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16 Attorneys for Plaintiff

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

18 **COUNTY OF SAN FRANCISCO**

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

22 Plaintiff,

23 v.

24 CHIPOTLE SERVICES, LLC, a  
25 Colorado business entity, and DOES 1  
26 through and including DOE 100,

27 Defendants.

Case No. CGC-15-544936  
*Assigned to the Hon. Anne-Christine Massullo,  
Dept. 304*

**DECLARATION OF TANIKA TURLEY IN  
SUPPORT OF PLAINTIFF'S MOTION  
FOR ATTORNEY FEES,  
REIMBURSEMENT OF COSTS AND  
ENHANCEMENT AWARD**

Date: February 19, 2021  
Time: 9:15 a.m.  
Judge: Hon. Anne-Christine Massullo  
Dept.: 304  
Civic Center Courthouse  
400 McAllister Street  
San Francisco, CA 94102

Complaint Filed: March 25, 2015  
Class Cert. Granted: Nov. 2, 2018  
Prelim. App. Granted: Oct. 2, 2020

1           **TANIKA TURLEY** declares under penalty of perjury of the State of California and the United  
2 States of America as follows:

3           1.       I am over eighteen (18) years of age. If sworn as a witness, I could competently testify to  
4 each and every fact set forth herein from my own personal knowledge. I am a Plaintiff in this case.

5           2.       I understand that this Declaration will be submitted in support of Plaintiff’s Motion for  
6 Attorney Fees, Reimbursement of Costs and Enhancement Award in this case.

7           3.       It is my understanding that a class action, if settled, must have the settlement agreement  
8 approved by the court. It is my understanding that this case is also one brought under the California  
9 Labor Code Private Attorneys General Act (“PAGA”). It is my understanding that settlement of any  
10 PAGA action, like a class action, must be approved by the court. I understand that this Settlement has  
11 received preliminary approval from the Court.

12           4.       I was employed by Chipotle from approximately May 8, 2014, to January 15, 2015.  
13 While employed at Chipotle, I was a member of the restaurant Crew.

14           5.       During my employment, I worked at the Metreon Chipotle restaurant in San Francisco,  
15 California. While employed at Chipotle, I was paid an hourly wage. I did not execute an arbitration  
16 agreement in connection with my employment at Chipotle.

17           6.       I believe that my wage statement failed to provide the total hours worked during the pay  
18 period and the corresponding number of hours worked at each hourly rate. I believe that my pay stubs  
19 did not contain all of the information that is required under California law, and that Chipotle violated the  
20 Labor Code by failing to separate total hours worked from total hours spent on paid off-duty meal  
21 breaks on wage statements issued between October 1, 2014, and about March 31, 2015. I do not believe  
22 that I received proper meal and rest breaks. I believe that I did not receive prompt final payment upon  
23 my termination. I believe these were class-wide policies applied uniformly to members of the  
24 Statement Class.

25           7.       I understand that the Court certified the wage statement subclass in this case, narrowed to  
26 individuals who did not sign arbitration agreements, and that I was found adequate to be a class  
27 representative for the Wage Statement Class. I respectfully request the Court to appoint me as class  
28 representative for the purposes of settlement for the Settlement Class.

1 **DUTIES AND RESPONSIBILITIES OF A CLASS REPRESENTATIVE**

2 8. I understand that a Class Representative must meet the below-listed criteria. I believe  
3 that I have and will continue to: (a) represent the interests of all members of the class in litigation to  
4 recover the remedies that are sought; (b) assert claim(s) that are typical of the other Class members and  
5 that can be litigated through common issues of fact or law; (c) consider and protect the interest of the  
6 Class members at all stages; (d) actively participate in the lawsuit, as necessary, by assisting in  
7 responding and propounding discovery and assist Class Counsel when requested to do so; (e) recognize  
8 and accept that resolution of the lawsuit either through trial, settlement, or dismissal, is subject to Court  
9 approval, and must be handled in the best interests of the Class members; and (f) possess sufficient  
10 knowledge of the subject of the lawsuit so as to follow its progress and development and to provide  
11 relevant and helpful input to my attorneys prosecuting the case.

12 9. Since the filing of this action, and before, I have devoted a significant amount of time to  
13 this lawsuit including: conferences with my attorneys and their staff; reviewing, analyzing, and  
14 explaining the Chipotle meal/rest break policies and procedures; Chipotle payment procedures; Chipotle  
15 wage statements; and collecting and reviewing documents. I have communicated with Class Counsel  
16 dozens of times. Class Counsel have kept me up to speed with respect to the status of the case and  
17 negotiations with the defense.

18 10. I aided in the preparation of the Complaint prior to filing. I have reviewed and am  
19 generally familiar with the Complaint, First Amended Complaint, Second Amended Complaint and  
20 Third Amended Complaint on file in this case.

