Coast)	2010	121
286	Chardonnay <i>La Source</i> <b>Evening Land</b> (Eola-Amity Hills)	2010	139
279	Chardonnay <i>Keefer Ranch</i> <b>Failla</b> (Russian River Valley)	2011	99
293	Chardonnay <i>Hyde Vineyard</i> <b>HdV</b> (Carneros)	2009	139
294	Chardonnay <i>McCrea Vineyard</i> <b>Kistler</b> (Sonoma Mountain)	2011	158
219	Chardonnay <i>Golden Slope</i> <b>Liquid Farm</b> (Sta. Rita Hills)	2012	118
483	Chardonnay <i>White Hill</i> <b>Liquid Farm</b> (Sta. Rita Hills)	2012	90
816	Chardonnay <b>Lola</b> (Sonoma Coast)	2013	58
794	Chardonnay <i>Marcassin</i> <b>Marcassin</b> (Sonoma Coast)	2010	335
221	Chardonnay <i>Marcassin</i> <b>Marcassin Vineyard</b> (Sonoma Coast)	2009	350
220	Chardonnay <i>Three Sisters Vineyard</i> <b>Marcassin</b> (Sonoma Coast)	2008	220
281	Chardonnay <i>Zio Tony Ranch</i> <b>Martinelli</b> (Russian River Valley)	2010	118
682	Chardonnay <i>Michael Mara</i> <b>Matthiasson</b> (Sonoma Coast)	2010	118
781	Chardonnay <i>La Carriere</i> <b>Peter Michael</b> (Knights Valley)	2012	195
295	Chardonnay <i>La Carriere</i> <b>Peter Michael</b> (Knights Valley)	2011	185
223	Chardonnay <i>Mon Plaisir</i> <b>Peter Michael</b> (Knights Valley)	2011	190
399	Chardonnay <b>Altamarea</b> <b>Sandhi</b> (Santa Barbara County)	2012	89
398	Sauvignon Blanc <i>McGinley Vineyard</i> <b>Habit Wine</b> (Happy Canyon)	2013	66
473	Sauvignon Blanc <i>L'Apres Midi</i> <b>Peter Michael</b> (Knights Valley)	2012	120
269	Pinot Gris <b>Eyrie</b> (Dundee Hills)	2012	57
272	White Blend <b>Matthiasson</b> (Napa Valley)	2011	80

# EXHIBIT X



## Private Label Customers

### Wine Country Stores



**Products: Moonshines: Regular, Maple, Cinnamon, Spiced Apple; Bourbon**

Terressentia is an outstanding resource for spirit production and concept development. Terressentia as company is reliable, accountable, creative and friendly. I have been totally satisfied in my business relation and look forward to achieving success together.

Scott Maybaum  
 Owner  
 Wine Country Stores  
 Bergenfield, NJ  
[www.winecountrystores.com](http://www.winecountrystores.com)  
[www.hushmoonshine.com](http://www.hushmoonshine.com)

### Maverick Southern Kitchens

**Products: Vodka, Citrus Vodka, Berry Vodka, Bourbon, Rum, Spiced Rum, Gin, Tequila**

We have been working with Terressentia spirits for the last two years for all of our restaurants and bars. The products are great, clean and consistent. Our guests rave about the quality and we use them for all of our house cocktails. Terressentia spirits give us a chance to differentiate ourselves from our competitors as well as providing us with a tool for strong brand marketing. I highly recommend considering Terressentia for consistent quality, outstanding service, and a chance for your business to stand out from the crowd.

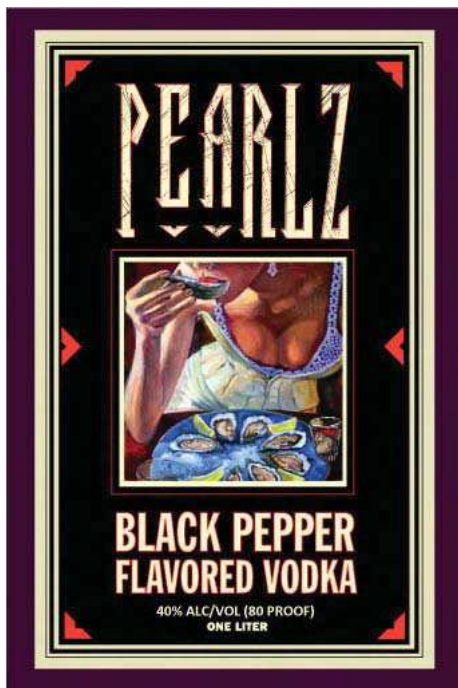
Patrick Emerson  
 Advanced Sommelier  
 Wine and Beverage Director  
 Maverick Southern Kitchens  
 Charleston, SC

[Maverick's dedicated spirits page](#)  
 [photo courtesy Maverick Southern Kitchens]



### TBonz Restaurant Group

## Products: Citrus Vodka, Black Pepper Vodka, 90 Proof Vodka, Bourbon, Rum, Gin



The Tbonz Restaurant Group started working with Terressentia one and a half years prior to my arrival. Several changes within our company, we were not able to complete the project.

