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Attorneys for Plaintiff and the Class

ELECTRONICALLY FILED
Superior Court of California,
County of Alameda
11/08/2021 at 04:08:27 PM
By: Darmekia Oliver, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

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

Plaintiffs,

v.

CHIPOTLE MEXICAN GRILL, INC.,

Defendant.

Case No. RG21088118
Assigned for All Purposes to:
Hon. Evelio Grillo
Dept. 21

CLASS ACTION

**NOTICE OF MOTION AND UNOPPOSED
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

**[Memorandum of Points and Authorities;
Declaration of Jeffrey D. Kaliel; and
[Proposed] Order Filed Concurrently
herewith]**

Hearing Date: November 12, 2021
Time: 10:00 a.m.
Department: 21

Action filed: February 4, 2021
Trial date: None

Reservation No. 597542236012

1 **TO THE COURT, TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on December 10, 2021, at 10:00 a.m. or as soon thereafter as
3 counsel may be heard by this Court in Department 21, located at the Rene Davidson Courthouse,
4 1225 Fallon Street, Oakland, California 94612, Plaintiffs Aaron Aseltine and John Dundon will and
5 hereby do move for an order:

6 1. Granting preliminary approval of the Settlement Agreement and Release attached as
7 **Exhibit 1** to the Memorandum of Points and Authorities In Support of Unopposed Motion for
8 Preliminary Approval of Class Action Settlement filed herewith;

9 2. Certifying, for settlement purposes only, the Class defined as:

10 **Settlement Class** means all persons who made a food delivery order through
11 Chipotle's App or Website during the Class Period, including persons who are part of
12 the Non-Rewards Member Settlement Subclass and the Rewards Member Settlement
Subclass.

13 3. Directing dissemination of notice in the form and manner set forth in the Settlement
14 Agreement and Release; and

15 4. Setting a date for final approval hearing.

16 A Copy of the [Proposed] Order Certifying Class for Settlement Purposes and Granting
17 Preliminary Approval of Class Settlement is being filed concurrently with this Motion as Exhibit 4
18 to the Memorandum of Points and Authorities.

19 This Motion is based on this Notice of Unopposed Motion; the Memorandum of Points and
20 Authorities; the Declaration of Jeffrey D. Kaliel; the papers and pleadings on file with the Court;
21 and on such other evidence, information, or material as may be presented to the Court.

22
23 Dated: November 1, 2021

KALIELGOLD PLLC

24
25 By: /s/ Jeffrey D. Kaliel

Jeffrey D. Kaliel

Sophia G. Gold

26
27 *Attorneys for Plaintiffs and the Classes*



Make a Reservation

Aseltine VS Chipotle Mexican Grill, Inc

Case Number: RG21088118 Case Type: Unlimited Civil Category: Other Commercial/Business Tort (not fraud/ breach of contract)

Date Filed: 2021-02-04 Location: Rene C. Davidson Courthouse - Department 21

Reservation

Case Name: Aseltine VS Chipotle Mexican Grill, Inc	Case Number: RG21088118
Type: Motion re: (For Preliminary Approval of Class Action Settlement and for Class Certification)	Status: RESERVED
Filing Party: Aaron Aseltine (Plaintiff)	Location: Rene C. Davidson Alameda County Courthouse - Department 21
Date/Time: 11/12/2021 10:00 AM	Number of Motions: 1
Reservation ID: 597542236012	Confirmation Code: CR-F8XB3Z8D86SZWAYQR

Fees

Description	Fee	Qty	Amount
Motion re: (name extension)	0.00	1	0.00
Court Technology Fee	1.00	1	1.00
TOTAL			\$1.00

Payment

Amount:

\$1.00

Type:

Visa

Account Number:

XXXX4183

Authorization:

02634G

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1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF ALAMEDA**

3 I am employed in the District of Columbia. I am over the age of 18 and not a party to the
4 within action. My business address is 1100 15th Street NW, 4th Floor, Washington, DC 20005.

5 On **November 1, 2021**, I served the document(s) described as:

6 **NOTICE OF MOTION AND UNOPPOSED MOTION FOR PRELIMINARY**
7 **APPROVAL OF CLASS ACTION SETTLEMENT**

8 on the interested parties in this action by sending the original [or] a true copy thereof
9 to interested parties as follows [or] as stated on the attached service list:

10 **DLA PIPER LLP (US)**
11 ANGELA C. AGRUSA (SBN 131337)
angela.agrusa@us.dlapiper.com
12 SHANNON E. DUDIC (SBN 261135)
shannon.dudic@us.dlapiper.com
13 2000 Avenue of the Stars
14 Suite 400 North Tower
15 Los Angeles, California 90067-4704
16 Tel: 310.595.3000
17 Fax: 310.595.3300

Attorneys for Defendant,
CHIPOLTE MEXICAN
GRILL, INC.

18 **BY MAIL (ENCLOSED IN A SEALED ENVELOPE):** I deposited the envelope(s)
19 for mailing in the ordinary course of business at Los Angeles, California. I am “readily
20 familiar” with this firm’s practice of collection and processing correspondence for
21 mailing. Under that practice, sealed envelopes are deposited with the U.S. Postal
22 Service that same day in the ordinary course of business with postage thereon fully
23 prepaid at Los Angeles, California.

24 **BY E-MAIL:** I hereby certify that this document was served from Los Angeles,
25 California, by e-mail delivery on the parties listed herein at their most recent known e-
26 mail address or e-mail of record in this action.

27 **BY FAX:** I hereby certify that this document was served from Los Angeles, California,
28 by facsimile delivery on the parties listed herein at their most recent fax number of
record in this action.

BY PERSONAL SERVICE: I delivered the document, enclosed in a sealed envelope,
by hand to the offices of the addressee(s) named herein.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct. Executed this **November 1, 2021**, at Los Angeles, California.

NEVA R. GARCIA


Signature