1			
2			
3			
4			
5			
6			
7			
8	UNITED STATES D	MES PERKINS, KAREN N JAY RIFKIN, SUSAN ER, LAURA WILLIAMS, on temselves and all others similarly Plaintiffs, VS. ORDER APPROVING NOTICE TO PUTATIVE CLASS REGARDING SETTLEMENT OF PLAINTIFFS' INDIVIDUAL CLAIMS	
9			
10			
11	MAURIZIO ANTONINETTI, JEAN	Case No. 06-CV-02671-BTM (WMc)	
12	FRIEDMAN JAY RIFKIN, SUSAN		
13	CHANDLER, LAURA WILLIAMS, on behalf of themselves and all others similarly		
14	situated,		
15 16	Plaintiffs,		
17			
18	VS.		
19	CHIPOTLE MEXICAN GRILL, INC., a		
20	Inclusive,		
21	Defendants		
22			
23		•	
24			
25			
26			
27			
28			
	CHI06-01:[Proposed] Order Approving Notice to Putative Class of	docx-8-20-13 - 1	

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

Upon the stipulation of the Parties, and good cause having been demonstrated to the satisfaction of the Court, the Court hereby orders as follows:

The following language shall be posted via a link on the Chipotle website for at least six continuous weeks prior to the Parties' filing of the Joint Motion for Dismissal of USDC Case No. 06cv2671 BTM (WMc):

"On December 6, 2006, a class action lawsuit entitled Antoninetti v. Chipotle, was filed in the Southern District of California, alleging that people who use wheelchairs, scooters or other mobility devices were unable to see their food options or watch their food prepared at Chipotle restaurants in California because of the height of the walls in front of the food preparation counters. On May 7, 2008, identical, similar and/or related claims were made in another class action lawsuit entitled Perkins v. Chipotle, which was filed in the Central District of California. The Perkins case was stayed while the Antoninetti case was litigated. Both cases sought damages for people with disabilities under the Unruh Act and/or the California Disabled Persons Act. On August 28, 2012, the Antoninetti court determined that the Antoninetti case should not proceed as a class action, and denied class certification. The individual plaintiffs in the Antoninetti case have decided to settle their individual claims rather than appeal the denial of class certification. In addition, the individual plaintiffs in the Perkins case have decided to settle their individual claims rather than seek class certification. The Antoninetti class action claims and the Perkins class action claims will, therefore, not continue to be litigated once the cases are dismissed unless someone else intervenes in the cases and wishes to pursue the class action claims.

Any persons wanting to pursue their own claims or the class action claims against Chipotle must file a new lawsuit or they may seek to intervene in the *Antoninetti* case or the *Perkins* case. If you want to intervene in the *Antoninetti* case, you must do so before (**insert date which is 6 weeks from the date of first publication of the Notice**) when the *Antoninetti* case will be dismissed. If you wish to intervene in the *Perkins* case, you should act promptly to ensure that you intervene before the *Perkins* case is dismissed. The date for dismissal of

CHI06-01:[Proposed] Order Approving Notice to Putative Class.docx:8-20-13

the Perkins case has not yet been determined and may be later than the date for dismissal of the Antoninetti case, but you should nevertheless act promptly to protect your rights. Rather than intervening in the Antoninetti case or the Perkins case, you may also file your own separate lawsuit against Chipotle before, and even after, the Antoninetti case and the Perkins case are dismissed.

If you want to pursue your own claims against Chipotle in a separate lawsuit you should be mindful that, in the Antoninetti case, the statute of limitations (the time limit for filing a lawsuit) was tolled from December 6, 2006, until August 28, 2012, at which time the statute of limitations began to run again. The statute of limitations in the Perkins case is tolled from May 7, 2008 until the date that the Court dismisses the Perkins case, which date has not yet been determined.

Courts are divided as to whether the one-year statute of limitations period for statutory penalties (Code Civ. Proc.§ 340), the two-year statute of limitations period for personal injuries (Code Civ. Proc., § 335.1) or the three-year statute of limitations period for a liability created by statute (Code Civ. Proc., § 338, subd. (a)) governs a claim under the Unruh Act and/or the Disabled Persons Act. Therefore, if you choose to intervene in the Antoninetti case or the Perkins case or you choose to file your own lawsuit, you should act promptly so that you do not permanently lose any rights you may have."

/// 20 /// 21

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

/// 22

/// 23

/// 24

25 /// 26

///

/// 27

/// 28

CHI06-01:[Proposed] Order Approving Notice to Putative Class.docx:8-20-13

The Court further finds that the Notice previously provided by Plaintiffs' counsel to disability rights organizations and individuals, which is substantially similar to the Notice that shall be posted on Chipotle's website, fulfills the Plaintiffs' obligations under the Court's Minute Order of June 19, 2013 and no further notice by Plaintiffs or Plaintiffs' counsel is necessary with respect to USDC Case No. 06cv2671 BTM. IT IS SO ORDERED. Dated: August 20, 2013 UNITED STATES DISTRICT COURT

CHI06-01:[Proposed] Order Approving Notice to Putative Class.docx:8-20-13