One month into my position as Beverage Director, I was able to sit down with Susie and Earl to discuss completing our prior project. When I left our meeting that day, I knew immediately that we were entering a great partnership. Both Earl and Susie were accommodating, knowledgeable and were able to remove my skepticism that I had. Earl gave me a tour, explained the TerrePURE process in layman's terms, and introduced me to everyone on their team.

When it comes to training, the entire Terressentia team has been willing to modify their busy schedules to work for us. They know their product and are very proud of it. This enthusiasm for their product is apparent in every training session.

As of today, Terressentia bottles 6 products for us: Pearlz Citrus Vodka, Pearlz Black Pepper Vodka, Pearlz Vodka, Liberty Bourbon, Tbonz Gin and Flying Fish Rum. They have also built a recipe for another one of our specialty liquors while we wait for label approval.

You owe it to yourself and your business to employ Terressentia to design your product. You will not be disappointed!

Cheers,  
Al Simmons  
Charleston Regional Manager / Director of Beverage Operations  
Tbonz Restaurant Group

## Private Brand Customers

### Team Spirits

Dear Terressentia Team,

My team would like to thank you immensely for the amazing response to our demanding needs in such a timely manner! Today we launched our Team Spirits Line flawlessly with your incredible unmatched quality vodka! Your brand manager convinced us you were the right group for our project and we all certainly concur that the professional response and step by step consulting we received was second to none. We look forward to working together as we unfold our vision even further. You have made a measurable difference to our group as well as the larger community! Thanks for making this possible!

Team Spirits Inc, a Local Choice Member  
Join the coop and get rewarded for what you are already doing at [www.localchoice.us](http://www.localchoice.us)

### ByeJoe Spirits

Over the last few months, weeks, and days, I want to report that I have been really, really very impressed with your company!

It seems Terressentia's greatest asset is her people!

Paula has fought tirelessly to get us through the TTB quagmire, never ceasing to amaze us! Her devotion and time and sacrifice has stood as a model and standard of service for all. As we are about to launch our brand, we believe there is no better person to help us get through the next step and the next. Terressentia is fortunate to have her, and we are fortunate too!

Chip Alexandre has also really impressed us! He is truly knowledgeable of the industry minutia, and dedicated to help us make our brand and product better.

Joe Bosco amazed me, when he suggested a way for us to make our box generic, as a way to save money over the long term. This unsolicited out-of-the-box thinking shows that your team of professionals care.

Norma and Sonya have continued to come up with flavors that wow us, and please all who get a chance to sample! We can't wait to make more and more flavors

(I hope I'm not missing anyone, but I think you get the picture.)

Terressentia will surely succeed if it can continue to attract and retain this level of talent! We look forward to continuing our long-term partnership with your esteemed company!

Best regards,  
Matt Trusch

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## What Exactly is a "Private Label" Spirit?

A private label, "control brand," or "white label" spirit is a custom branded spirit made for off-premise retailers\* with an existing customer base who are looking to build brand loyalty, expand their high-quality offerings, improve their guest experience, and increase their profit margins.

"Private label" is a distinct product offering from "private brand," which is the creation of a new spirit owned by an individual. US federal regulations dictate that retailers are not allowed to **own** a brand themselves, but they may have a brand created for them by a spirits producer.

You can read more about the differences, as well as how to determine which category you fall into, [here](#).

For retailers looking to launch a line of their own brand of spirits, we offer a turn-key program designed to be as effortless as possible. **It's simple:** with a minimal amount of input required on your part, we create a brand concept and associated packaging designs for you.

We offer a complete line of both classic and exotic spirits, all at competitive pricing to comparable quality brands. The process is **cost free**, resulting in a real opportunity you can't afford to miss.

## Who Can Benefit from Private Label Spirits?

Anyone with an **off-premise retail liquor license** can benefit from a line of private label spirits.

### Typical Private Label Customers:

Liquor Store Chains  
Grocery Stores  
Big Box Retail Chains  
Military Exchanges  
Anyone else with an off-premise retail liquor license!

### Benefits:

Build Brand Loyalty  
Reduce Inventory Costs  
Increase Profits  
Increase Customer Satisfaction, Resulting in More Repeat Customers

Terressentia does **not** require signing of long-term contracts or up-front fees for our private label products. Further, we handle every aspect of the creation of the spirits for our customers. Everything from brand names to label and package design is taken care of without any extra effort on your part.

## How Are We Able to Do This?

Our exclusive **TerrePURE® technology** allows us to refine spirits from all over the world in our flexible SC-based distillery. This distillery contains multiple, state-of-the-art bottling lines, each specifically designed to be adaptable to rapidly changing customer needs. Unlike traditional distilleries (where a production change could take weeks and require large minimum orders to be cost efficient), our unique setup and technology allows us to work in small batches, without sacrificing quality or speed to market.

