

**JUL 07 2017**

Sherri R. Carter, Executive Officer/Clerk  
By: *Rita Nazaryan*, Deputy  
Rita Nazaryan

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7. Los Angeles, California 90067  
8. Tel.: (310) 407-7888 \* Fax: (310) 407-7915  
9.  
10. Attorney for Plaintiff and Class Members  
11. DAVID DESMOND, et al.

12. SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13. COUNTY OF LOS ANGELES, UNLIMITED JURISDICTION

14. DAVID DESMOND, EDWARD GUREVICH )  
15. and YOUNG HOON KIM, individually, and )  
16. on behalf of all others similarly situated, )

17. Plaintiff(s),

18. vs.

19. CHIPOTLE MEXICAN GRILL, INC., a )  
20. Delaware corporation; and DOES 1-100, )  
21. Inclusive, )

22. Defendant(s).

CASE NO.: BC640700

CLASS ACTION

DECLARATION OF ALEXANDER J. PEREZ IN SUPPORT OF STIPULATION AND [PROPOSED] ORDER RE DISMISSAL WITH PREJUDICE

Assigned for All Purposes to:  
Hon. Ann. I Jones, Judge Presiding  
Department 308

Complaint Filed: 11/15/2016

23. DECLARATION OF ALEXANDER J. PEREZ

24. I, Alexander J. Perez, declare and state as follows:

25. 1. I am an attorney duly admitted to practice before all the Courts of the State of  
26. California. I am senior counsel at the law offices of Abir Cohen Treyzon Salo, LLP, counsel of  
27. record in this matter for plaintiffs David Desmond, Edward Gurevich and Young Hoon Kim  
28.

ORIGINAL

EX FAX

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1 (together, "Plaintiffs"). If called as a witness, I could and would testify competently and  
2 truthfully to all the facts set forth below.

3 2. On November 15, 2016, Plaintiffs filed a putative class action against defendant  
4 Chipotle Mexican Grill, Inc. ("Chipotle") in the Los Angeles Superior Court (the "Action"),  
5 alleging on behalf of a putative California class of consumers that Chipotle sold their Chorizo  
6 Burrito product using false nutritional information by undercounting the amount of calories  
7 therein, to California consumers, therefore engaging in false advertising in violation of Business  
8 and Professions Code Sections 17200, et seq. and 17500, et seq.

9  
10 3. On March 8, 2017, Chipotle filed its Answer, denying all of Plaintiffs' claims  
11 and asserting numerous defenses thereto.

12  
13 4. While continuing to believe in the merits of their respective positions, the Parties  
14 have considered the uncertainties of trial; the benefits to be obtained under through settlement;  
15 and the costs, risks, and delays associated with the continued prosecution of this complex and  
16 time-consuming litigation and the likely appeals.

17  
18 5. On May 5, 2017, the Plaintiffs and Chipotle (through their representatives)  
19 agreed in principle to a settlement of the Action, the terms of which are confidential and  
20 expressly conditioned on approval by this Court of dismissal of the Action.

21  
22 6. As part of that settlement, Chipotle has agreed that it will not knowingly  
23 advertise its Chorizo burrito in menu boards, printed material and/or online material with  
24 undercounted calorie statements appearing thereon/therein.

25 7. Also as part of that settlement, Chipotle has agreed that, after Court approval of  
26 the dismissal of the Action, it will pay five thousand dollars (\$5000.00) to each of Plaintiffs  
27 David Desmond, Edward Gurevich and Young Hoon Kim.

1           8.     Also as part of that settlement, Chipotle has agreed that, after Court approval of  
2 the dismissal of the Action, it will pay to Plaintiffs' counsel fees and costs in the amount of one  
3 hundred eighty-six thousand dollars (\$186,000).

4           9.     Also as part of that settlement, Plaintiffs have agreed to dismiss, with prejudice,  
5 their claims against Chipotle and to dismiss, without prejudice, any claims that the other  
6 members of the putative plaintiff class may have against Chipotle.  
7

8           10.    I believe that settlement on the terms agreed to by Plaintiffs and Chipotle is fair  
9 and reasonable and will not result in prejudice to any unnamed member of the putative plaintiff  
10 class.

11           11.    For the foregoing reasons, I respectfully request that the Action be dismissed,  
12 with prejudice, as to Plaintiffs and that the Action be dismissed, without prejudice, as to the  
13 unnamed members of the putative plaintiff class.  
14

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

17           Executed this 26<sup>th</sup> day of June, 2017, at San Francisco, California.

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20  
21           Alexander J. Perez  
22           Declarant  
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1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA )**  
3 **COUNTY OF LOS ANGELES ) ss:**

4 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and  
5 not a party to the within action; my business address is: 1901 Avenue of the Stars, Suite 935, Los  
6 Angeles, California 90067.

7 On July 7, 2017, I served the foregoing document described as:

8 **DECLARATION OF ALEXANDER J. PEREZ IN SUPPORT OF STIPULATION AND**  
9 **[PROPOSED] ORDER RE DISMISSAL WITH PREJUDICE**

10 on the parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as  
11 follows:

11 MESSER REEVES, LLP Charles Cavanagh, Esq. 1430 Wynkoop St., Suite 300 12 Denver, CO 80202 Fax: (303) 623-0552 13 ccavanagh@messner.com	<i>Counsel for Defendant Chipotle Mexican Grill, Inc.</i>
14 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP 15 Sascha Henry, Esq. 333 South Hope Street, 43 <sup>rd</sup> Floor 16 Los Angeles, CA 90071-1422 shenry@sheppardmullin.com	

17  **BY MAIL:** By placing a true and correct copy of the above-described document(s) in envelope(s),  
18 addressed as set forth above, with first class postage pre-paid for delivery to the above-named persons at  
19 the above-listed addresses and depositing such envelopes in a US mail collection box.

20  **BY OVER NIGHT DELIVERY, VIA GOLDEN STATE OVERNIGHT:** I gave the document(s)  
21 to our overnight courier service for its daily pick-up for delivery to the offices of the addressee,  
addressed as set forth above.

22  **BY PERSONAL SERVICE, VIA FIRST LEGAL ATTORNEY SERVICE:** I gave said  
23 documents to the firm's regular attorney service with specific instructions to be personally delivered by  
24 hand to the offices of the addressee, addressed as set forth above.

25  **BY PERSONAL SERVICE (Ex Parte):** I personally delivered by hand to the attorney in  
26 attendance on behalf of the above-named counsel at the hearing of \_\_\_\_\_, in  
Department \_\_\_\_ of the \_\_\_\_\_ Courthouse, \_\_\_\_\_  
27 California.

28 **Proof of Service**

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**BY ELECTRONIC SERVICE VIA CASE ANYWHERE:** In accordance with the Court's Order Authorizing Electronic Service requiring all documents to be served upon interested parties via the Case Anywhere System

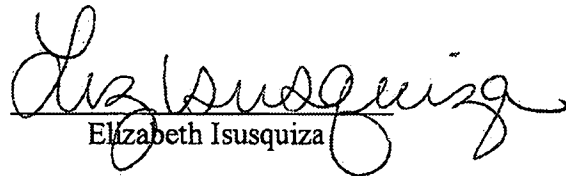
**BY FACSIMILE:** I faxed said document(s) to the addressee, at the specified fax numbers shown above.

**COURTESY COPY BY ELECTRONIC MAIL:** I transmitted courtesy copies of said document(s) to the person(s) shown above by electronic mail to the email address shown above.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on July 7, 2017, at Los Angeles, California.

  
Elizabeth Isusquiza

**Proof of Service**

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