

APPENDIX "A"

Affidavit of Heat Cigar & Hookah Lounge by Ali Issa

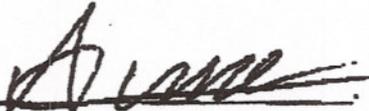
State of Kansas
County of Sedgwick, s.s.:

Comes now Affiant and on his oath states:

1. I am the owner of Intervenor Phoenician Room Inc. which does business as the Heat Cigar & Hookah Lounge. This business is licensed as a drinking establishment by the Kansas Alcoholic Beverage Control.
2. A Hookah is a tobacco pipe of Near Eastern origin with a long, flexible tube by which the smoke is drawn through a jar of water and thus cooled. Said pipes are installed on my premises.
3. My customers consist primarily of smokers and individuals who believe in the rights of others to smoke freely in privately owned places open to the public.
4. My customers are threatened with imminent injury as a result of the state smoking bans, which said injury includes potential fines and a diminution of expressive association rights.
5. The smoking restrictions imposed HB 2221 interfere with the rights and privileges of my customers to associate with other smokers in a wide variety of political, social, economic, educational, religious and cultural ends, as the act of smoking - for smokers - is essential for the full enjoyment, appreciation and participation of those activities.
6. My establishment is a cultural experience involving smoking. This implicated right, which has been regulated by local government will be curtailed by the State smoking ban, includes the freedom to associate in privately owned places open to the public, particularly restaurants and bars.
7. Based on my knowledge of the hospitality industry and the experiences of others of which I have knowledge I expect a reduction in my business by 40% which represents a loss of gross revenue of approximately \$20,000 in sales based on my experience.
8. Certainly, for smokers, smoking is so inherent in the act of socializing and conversing, in relaxing, and in enjoying the comforts of public life, that to bar smoking in privately owned places open to the public deprives smokers of a necessary venue for conducting their private social lives.

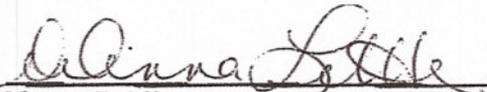
INTERVENOR requests that this Court grant Plaintiff's and Intervenor's application for relief in its entirety.

FURTHER AFFIANT SAITH NOT.


Ali Issa

Subscribed and sworn to before me this 22 day of June, 2010.

DIAnna Little
NOTARY PUBLIC
STATE OF KANSAS
MY APPT. EXPIRES 2-4-2013


Notary Public

APPENDIX "B"

Affidavit of Marvin Andrews Bingo Palace

State of Kansas
County of Sedgwick, s.s.:

Comes now Affiant and on his oath states:

1. The undersigned operates three facilities where bingo is conducted in Wichita, Kansas.
2. These bingo games benefit charitable organizations in Kansas.
3. That based upon his observations and intimate knowledge of his business nearly 90% of the participants at bingo upon his premises smoke.
4. That based upon his conversations with persons who smoke and frequent the Bingo Palace he estimates a player reduction of 40 to 50%.
5. That he is aware that last year the City of Hutchinson, Kansas enacted a smoking ban.
6. That in that city a bingo operator named Charles Griffin, whose establishment as a result of that ordinance became non smoking, lost such a significant number of players that he has closed his doors and gone out-of-business as a result.
7. That a reduction of 40-50% would be of such magnitude that it is likely the affiant too would end up closing.
8. That it appears that Class A clubs and private clubs which conduct bingo for charitable ends could still have smoking but that he, being open to the public, could not, which does not seem fair nor does there appear to be any justification.
9. The loss of customer loyalty and goodwill will be irreparable.
10. Based upon his experience if there is an alternative place players can smoke at the same time as they play bingo these customers will not return.

FURTHER AFFIANT SAITH NOT.



Marvin Andrews

 Marvin Andrews

Subscribed and sworn to before me this 22nd day of June, 2010

John White

 Notary Public