

USDC SCAN INDEX SHEET



KAJ 10/3/05 13:45

3:05-CV-01660 ANTONINETTI V. CHIPOTLE MEXICAN

3

ANS.

1 RYAN A. WILLIAMS, CA Bar No. 226579
2 MESSNER & REEVES, LLC
3 Attorneys at Law
4 1430 Wynkoop Street, Suite 400
5 Denver, CO 80202
6 Telephone: (303) 623-1800
7 Facsimile: (303) 623-0552

8 Attorneys for Defendant
9 CHIPOTLE MEXICAN GRILL, INC.

FILED
05 OCT -3 AM 10:13

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 MAURIZIO ANTONINETTI,

13 Plaintiff,

CASE NO. CV05-1660 J WMC

14 v.

15 CHIPOTLE MEXICAN GRILL, INC. and DOES 1
16 through 10, inclusive,

ANSWER TO COMPLAINT

17 Defendants.

Date Filed: October 3, 2005

18 Defendant, Chipotle Mexican Grill, Inc. ("Chipotle" or "Defendant"), a Delaware
19 corporation, by and through its attorneys, Messner & Reeves, LLC, hereby answers Plaintiff's
20 Complaint as follows:

21 **RESPONSES TO PLAINTIFF'S ALLEGATIONS**

22 1. As a statement constituting a legal conclusion, no response to Paragraph 1 is
23 required. To the extent that a response is required, Defendant denies all additional allegations in
24 Paragraph 1.

25 2. As a statement constituting a legal conclusion, no response to Paragraph 2 is
26 required. To the extent that a response is required, Defendant denies all additional allegations in
27 Paragraph 2.

3

1 3. As a statement constituting a legal conclusion, no response to Paragraph 3 is
2 required. To the extent that a response is required, Defendant denies all additional allegations in
3 Paragraph 3, including that it violated Plaintiff's civil rights or caused Plaintiff damages.

4 4. Defendant admits that it was doing business under the laws of California and that it
5 operates a Chipotle Mexican Grill restaurant located at the subject properties. Defendant further
6 admits that it is a lessee of the subject properties. To the extent that Paragraph 4 sets forth further
7 allegations, those allegations are denied.

8 5. Defendant admits that it is a lessee of the subject properties. To the extent that a
9 response is required, Defendant denies all additional allegations in Paragraph 5.

10 6. Defendant is without sufficient knowledge or information to either admit or deny
11 the allegations of Paragraph 6, and therefore denies the same.

12 7. Denied.

13 8. Defendant is without sufficient knowledge or information to either admit or deny
14 the allegations of Paragraph 8, and therefore denies the same.

15 9. Denied.

16 10. Denied.

17 11. Defendant denies Plaintiff was injured, or is entitled to relief. To the extent that
18 Paragraph 11 sets forth additional allegations, Defendant is without sufficient knowledge or
19 information to either admit or deny the allegations of Paragraph 11, and therefore denies the same.

20 12. Denied.

21 13. Denied

22 14. Denied.

23 15. No response required.

24 16. As a statement constituting a legal conclusion, no response to Paragraph 16 is
25 required. To the extent that a response is required, Defendant denies all additional allegations in
26 Paragraph 16.

27 17. Defendant denies that Plaintiff is entitled to any relief.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

18. Defendant denies that Plaintiff is entitled to any relief.

19. No response required.

20. Denied.

21. Denied.

22. Denied.

23. Defendant denies that Plaintiff is entitled to any relief.

24. No response required.

25. As a statement constituting a legal conclusion, no response to Paragraph 25 is required. Defendant is without sufficient knowledge or information to either admit or deny the remaining allegations of Paragraph 25, and therefore denies the same.

26. Denied.

27. Denied.

28. No response required.

29. To the extent that Paragraph 29 reiterates Plaintiff's allegations, those allegations are either admitted or denied elsewhere in Defendant's answer. To the extent that a response is required, Defendant denies all additional allegations in Paragraph 29.