**Bottom line:** we can cost effectively produce each product in an "on demand" or "just in time" production environment. Start to finish, it takes approximately 12 hours to create a new batch of any single product, refine it, bottle it, and have it ready for shipping. With average timelines this short, you can see just how flexible our production is, allowing for rapid changes and minimal downtime.

Contact our Private Label sales team today

**GET IN TOUCH**

> [How to make a private label spirit](#)

> [What our customers say](#)

> [What makes Terressentia best choice for creating premium spirits](#)

Additionally, check out our Private Label [frequently asked questions](#) section for more information and answers to common questions.

**\*Our no fee private label program is strictly for those holding an off-premise retail liquor license.** Those looking to launch a new brand of spirits without liquor license should view our [private brand offering](#).

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## Private Label



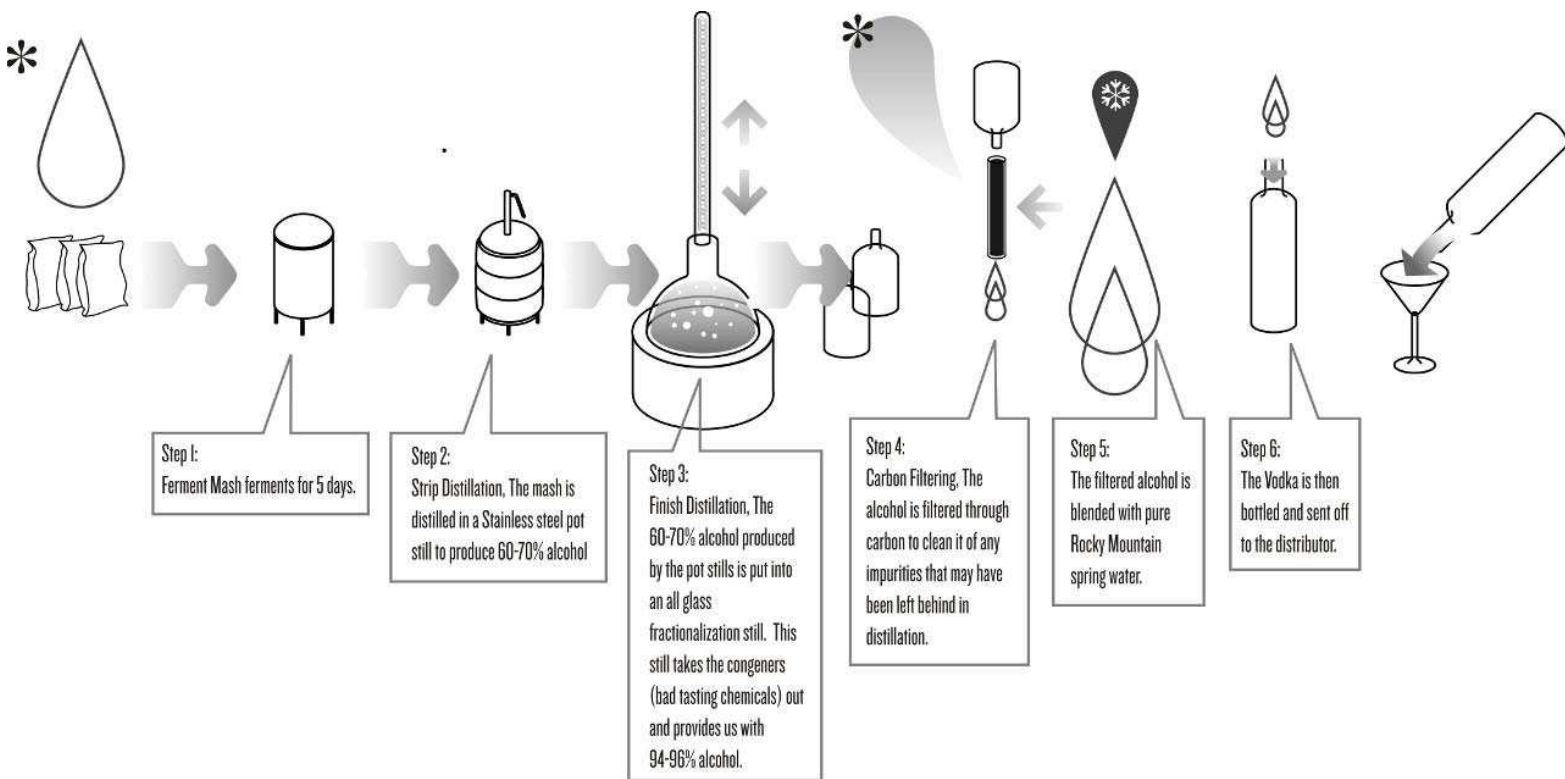
Mile High Spirits is a full service private label distillery that is geared towards offering the highest in quality and customer satisfaction. We pride ourselves on the ability to create the best spirits formulas while still maintaining affordable costing for all of our clients' needs. With a long history in private label and over 10 years of distilling experience, Mile High Spirits can consistently produce top shelf formulas that have taken down large industry moguls such as Grey Goose, Belvedere, and Three Olives in taste competitions.