21 11. It is my understanding, based on my work experience and interactions with other  
22 Chipotle employees, that the members of the proposed Class are similarly situated with respect to  
23 rest/meal breaks, reimbursement of expenses, continuing wages and wage statements. It is my  
24 understanding, based on my work experience and interactions with other Chipotle employees that the  
25 members of the proposed Class were subject to the same policies and procedures of Chipotle.

26 12. It is my intent and goal to adequately, competently, and fairly represent and safeguard,  
27 and protect the interests of the Class members. In conjunction with the competent counsel I have  
28 retained, I will actively and vigorously pursue and litigate the claims I have against Chipotle.

1           13.     I am not aware of any interests I may have that are inconsistent with or antagonistic to the  
2 interests of the other Class members that would prevent me from adequately representing the Class. I  
3 and all other similarly situated employees were, I believe, subjected to the same payment practices of  
4 that resulted in missed meal/rest breaks, nonpayment and/or underpayments of wages to us,  
5 reimbursement of expenses, late pay and improper wage statements.

6           14.     I understand that utilization of the class action procedure is favored in California and is a  
7 valuable mechanism to assure compliance with the applicable law and to provide Class members who  
8 may have suffered relatively small damages access to the judicial system.

9           15.     I am participating in this case to pursue my claim for myself and the Class members in  
10 order to recover the requested relief. I am neither being compensated by my attorneys nor have I been  
11 offered or promised any compensation or other financial incentive for my participation or assistance in  
12 this action.

13           16.     I am not aware of any conflicts of interest or inconsistencies between myself and any of  
14 the attorneys I have retained or any of the other Class members. When I have spoken with my counsel,  
15 they have always taken the time to answer whatever questions I have had regarding my case.

16           17.     In connection with this lawsuit, I feel as though I have been a good representative of  
17 others who have worked for Chipotle. My main concern has been that all employees be treated fairly.  
18 As a class representative, I understand that I have been acting as a representative of other, unnamed  
19 class members and that, as such a representative, I owe a duty of good faith to the unnamed class  
20 members and I will not act just in my own self-interest. Prior to filing this case, I understood that my  
21 own claim for damages would most likely be delayed by proceeding in an action for all other employees  
22 who worked for Chipotle in similar roles. With this understanding, I agreed to file the case as a class  
23 action, with me as its representative.

24           18.     My interest in prosecuting the lawsuit is to secure compensation for all of the members of  
25 the class on account of Chipotle's failure to comply with California state labor laws. I have not been  
26 promised any special monetary reward or treatment for acting as a class representative. I have not I  
27 have no interest adverse to the members of the class as a whole, and I believe that my individual claims  
28 are typical of the claims of the members of the class as a whole. My attorneys explained to me what my

1 rights and remedies were under the law and the options of trying to seek redress for my claims  
2 administratively, individually, or as a representative of a class of similar current and former Chipotle  
3 employees. My attorneys also explained to me what a class action was and I understood that, if this case  
4 was filed as a class action, I would not only be seeking compensation for myself, but I would also be  
5 representing the interests of all other class members like myself employed by Chipotle in California.

6 19. Undertaking to be a class representative, I have foregone a potential larger judgment for  
7 late-payment penalties which I might have gained if I pursued the litigation on an individual basis. I  
8 chose to pursue the matter as a class action in order to make sure that all employees are treated fairly,  
9 rather than pursue my own personal financial gain. I do not believe that I have suffered any adverse  
10 consequences at subsequent employers, however, there is always the risk in acting as a class  
11 representative that Defendant or other companies might be hesitant to hire me in the future. I have not  
12 received any benefits as a result of prosecuting the action.

13 20. I understand that my fiduciary obligations to the class will continue until all settlement  
14 procedures are concluded and the settlement funds are distributed to the class members. I understand  
15 that I could be personally responsible for costs in the event of a judgment in favor of Defendant. Even  
16 with that knowledge, I was willing to go forward and represent the class, because I felt Chipotle was  
17 wrong in its employment practices and policies. I was not afraid to stand up for what I believed was  
18 right, but was nervous about the negative consequences that could have resulted from my decision to be  
19 class representative.

20 21. I have taken an active part of this litigation for over five years by conferring with counsel  
21 and assisting in gathering information for the prosecution of the lawsuit. By reviewing the facts of the  
22 case with my lawyers at Harris & Ruble, I aided in the preparation of the initial complaint in early, 2015.  
23 As will be shown in the time records of Counsel, I have spent considerable time conferring with Class  
24 Counsel, providing factual background and support, analyzing and provided data, and consulting with  
25 Counsel in connection with a full-day mediation with Jeff Krivis and Mandatory Settlement Conference,  
26 as well as other settlement negotiations. I have provided them with documents relevant to the claims in this  
27 action.