30. Denied.

31. No response required.

32. Denied.

33. Defendant denies that Plaintiff is entitled to any relief.

34. No response required.

GENERAL DENIAL

35. Defendant denies each and every allegation and averment in Plaintiffs' Complaint not expressly admitted herein.

AFFIRMATIVE DEFENSES

1
2 1. Further answering and as a defense, Defendant states that Plaintiff's Complaint fails
3 to state a claim upon which relief may be granted.

4 2. Further answering and as a defense, Defendant states that Plaintiff has failed to
5 include all the necessary parties in order to afford the appropriate relief under the circumstances.

6 3. Further answering and as a defense, Defendant states that Plaintiff's claims for
7 equitable relief are barred by the doctrine of unclean hands.

8 4. Further answering and as a defense, Defendant states that Plaintiff's claims for
9 equitable relief are barred because Plaintiffs have adequate remedies at law.

10 5. Further answering and as a defense, Defendant states that Plaintiff's claims are
11 barred by the doctrine of estoppel.

12 6. Further answering and as a defense, Defendant states that Plaintiff's claims are
13 barred by the doctrine of waiver.

14 7. Further answering and as a defense, Defendant states that Plaintiff's claims may be
15 barred by the doctrine of laches and/or by applicable statutes of limitation.

16 8. Further answering and as a defense, Defendant states that Plaintiff failed to
17 reasonably mitigate his damages, if any.

18 9. Further answering and as a defense, Defendant states that any damages suffered by
19 Plaintiff were caused by his own actions, fault, negligence and/or failure to exercise appropriate
20 care.

21 10. Further answering and as a defense, Defendant states that any damages suffered by
22 Plaintiffs were caused by someone other than Defendant and not within Defendant's control.

23 11. Further answering and as a defense, Defendant states that Plaintiffs' claims are
24 barred because Defendant acted in good faith.

25 12. Further answering and as a defense, Defendant complied with all applicable
26 statutory and Constitutional requirements.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESERVATION OF ADDITIONAL DEFENSES

Defendant reserves the right to assert any additional applicable factual and legal defenses following discovery and further investigation of this matter.

WHEREFORE, Defendant Chipotle Mexican Grill, Inc. requests that the Court:

- a. Deny Each and Every Cause of Action against Defendant Chipotle Mexican Grill, Inc. contained in Plaintiff's Complaint;
- b. Award Defendant any other relief the Court deems just and proper under the circumstances.

Dated: October 3, 2005

Respectfully Submitted,

MESSNER & REEVES, LLC

By: 
Ryan A. Williams
Attorneys for **CHIPOTLE MEXICAN GRILL, INC.**

1 ANTONINETTI v. CHIPOTLE MEXICAN GRILL, INC, et al.;
2 CASE NO. CV05-1660

3 **PROOF OF SERVICE**

4 STATE OF COLORADO)
5) ss.
6 CITY AND COUNTY OF DENVER)

7 I am employed by the law firm of Messner & Reeves, LLC, in Denver, Colorado. Mr.
8 Williams is a member of the California Bar and is authorized to practice law before all California state
9 courts, and the United States District Court for the Southern District of California. I am over the age
10 of eighteen and not a party to the within action. My business address is 1430 Wynkoop Street, Suite
11 400, Denver, Colorado 80202.

12 On October 3, 2005, I served the foregoing document described as: **ANSWER TO**
13 **COMPLAINT** on all interested parties in this action by placing a true copy thereof enclosed in
14 sealed envelope(s) addressed as follows:

15 Amy B. Vandeveld
16 Law Offices of Amy B. Vandeveld
17 1850 Fifth Avenue
18 Suite 22
19 San Diego, CA 92101
20 319-231-8883

21 I am "readily familiar" with the firm's practice of collection and processing documents for
22 mailing. It is deposited with Federal Express on that same day in the ordinary course of business. I
23 am aware that on motion of party served, service is presumed invalid if postal cancellation date or
24 postage meter date is more than one day after date of deposit for mailing in affidavit. Executed
25 October 3, 2005, at Denver, Colorado.

26 I declare under penalty of perjury under the laws of the State of California that the foregoing
27 is true and correct.

28 