It is our ability to merge our distilling talent with our customer service and marketing knowledge that allows for us to be the premier private label manufacturer in the country. We are a one stop shop for those looking to start their own brand of Vodka, Whiskey, Gin, Rum, Tequila, Brandy, or any other liquor/liqueur. With vast amounts of history and experience MHS can offer you a smooth journey through the process of customizing your Bottle, Artwork, Closure and of course your own Formula.

Mile High Spirits, one of the only private label distilleries in the country, is a producer of premium handcrafted spirits, creating private label brands for those seeking a more customized vodka recipe. We don't just give you an A,B, or C option but rather we build your formula from the ground up until it is exactly what you are looking for. We offer the ability for you to choose or blend a variety of distillates including, Sugar Cane, Wheat, Corn, Rye, Grape, Cherry, and many more.

Our distillation process puts us ahead of the pack in quality and finish. We are one of 4 distilleries in the world to

use an all glass still. This means that our distillation process does not pick up any metals or impurities from our stills, allowing for us to boast the highest in quality and purity.



(<http://www.drinkmilehighspirits.com/wp-content/themes/neemac/media/Diagram-Refined.jpg>)

Whether we're distilling for consumers or creating exclusive brands for clients, our goal is to always create a better, more enjoyable total brand experience—for you.

Please contact us at [Info@MileHighSpiritsLLC.com](mailto:Info@MileHighSpiritsLLC.com) to Inquire about starting your own brand!



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# EXHIBIT Y



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Volume 34; Issue 37

Private Party

Hayes, Laura

#### HEADNOTE

#### YOUNG & HUNGRY

The latest artisanal trend in D.C. restaurants? Branded booze.

It's Saturday night and you're trying a new restaurant. The server launches into a dramatic monologue about how they cure, pickle, brine, smoke, and bake everything in house.

You tune out a bit. Yeah, yeah, the chef made the gravlax and ground the wheat for the bread by hand; you've heard it before. But at a growing number of D.C. restaurants, those artisanal boasts are expanding to include a whole new part of the menu: the alcohol.

What was once mostly the domain of big-name, high-volume restaurants is now attainable for smaller operations, too. The added expense for bars or restaurants is next to nothing, just whatever it costs to design and print labels. Which means even more local establishments may soon be hawking their own brands on the bar menu soon.

How involved D.C. restaurants are with their private label beer, wine, or liquor varies-as does why they got into it. Some places are looking for a new way to connect with guests or boost their cool quotient by standing out from the pack. Others prefer to have a say in everything that hits the table, or just wanted to get into something different.

The beer taps at Daikaya, the Japanese izakaya and ramen restaurant in Chinatown, are the only ones on the planet serving a summer beer called 3 Stars Sansho Panza. That's because the restaurant teamed up with the Takoma-based brewery to make it, adding in yuzu and sansho peppers for flavor. The pairing came about because of chef/owner Katsuya Fukushima's friendship with 3 Stars founders Dave Coleman and Mike McGarvey.

There was no formal contract, nor was Daikaya charged a premium. "It was just a verbal agreement with Mike and Dave, and they worked with us on pricing since we sourced the yuzu and sansho peppers," says Daikaya chef de cuisine Michael Turner, who was closely involved in making the beer. "They charged us right about the same price as their other beer." And thus, the beer price for consumers (\$9) is on par with other pints at Daikaya.

Together, they made five months' worth of Sansho Panza in one batch, which was stored at 3 Stars. "We came in and brewed the whole day with them," Turner says. But the supply only lasted three months: Demand was higher than they expected. Now they're planning a new house beer for the fall, also with 3 Stars. The added effort is well worth it, according to Turner, who says the force behind the project is to add to the feeling that dinner at Daikaya is a unique experience that can't happen anywhere else.

At Founding Farmers, they've been making liquor with Rick Wasmund, the master distiller at Copper Fox Distillery in Sperryville, Va., for five years. "There are two ways of partnering with distilleries, and we've done both," says the restaurant group's beverage director, Jon Arroyo. "The first is when a large company, such as Knob Creek, reaches out to say they have a few barrels left for private labels. The second is an intimate partnership involving frequent visits and constant communication." Since the Founding Farmers Rye was Wasmund's first rye whiskey, it took more than a year to get it right, and Arroyo was there along the way, even mashing grain.

The arrangement was just as informal as the one at Daikaya. "The verbal agreement with Rick was that we would commit to selling a barrel worth of rye initially. However, due to the demand, we continue to make it and now move through 12 cases a month," Arroyo says. Copper Fox Distillery stands to gain too. "We have the credibility of our name working for us when forming partnerships making it beneficial for both parties," Arroyo added.

