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# Group of Utah bars and restaurants file suit seeking to end 10 pm alcohol curfew

By Graham Dudley, KSL.com | Updated - Dec. 10, 2020 at 3:57 p.m. | Posted - Dec. 10, 2020 at 12:09 p.m.



(KSL TV, File)

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SALT LAKE CITY — A group of Utah bar and restaurant owners have filed a lawsuit against Gov. Gary Herbert and Richard Saunders, the interim executive director of the

Utah Department of Health, over the state's 10 p.m. curfew on alcohol sales.

In a complaint for declaratory and injunctive relief filed Thursday in Utah's 3rd District Court, the plaintiffs say the curfew is "an unreasonable restriction on the business

the Governor or Utah Department of Health that this restriction is necessary or narrowly tailored to prevent the spread" of COVID-19.

"Plaintiffs include 10 entities that own and operate bars and restaurants across the State," the lawsuit says, "who are struggling to or who can no longer pay their employees, rent, mortgages, insurance premiums, and are on the verge of losing their businesses as a direct result of this restriction."

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The plaintiffs on the suit include Twist Bar & Bistro, Area 51, Wing Nutz's Orem and Spanish Fork locations, the Sun Trapp bar, two locations of The Break Bar & Grill, Willies Lounge and Big Willies.

The 10 p.m. curfew on Utah alcohol sales [first went into effect on Nov. 8](#) as Herbert announced sweeping, temporary restrictions to halt the spread of COVID-19. But while most of those provisions were allowed to expire, the curfew was extended and is [still in place](#).

The curfew is designed to close bars at their busiest hours, especially on weekends, when they sometimes become crowded and physical distancing hard to maintain.

The Utah Department of Health declined to comment on the litigation, instead deferring to the governor's office. But Herbert spokeswoman Brooke Scheffler also declined to

## Save Utah Jobs

Sean Neves' Water Witch bar is not a plaintiff on the lawsuit. But it is part of a campaign to lobby state and federal lawmakers for immediate aid for the hospitality industry — before even more bars and restaurants go belly-up.

The [Save Utah Jobs campaign](#), spearheaded by the team at Alibi Bar & Place and assisted by Salt Lake County Councilwoman Shireen Ghorbani, now counts more than 100 participant bars, restaurants, barber shops and more. The campaign's focus is on securing more federal coronavirus aid and calls on Utah Sens. Mike Lee and Mitt Romney to be leaders in that negotiation.

Neves said more federal help is overdue. "I don't know anybody who's operating at a profit" in the food and beverage industry, he told KSL.com. "That's not hyperbole."

He said the campaign has been in touch with Lee's staff and had an "open discussion" with his team. Romney press secretary Arielle Mueller also provided a statement to KSL.com.

"During ongoing COVID relief negotiations, Senator Romney has been fighting to provide much-needed relief for Utah's struggling small businesses, including for those in the restaurant and hospitality industry," Mueller said. "He is part of a bipartisan group of senators working to get a relief package passed before the end of the year that would provide relief for the restaurant and hospitality industry, extend unemployment benefits for workers, and enact liability protections for employers and small businesses."

Romney was part of a group that [unveiled a \\$908 billion relief plan on Dec. 1](#); negotiations on a new relief package are ongoing.

On Dec. 1, Ghobani told KSL NewsRadio's Lee Lonsberry that the hospitality industry, "in particular," is seeing "devastating impacts" from the pandemic and associated restrictions. "Over 452 Utah restaurants have already closed," Ghobani said, "and there are many that are hanging on just by a thread."

In addition to the push for additional coronavirus relief funds, [Neves has been active in the effort to change Utah law](#) and allow, among other things, bars to sell cocktails to go, for home consumption. Those conversations are ongoing, he said, and may be more fruitful during the upcoming 2021 general session of the Legislature.

But for now, Neves said the most immediate and pressing need is for additional monetary assistance.

"If we're asked to wait until January or February," he said, "it could wipe out our industry. ... At some point, there's a final straw and it just doesn't make any sense to be open. I'm hearing that right now from a number of very, very reputable bars and restaurants right now, consideration of closing."

He said Utah's hospitality industry has "fallen on the sword, willingly, for the health of our community. So we're just asking for assistance."

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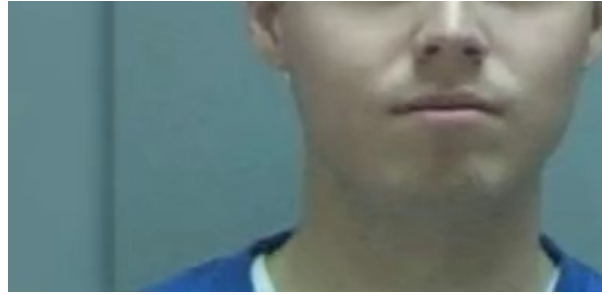


**Graham Dudley**



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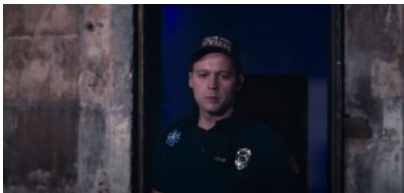
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