28 22. I had numerous phone calls and meetings with North Bay Law Group and Harris & Ruble

1 prior to the filing of the case, and monthly throughout the proceedings. I was subject to a full day  
2 deposition. I aided Harris & Ruble with regard to preparation of discovery responses, Opposition to the  
3 Motion for Summary Judgment, the confidential mediation brief, and I was involved and aware of the  
4 extensive negotiations that took place during the mediation and over the terms of this settlement. I  
5 reviewed the settlement agreement and believe that the terms are fair, adequate, and reasonable to the  
6 Class. My attorneys provided me with a copy of the settlement agreements (including revised  
7 settlements), which I completely and carefully reviewed. Prior to signing the latest settlement  
8 agreement, I spoke with my attorneys and asked them to clarify some things. I then signed the settlement  
9 agreement and gave it to my attorneys. I believe the revised settlement is fair and reasonable to the  
10 Class Members I seek to represent. I aided in the preparation of this declaration.

11 23. As stated above, I have been involved with the litigation for over five years. In  
12 connection with this case, I have met with and spoken with attorney Alan Harris and David Garrett from  
13 Harris & Ruble and David Harris from North Bay Law Group on numerous occasions, reviewing my  
14 work experiences with them, providing them with correspondence and documentation relevant to the  
15 claims in this action and learning about and accepting my responsibilities as a class representative. In  
16 fact, on many occasions, I spoke with my attorneys for case related purposes, such as to discuss and  
17 explain Chipotle's pay system, procedures for final payments, my typical workday, and complaints of  
18 other workers. In addition, I have had numerous discussions regarding the progress of the case and the  
19 proposed settlement with other former and current Chipotle employees. During my many discussions  
20 with my attorneys, I learned that a large amount of work was required of me as a class representative,  
21 and I was willing to engage in this work. I was deposed at a full-day in-person deposition. I also  
22 reviewed the transcript for accuracy following the deposition. I assisted class counsel in preparing other  
23 witnesses for their depositions.

24 24. I recognize that any resolution of this matter must be approved by the Court in terms of  
25 whether the settlement is fair and reasonable, and that I am obligated to protect the interests of all of  
26 Chipotle employees for the Class Period, regardless of whether the enhancement is granted. I intend to  
27 continue to take an active part in the litigation, to continue to participate in settlement procedures. I  
28 understand that my fiduciary obligations to the class will continue until all settlement procedures are

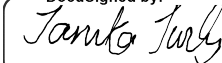
1 concluded and the funds from judgment and/or settlement are distributed to the class members.

2 25. I have not been a named class representative in any other case, pending or closed.

3 26. I estimate that I have spent in excess of 30 hours working on this case, which included a full-day  
4 deposition, numerous phone calls and meetings with my attorneys, reviewing settlement agreements, reviewing  
5 discovery responses, reviewing complaints and amended complaints, and being available to talk to other workers  
6 about the case and answering their questions about the settlement. I have not received any benefits as a result of  
7 prosecuting the action. I am not requesting reimbursement of any out of pocket expenses for photocopies,  
8 mileage and postage.

9 I have read the foregoing, and the facts set forth therein are true and correct of my own personal  
10 knowledge. Executed this 7th day of December, 2020, in the County of San Francisco, State of  
11 California.

12  
13 DATED: December 7, 2020

DocuSigned by:  
  
7A0A25A1E485B496  
TANIKA TURLEY

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**PROOF OF SERVICE**

I am an attorney for Plaintiff(s) herein, over the age of eighteen years, and not a party to the within action. My business address is 655 N. Central Ave., 17<sup>th</sup> Floor, Glendale, CA 91203. On December 7, 2020, I served the within document(s):

**DECLARATION OF PLAINTIFF TANIKA TURLEY IN SUPPORT OF MOTION FOR ATTORNEY FEES, REIMBURSEMENT OF COSTS & ENHANCEMENT AWARD**

I caused such to be delivered by e-mail (File & Serve) to:

angela.agrusa@us.dlapiper.com  
levi.heath@us.dlapiper.com  
Steve.hernandez@dlapiper.com

I am readily familiar with the Firm’s practice of collection and processing correspondence for mailing. Under that practice, the document(s) would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business, addressed as follows:

Angela C. Agrusa  
Levi W. Heath  
Steve L. Hernández  
DLA PIPER LLP (US)  
2000 Avenue of the Stars  
Suite 400 North Tower  
Los Angeles, California 90067-4704

MESSNER REEVES LLP  
Charles C. Cavanagh  
1430 Wynkoop Street, Suite 300  
Denver, Colorado 80202

I declare under penalty of perjury that the above is true and correct. Executed on December 7, 2020, at Los Angeles, California.



\_\_\_\_\_  
David Garrett