Arroyo loves collaborations. Next up is white wine called "Barn White" produced by Brooklyn blender Alie Shaper, followed by a pisco and a Virginia red thus broadening Founding Farmers' private label partners to four.

Likewise, the Red Hen, in Bloomingdale, will feature its own rosé on the wine list come spring. "We're extremely hands-on," says sommelier and co-owner Sebastian Zutant.

He's been visiting regularly and getting his hands dirty with Virginia Wineworks/Michael Shaps Winery, based in Charlottesville. It's a natural fit, given Zutant hopes to someday transition to winemaking full time. The harvest for the first batch is in the works, and the rosé should be ready in about six months.

Not every restaurant has the privilege of cutting their sommelier loose for the afternoon to trudge around in the vines. Which means their private label booze comes about from picking what they like best of their partners' products.

Chef and restaurateur Robert Wiedmaier, whose places include Marcel's, Brasserie Beck, and others, has a predilection for private labels. His Belgian beer, Antigoon, is well known. But, Wiedmaier also has a private wine-RW Cuvee, produced by Oregon's Patricia Green Cellars. "It's fresh and mouthwatering, with Patty's trademark full-bodied style," Wiedmaier says. "I just tasted it, and said I like it, let's do it." The restaurateur says it's a way to connect with his guests. "By ordering the Cuvee RW, they're drinking something I like enough to attach my name to. "

What's in it for the producer? Patricia Green Cellars co-owner Jim Anderson says a winery makes out better when the private wine is available by the glass and a different wine from the same vineyard is available by the bottle; a taste of the private wine helps sell the rest of their products. "We've seen higher sales because it gives people a sense of the quality of our wine," Anderson says. They're a small winery producing about 10,000 cases a year, so they have only a handful of private label partners (including D.C.'s Graffiato).

The Passenger used a similar "sample and select" process for its private label rye. Head bartender Alexandra Bookless says the whole staff visited Catoctin Creek Distilling Company in Purcellville, Va., to pick the perfect barrel of whiskey, bottle it, and bring it back. "We were looking for something different from their usual Roundstone Rye," Bookless says.

Catoctin Creek sets aside a dozen unique barrels for the use of its private label partners. "The barrel we selected had more caramel tones, more crème brûlée flavor, and more oak," Bookless says. They also requested that their rye be bottled at 100

proof, a little higher than Catoctin Creek's other ryes, since they use it in cocktails. (These days, people want to taste, not hide, the liquor in their drinks.)

Bookless says it's a big commitment, because the bar has to buy the whole barrel and it does cost more-but not because it says "The Passenger" on the bottle. Rather, you pay for the higher proof.

Why Catoctin Creek? Once again, the partnership stems from friendship. "We have a nice relationship with the Passenger," says Scott Harris, who owns the distillery with his wife Becky. "They were the first to carry our products in D. C. " Like Patricia Green Cellars, 3 Stars Brewing Company, and others, the program at Catoctin Creek isn't open to anyone. "It's a reward for our best customers, who consistently order the most product," Harris says. "We only select 12 barrels a year, so it's a limited opportunity. "

Some restaurants collaborate with producers much farther away, making it difficult to be very involved in the process. Two of the District's modern Greek restaurants, Kapnos and Iron Gate, have private label wines made in Greece.

Kapnos has both a red and white. The white, Monemvasia Kapnos Reserve from Paros, is particularly meaningful, because Kapnos partners George and Nick Pagonis have family there. "Every time they go to Paros, they visit the winery," says Wine & Service Director James Horn.

It's popular, too. "People want to drink wine at Kapnos, and when they see our name on the wine list they ask questions," Horn says. "Fortunately, we had a big hand in dictating its flavor profile, so there's a lot to tell. "

Neighborhood Restaurant Group Wine Director Brent Kroll also went to Greece to solidify a private label partnership for Iron Gate. They have a red and a white produced by Tselepos Estate in Peloponnese, both named "Rizes," the Greek word for roots. It turns out Iron Gate chef Anthony Chittum's wife is from the same town, a fun coincidence that was discovered after the partnership was in place. He knew it was the right fit. "If you do a label that reflects the family and the DNA of the restaurant concept, it adds heart, " Kroll says. "To the diner, it makes it feel more like you're in our home, and less of the restaurant-in-a-box feel. "

Kroll thinks it's wise to spend time with the winemaker. "I looked at the vines while I was there, and we talked about style, but Giannis Tselepos is an expert, so I wasn't playing puppeteer," he says. They got to know each other well, except for first names. "He nicknamed me Bob, because he has a hard time remembering names, but we clicked because I was eager to learn. "

Both of the private label wines at Iron Gate cost \$8 a glass and \$32 a bottle, the lowest prices you'll find on the wine list. The same holds true for the white (\$11 per glass, \$44 per bottle) and red (\$12 per glass, \$48 per bottle) at Kapnos. Across the board, it seems bars and restaurants with private labels price them to be accessible to guests in order to both move bottles off the shelf and share the story behind the beverages.

