



FILED
San Francisco County Superior Court

OCT 02 2020

CLERK OF THE COURT

BY: [Signature]
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

TANIKA TURLEY and CHRISTOPHER THOMPSON, individually and on behalf of all others similarly situated,

Plaintiff,

v.

CHIPOTLE SERVICES, LLC; a Colorado business entity, and DOES 1 through and including DOE 100,

Defendants.

Case No. CGC-15-544936

[Hon. Anne-Christine Massullo, Dept. 304]

ORDER GRANTING
PRELIMINARY APPROVAL OF
AMENDED CLASS ACTION
SETTLEMENT

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1 The Motion for Preliminary Approval of Class Action Settlement came on for hearing before this
2 Court, the Honorable Anne-Christine Massullo presiding, on September 23, 2020, at 1:30 p.m. A
3 supplemental filing in support of the motion was submitted on September 30, 2020. The Court, having
4 considered the papers submitted in support of the motion and having heard oral argument of the parties,
5 **HEREBY ORDERS THE FOLLOWING:**

6 1. The Court grants preliminary approval of the settlement based upon the terms set forth in
7 the "Stipulation of Class Action Settlement and Settlement Agreement,"¹ as modified by the "Stipulated
8 Addendum to the Stipulation of Class Action Settlement"² (collectively, the "Settlement Agreement") as
9 set forth herein. Capitalized terms in this Order shall have the definitions set forth in the Settlement
10 Agreement between Plaintiff Tanika Turley and Chipotle Services, LLC ("Chipotle").

11 2. The Court hereby conditionally certifies the settlement class, pursuant to the terms and
12 conditions of the Settlement Agreement and solely for the purposes set forth therein, that is defined as
13 follows:

14 The settlement "Class" shall consist of any current or former employee of
15 Chipotle who was hired before August 1, 2014 and who worked in
16 California at any time between October 1, 2014 and August 1, 2020
("Class Period"). Each person in the class is a "Class Member," and all
such persons are referred to as the "Class."

17 Excluded from the Class are any California employees that are members
18 of the collective in the currently pending *Turner v. Chipotle Mexican*
19 *Grill, Inc., Case No. 1:14-cv-02612-JLK-CBS* action or who have filed
20 individual arbitrations related to that action, as well as any other person
who has a pending arbitration or lawsuit against Defendant as of August 1,
2020.

21 3. For settlement purposes only, the proposed Class meets the requirements for certification
22 under Code of Civil Procedure section 382. Specifically, for settlement purposes: (1) The proposed
23 Class is numerous and ascertainable; (2) there are predominant common questions of law or fact; (3)
24 Plaintiff's claims are typical of the claims of the members of the proposed Class; and (4) a class action is
25 superior to other methods to efficiently adjudicate this controversy through settlement.

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28 ¹ Exhibit 1 to the Declaration of Alan Harris filed on September 4, 2020.

² Exhibit 1 to the Supplemental Declaration of Alan Harris filed on September 30, 2020.

1 4. The Court hereby preliminarily determines that the settlement set forth in the Settlement
2 Agreement falls within the range of possible final approval, such that notice should be provided to the
3 Class.

4 5. Pursuant to California Rule of Court 3.769(e), the Court approves, as to form and content,
5 the Class Notice, Workweek & Address Correction Form, Request for Exclusion Form, and Email
6 Notice (collectively, the "Class Notice Materials"), subject to the modifications set forth in this
7 paragraph. A copy of the approved Class Notice Materials, in the form most recently submitted to the
8 Court, is attached as Exhibit B to the Stipulated Addendum to the Stipulation of Class Action
9 Settlement. Before sending the Class Notice, the parties are directed to make the following revisions:
10 (1) The class definition at pages 1-2 and 4 must match the class definition in this order; (2) The header
11 preceding paragraph 7 must be changed from "Preliminary" to "Final" Approval; (3) The preamble in
12 paragraphs 17 and 18 should refer to the Court's entry of the preliminary approval order, as opposed to
13 the preliminary approval hearing; (4) The Class Notice must include a clear and concise explanation of
14 the parties' reasons for electing to apportion the settlement proceeds based on workweeks worked during
15 the Calculation Period; and (5) The parties should correct any non-substantive typographical errors.

16 6. The proposed plan for distributing notice set forth in the Settlement Agreement meets the
17 requirements of due process and constitutes the best notice practicable under the circumstances. Notice
18 shall be distributed consistent with the terms of the Settlement Agreement. In addition, any papers filed
19 in connection with the Final Fairness Hearing shall be posted on the settlement website promptly after
20 they are filed.

21 7. The procedures set forth in the Settlement Agreement and the Class Notice Materials for
22 objecting to and requesting exclusion from the proposed settlement are approved.

23 8. The Settlement Administrator shall be Phoenix Class Action Administrators.

24 9. For settlement purposes only, the Court finds that Alan Harris, Priya Mohan and David
25 Garrett of Harris & Ruble and David Harris of North Bay Law Group have adequately represented the
26 Class and provisionally appoints them as Class Counsel solely for the purposes set forth in the
27 Settlement Agreement.

1 10. For settlement purposes only, the Court finds that Plaintiff Tanika Turley is an adequate
2 representative of the Settlement Class and appoints her as such.

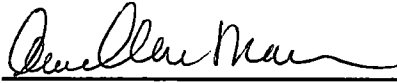
3 11. A final settlement hearing (the “Final Fairness Hearing”) on the question of whether the
4 proposed settlement should be finally approved as fair, reasonable, and adequate as to the members of
5 the Settlement Class is scheduled for February 19, 2021, at 9:15 a.m. in Department 304 of the Superior
6 Court of California, County of San Francisco, located at 400 McAllister Street, San Francisco,
7 California 94102. The purpose of such hearing will be to: (a) determine whether the Settlement
8 Agreement should be approved by the Court as fair, reasonable, and adequate; (b) determine the
9 reasonableness of Class Counsel’s request for attorney’s fees and costs; (c) determine the reasonableness
10 of the Enhancement Payment; (d) determine whether the proposed cy pres beneficiary is appropriate;
11 and (e) address any other matters that the Court deems appropriate. The Court may change the date of
12 the Final Fairness Hearing without further notice to the Class, except that either Class Counsel or the
13 Settlement Administrator shall give notice to any objecting
14 party of any continuance of the Final Fairness Hearing.

15 12. The following dates are set:

Event	Deadline
Chipotle to send Class Information to Settlement Administrator	15 Calendar Days After Entry of this Order
Settlement Administrator to Disseminate Notice	15 Calendar Days After Receiving Class Information from Chipotle
Response Deadline	60 Calendar Days After Notice is Mailed
Extended Response Deadline	If a Class Member is Rемаiled Notice, that Class Member Will Have Until the Later of 60 Calendar Days After Notice was Mailed or 10 Calendar Days After Notice was Rемаiled to Respond
Motion for Attorneys’ Fees, Costs, and Enhancement Payment	Filed at Least 15 Calendar Days Before Response Deadline
Motion for Final Approval	Filed 16 Court Days Before Final Fairness Hearing

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3 IT IS SO ORDERED.

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5 Dated: Oct. 2, 2020

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7 By: 
8 Anne-Christine Massullo
9 Judge of the Superior Court
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CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.251)


I, M. Goodman, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On September 30, 2020, I electronically served the attached document via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: October 2, 2020

T. Michael Yuen, Clerk

By: _____


M. Goodman, Deputy Clerk