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2 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
3 **FOR THE COUNTY OF ALAMEDA**

4 JOHN DUNDON and AARON
5 ASELTINE, on behalf of themselves and
6 all others similarly situated,

7 Plaintiffs,

8 v.

9 CHIPOTLE MEXICAN GRILL, INC.,

10 Defendant.

Case No. RG21088118

CLASS ACTION

**DECLARATION OF ERIC N.
KIERKEGAARD ON NOTICE PROGRAM
AND CLAIM REVIEW**

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13 I, Eric Kierkegaard, declare as follows:

14 1. My name is Eric N. Kierkegaard, I am a Project Director employed by Epiq Class
15 Action & Claims Solutions, Inc. (“Epiq”). I have more than fifteen years of experience handling all
16 aspects of settlement administrations. The statements of fact in this declaration are based on my
17 personal knowledge and information provided to me by my colleagues in the ordinary course of
18 business, and if called on to do so, I could and would testify competently thereto.

19 2. This declaration supplements the May 10, 2022, Declaration of Cameron R. Azari, and
20 provides updated settlement administration statistics for the *Aaron Aseltine and John Dundon v.*
21 *Chipotle Mexican Grill, Inc.* Settlement, Case No. RG21088118 in the Superior Court of the State of
22 California for the County of Alameda.

23 ***Individual Notice***

24 3. On February 21, 2022, Epiq began sending Email Notices to all identified Settlement
25 Rewards and Non-Rewards Class Members. Each Email Notice included a unique identification
26 number (“Unique ID”) where the recipient Class Member could then access the Settlement Website
27 to submit a Claim Form that would associate to the business record details provided by the Defendant.
28 An Email Notice was successfully delivered to 7,443,989 of the 7,754,080 unique, identified

1 Settlement Class Members to whom Epiq sent Notice.

2 ***Settlement Website***

3 4. The dedicated Settlement Website, www.DeliveryFeeSettlement.com, continues to be
4 available 24 hours per day, 7 days per week. Settlement Class Members can download relevant case
5 documents, review answers to frequently asked questions (“FAQs”) and instructions for how
6 Settlement Class Members may request exclusion from or object to the Settlement, and obtain contact
7 information for the Class Action Settlement Administrator. In addition, visitors to the Settlement
8 Website can conveniently file a Settlement Claim Form online using their unique ID number that was
9 included in the Email Notice they received. As of June 16, 2022, there have been 276,536 visitor
10 sessions to the Settlement Website and 726,761 website pages presented.

11 ***Toll-Free Number***

12 5. The toll-free telephone number, 1-855-675-3034, established for the Settlement
13 continues to allow Settlement Class Members to call for additional information and listen to answers
14 to FAQs. This automated telephone system is available 24 hours per day, 7 days per week. As of June
15 16, 2022, there have been 2,246 calls to the toll-free telephone number representing 6,097 minutes of use.

16 ***Postal Mailing Address Information***

17 6. The post office box established for the Settlement continues to be available, allowing
18 Settlement Class Members to contact the Class Action Settlement Administrator by mail with any
19 specific requests or questions.

20 ***Requests for Exclusion and Objections***

21 7. The deadline to request exclusion from the Settlement or to object to the Settlement
22 was May 25, 2022. As of June 16, 2022, Epiq has received seven (7) requests for exclusion¹, and Epiq
23 is aware of one (1) objection filed thus far. Prior to the July 12, 2022, Final Approval Hearing, Epiq
24 will provide a final report of all valid requests for exclusion received, as well as comment on any
25 objections that may be received that address adequacy of notice.

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¹ Two (2) received exclusion requests have been submitted by non-Class Members.

1 *Status of Claims Process*

2 8. The deadline for Settlement Class Members to file a Claim is June 28, 2022. As of June
3 16, 2022, Epiq has received 92,562 Settlement Claim Forms – 85,008 submissions from the Rewards
4 Member Settlement Subclass and 7,554 submissions from the Non-Rewards Member Settlement
5 Subclass.

6 9. Following discussions with Class Counsel and Counsel for the Defendant, Epiq
7 analyzed all Claim Form submitter’s first name, last name, and email address against the business
8 records supplied by the Defendant. Following review, it was determined that 244 Claim Form
9 submitters had first name, last name, and emails that did not match a single data point from the business
10 records supplied by the Defendant. The Parties have confirmed to Epiq that these submissions should
11 be considered invalid.

12 I declare under penalty of perjury that the foregoing is true and correct. Executed on this 23rd
13 day of June 2022.

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16 _____
Eric N. Kierkegaard