But discerning D.C. drinkers shouldn't automatically get excited when they see a bottle with a literal stamp of approval from the restaurant offered at an enticing price point. Though there's sentimentality behind it, there's also branding. "Everything's been done; you have to do new things to stand out," Kroll says. "We want people to see our name on the bottle. "

Eatery tips? Food pursuits? Send suggestions to [hungry@washingtoncitypaper.com](mailto:hungry@washingtoncitypaper.com).

#### ---- Index References ----

Company: THREE STARS BREWING COMPANY LLC; SPERRY MITCHELL AND CO INC; CATOCTIN CREEK DISTILLING COMPANY LLC; COPPER FOX METALS INC

Industry: (Bars & Nightclubs (1BA02); Restaurants & Food Service (1RE91); Entertainment (1EN08); Food & Beverage Production (1FO79); Retail (1RE82); Food & Beverage Distribution & Services (1FO39); Alcoholic Beverages (1AL86); Agriculture, Food & Beverage (1AG53); Beverages (1BE22))

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**NewsRoom**

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November 2003

Volume 17; Issue 11

Raise your glass: high product quality and competitive prices  
are swaying consumers to trade up to private label libations.  
Category review: beer, wine, spirits

All in all, private label libations fared well in the past year. In some cases, private label offerings even outpaced the sales growth of national brands, which helped to offset the marginal losses experienced on the spirit side of the business.

Within the wine segment, strong growth was paralleled by a top-shelf wine surplus that trickled down to benefit the private label value tier. Sales for the total private label wine category grew more than 36 percent to sales of more than \$21 million. Private label domestic wines followed suit, growing in sales 43.1 percent.

The wine surplus came as a result of advances in agriculture and winemaking technology. When wine prices raced up a few years ago, wine makers planted prolifically, dramatically raising the total acreage. And now that those vines are just starting to produce, the resulting surplus is allowing private label suppliers to enjoy the harvest too.

"In California in particular, with the availability of Napa and Sonoma-quality wine, we're starting to produce varieties that are single vineyard, sub-Appalachians that are legitimately the juice that costs \$35 to \$45 dollars a bottle. We can get at that now through relationships with the wine makers because the market is at a point where these suppliers have a couple thousand gallons that they're not using," says Brian McGonigle, vice president of retail and distributor development, Signature Wines, Haywood, Calif. "Two years ago you could have talked to a Napa producer whose average bottle price is \$40 and they would have laughed at you if you asked for two or three gallons of their product. Then, they couldn't make it fast enough. Now even the best ones have extra and if you know them and maintain good relationships with them, you can have access to it too. And if you do all the bottling and brand management, you can put it on the shelf for \$15 to \$20.

"Price-to-quality relationships will continue to improve, and private label will be one of the main drivers behind this development," he adds.

Insofar as merchandising private label wines, McGonigle suggests creating an intimate high-end wine shop environment within the retail space. "Wine is experiential and the purchasing experience should go hand in hand with the wine experience," he says.

"There are many ways to do this short of creating a tasting bar and in-store wine classes. The space designated for the wine section should be a somewhat self-contained space that better resembles a boutique wine shop.

"Better display shelves, use of barrels, wooden cases and other wood displays make a huge difference," he continues. "In Costco's own way, it has created some semblance of a wine shop within a huge club store footprint simply by employing wooden display cases. I think that has been a huge contributor to the rise of Costco as the No. 1 wine retailer."

McGonigle says Signature Wines has become a veritable package design and registration machine. He says that when he's approached by a retailer with the intent of making a private label wine he must first get a handle on the retailer's priorities, then they can work on both registering the brand and creating the varietal platform they're looking for. "There's a lot of variety among retailers when it comes to what they're trying to accomplish," he says. "Some are trying to create brands that don't have any direct affiliation with their retail brand--a control brand that can be their lead brand at a certain price point and one they can have their folks hand sell or promote so they can build a brand that's theirs. Others are attaching a brand to it, a fairly unique concept in the wine area."

"The right wine can be a real reputation builder if the wine is right. If the retailer is wine-centric enough to have someone hand selling their wine, it's a no-brainer to have something to really 'wow' the customer with a wine that can only be purchased at your store."

#### Bountiful beer

Sales for the entire private label beer/ale/alcoholic cider segment fell into the red in comparison to the previous year, down a total of 7.8 percent and buoyed only by a surge in private label alcoholic ciders--a category with sales that shot up nearly 57 percent since last year.

Dave Pergl, vice president of marketing, Logret Import and Export Co., City of Industry, Calif., attributes this phenomenon to the changing climate of private label beer retail execution, namely the disparity regarding what's set out to be done with private label brands and what's actually done.

"The biggest problem hindering the forward growth of private label/corporate brand beer is that retail senior management are used to the segment being dominated by direct store distribution (DSD)," he says. "A couple of markets are beginning to change their management incentive structure from the top down so that the store manager is responsible for his corporate brand goods, whether he has DSD service or not. Furthermore, many chairmen say they believe in the value and merits of private label but when push comes to shove, the private label game plan is never executed as planned."

"We invested millions in a plant and graphics on the belief the retailer controlled his destiny at store level. Even when we're using a distributor, we come to find out that it isn't true," he continues. "Although some of the major chains are beginning to restructure their management system so that part of their pay is related to their performance on corporate brands."

Pergl emphasizes that success is directly related to a retailer's efforts when it comes to promoting their own product. "It's all about retailer execution at retail, schematic discipline, display activity and ad activity. The brands that get that grow and prosper," he says. "Retailers are beginning to recognize their ability to control a portion of their business and maintain it to build customer loyalty in addition to the margin they can gain."

#### Seek spirits

In contrast to the performance of its category mates, private label spirits on the whole took a minor hit last year. But despite posting minimal losses, Bruce Alvino, vice president of sales and marketing, Levecke Corp., Mira Loma, Calif., asserts there has never been a better time to be in the premium private label spirit business.

"Chain stores have made a decision," he says. "They want to compete in all categories of the liquor business, not just the popular-priced, low-end stuff. They want to get into the premium, mid-premium and super-premium categories with their control brands that have no store identification on them because they know they can make more profit on it."

Alvino points out last year's increase in liquor consumption--a first in ten years. Top performers in premium private label spirits were flavored varietals like banana, pineapple, coconut and mango rums and vanilla and mandarin vodkas.

Alvino says that while value-priced spirits have been around for some time, premium private label spirits have only recently emerged in the past two years to fill a void of an unquenched market niche. The key, he says, is to come to market with a high-quality private label offering that's equal in every way to its competition, except on price.

As for the private label spirit category's growth opportunities, Alvino advises perspective players to come to the table with a solid and committed game plan. "If customers want to compete and spend the time to put together a top-notch program, the sky is the limit," he says. "It all depends on how aggressive the chain wants to get."

#### PL SALES BREAKOUT

Food/Bev 84%

Non-food 8%

General Merchandise 3%

HBA 5%

One fourth of the  
food/bev number is

PL bread, milk, eggs.

The majority of private label sales  
are from food/beverage categories.

Total U.S.; 52 weeks ending April 19, 2003; Food/Drug/Mass including  
Wal-Mart.

Note: Table made from pie chart.

#### ---- Index References ----

Company: COSTCO WHOLESALE CORP

News Subject: (Sales (1SA20); Business Management (1BU42); Market Share (1MA91); Sales & Marketing (1MA51))

Industry: (Store Brands (1ST78); Alcoholic Beverages (1AL86); Beverages (1BE22); Wines (1WI47); Food & Beverage Production (1FO79); Agriculture, Food & Beverage (1AG53); Wine Production (1WI92))

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## Private-label wine flows onto menus: casual-dining operators capitalize on novelty factor, high margins.

[1] Anonymous Private-label wine flows onto menus: Casual-dining operators capitalize on novelty factor, high margins. Nation's Restaurant News 44(12), pp. 1. 2010.

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### ▣ Abstract (summary)

A growing dining chains are going into private practice when it comes to augmenting their wine lists.

[ILLUSTRATION OMITTED]

Over the past few months, both Maggiano's Little Italy and P.F. Chang's have popped the corks on private-label wines, joining the ranks of upscale steakhouses like Ruth's Chris and a number of high-end independents and hotels that have been offering them for several years.

The emerging trend toward showcasing proprietary-label wines offers a number of advantages for chain operators, experts say, not the least of which is the ability to enjoy a higher profit margin on bottle and by-the-glass sales.

Showcasing private-label varietals also enables operators to further differentiate their brands from the competition, they add.

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### ▣ Full Text

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[ILLUSTRATION OMITTED]

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The emerging trend toward showcasing proprietary-label wines offers a number of advantages for chain operators, experts say, not the least of which is the ability to enjoy a higher profit margin on bottle and by-the-glass sales.

Showcasing private-label varietals also enables operators to further differentiate their brands from the competition, they add.

"A lot of hotels have created private-label wines," said Angie Eckelkamp, a marketing manager who works with Maggiano's beverage innovation team. "Restaurants seem to be moving that way."

Eckelkamp helped bring the private-label Salut Amico wine to all 44 U.S. units of the Brinker International brand in April.

"It's a unique, signature offering that's kind of special to offer to our guests," Eckelkamp said. "We had talked a long time with Constellation [Brands Inc., the wine company based in Victor, N.Y.] about creating a signature wine specifically for Maggiano's. We wanted to give our guests a unique offering."

A private-label wine works especially well for an upper-end concept, said Eileen Fredrikson, partner in the Gomberg, Fredrikson & Associates consultancy in Woodside, Calif.

"Wine is a part of the ethos of the place," she said.

David Henkes, vice president at the Technomic consultancy in Chicago, said house wines were included in 49 percent of wine occasions in the fourth quarter of last year, up from 43 percent in the fourth quarter a year before.

"It's certainly something the consumers are demanding," said Henkes, who is Technomic's onpremise practice leader. "Because it's a survey, we don't get into a lot of the 'whys' about it. But clearly it's a value perception. There's a perception in the mind of the consumer that house wines are a better value."

The deep economic downturn has led customers to either cut back on wine purchases or buy down to lower-priced offerings, such as more moderately priced house wines of all sorts. As the recession headed toward its depths in late 2008, wine purchases took a nosedive, Henkes observed.

"Those who were drinking were much more value-conscious," he said. "You are seeing the chains respond to the value perception."

An advantage for restaurant operators of offering private-label wines is that it allows them to offer guests a differentiated sort of experience.

"The more sophisticated wine drinkers may be comparing labels, or varietals or types of wine to what they are buying in a [retail] store or other restaurants," Henkes said. "What this does is give consumers an opportunity to get something they can't get anywhere else."

Some psychology also is at play. Private-label wines have no "street pricing," so the chain can set the prices to benefit the house.

With no reference points, Henkes said, it "prevents consumers from doing that sort of mental comparison in their mind that says this should be X dollars, and it allows the restaurant operator a little more leeway in terms of what they can charge and how they position that wine."

Jonathan A. Gelula, president of KDM Global Partners LLC, creates proprietary-label wines for hotels and restaurants. Besides higher profit margins for both wines-by-the-glass and bottle sales, the private-label wines help ensure against "sticker shock"--especially valuable in weak economic times.

[ILLUSTRATION OMITTED]

"When customers recognize a brand on a restaurant's wine menu and see that the restaurant is earning upwards of a 300-percent margin on that bottle, this creates dissonance," Gelula said. "No restaurant wants to alienate its clientele, especially during a recession, where business is already down. The margin earned by the restaurant on its own private-label wine is not transparent--i.e., the restaurant may be

earning an even higher margin, but only the owner knows since that bottle is not available for sale elsewhere."

Gelula also said it helps accentuate a restaurant's brand, cultivating customer loyalty for both food and wine.

For four years Ruth's Chris Steak House has been offering a private-label Parducci Pinot Noir. Last June, a spokeswoman said the 117-unit high-end chain added Mendocino Fog Cabernet, Chardonnay and Merlot and then in August 2009 a proprietary Fess Parker Red Blend.

Maggiano's decided to work with the Italy-based Ruffino, with which it had teamed in the past to showcase exclusive wines.

"The process took a little over a year," Eckelkamp said. "We're an Italian concept, and Ruffino is an Italian winery, so it fit perfectly."

Maggiano's team started to talk with the winery back in March 2009. It conducted tastings, held a contest to name the wine, created the copy and label, and forecast sales, and then Constellation worked with Ruffino and distributors to get the wine into the U.S. locations. The wine appeared in U.S. Maggiano's stores this past April, more than a year after the process began.

Eckelkamp said Maggiano's marketing team developed the label and copy that went on the wine, called Salut Amico, which means "Cheers, Friends."

Maggiano's has 87 wines on its list, and Salut Amico got a marketing bump for its debut with table tents and special events. "Sales have been really nice," Eckelkamp said. Margins, she added, "have been in line with our other wines."

P.F. Chang's China Bistro introduced its two private-label wines in April: a Sauvignon Blanc and a Syrah blend. They are merchandised under the label Vineyard 518, said P.F. Chang's, which noted that 518 in Chinese numerology means "I will prosper."

P.F. Chang's, which operates 197 bistros, worked with Wattle Creek Winery in Mendocino, Calif., to make the wine especially for the Chinese-based menu.

"The fruit for Vineyard 518 comes from the Yorkville Highlands appellation in Mendocino, a high-altitude, coastal growing region that offers full varietal expression as well as crisp, refreshing balance," the company said. The wines are priced at \$4.50 for a half glass, \$7.50 for a full glass and \$15.50 for a half carafe, the company said.

Maggiano's new wine already has developed fans among customers who, while pleased that they can order Salut Amico in the restaurants, find themselves a little disappointed, too.

"Some of our guests have asked us if they can buy bottles in the restaurant and take them home," Eckelkamp said, "which is not legal in any of our states. So it's a very unique offering."

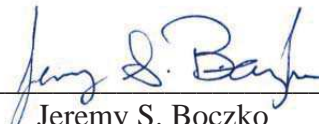
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I hereby certify that a true and correct copy of the foregoing *Report of Investigation, Finding, and Opinions of in the Above-Captioned Cancellation Proceeding on behalf of Petitioner Tao Licensing, LLC by James William Bonbrest* was served by first class mail, postage prepaid, upon Registrant's counsel of record on the 20<sup>th</sup> day of November 20, 2014, at the following address:

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Jeremy S. Boczko

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I hereby certify that a true copy of the foregoing **EXPERT TESTIMONY OF JAMES WILLIAM BONBREST WITH EXHIBITS** was served on the parties or counsel on the 21st day of December 2015 in the manner and at the address as indicated below:

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