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8 DAVID DESMOND

CAC.
A6029
NO ZIP.
DEPT 308
ATTY JONES.

FILED
Superior Court of California
County of Los Angeles

NOV 15 2016
Sherrri R. Carter, Executive Officer/Clerk
By Judi Lara, Deputy

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES, UNLIMITED JURISDICTION

11 DAVID DESMOND, EDWARD GUREVICH)
12 and YOUNG HOON KIM, individually, and)
13 on behalf of all others similarly situated,)

14 Plaintiff(s),

15 vs.

16 CHIPOTLE MEXICAN GRILL, INC., a)
17 Delaware corporation; and DOES 1-100,)
18 Inclusive,)

19 Defendant(s).

CASE NO.:

BC 6 4 0 7 0 0

CLASS ACTION
(proposed)

CLASS ACTION COMPLAINT FOR:

- 1. Violation of Business & Professions Code §§17200, et. seq.
- 2. Violation of Business and Professions Code §17500, et seq.
- 3. Breach of Warranty

[Jury Trial Demanded]

20 Plaintiffs DAVID DESMOND ("DESMOND"), EDWARD GUREVICH
21 ("GUREVICH") and YOUNG HOON KIM ("KIM"), individually, and on behalf all others
22 similarly situated, and the general public, by and through the undersigned counsel, and upon
23 information and belief and investigation of counsel, hereby allege as follows against

NATURE OF ACTION

24 1. This is a class action arising out of CHIPOTLE MEXICAN GRILL, INC.
25 ("CHIPOTLE") unfair, unlawful and/or fraudulent and unconscionable practice of gross
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RECEIPT #: CCHES20872853
DATE PAID: 11/15/16 10:39 AM
PAYMENT: \$1,435.00
RECEIVED:
CHECK #: \$1,435.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

CITADISE: BCC48788
LEA/DEF#:

11/16/2016

1 misrepresenting the nutrition values of its food products in store menus, menu boards, and/or in
2 advertising. CHIPOTLE's practice is to misrepresent the nutritional value in their prepared food
3 products, in violation of California *Health and Safety Code* §114094 which requires the accurate
4 listing of nutritional information on menus and menu boards, among other things, at chain
5 restaurants that have more 20 or more locations, and in violation of California *Business &*
6 *Professions Code* §17500, *et seq.*, which prohibits false advertising. CHIPOTLE is a chain
7 restaurant, operating over 1200 restaurants nationwide, and nearly all operated directly by the
8 company and not through franchisees.

9
10 2. CHIPOTLE's unfair and unconscionable practice of grossly misrepresenting the
11 nutritional values of its food products in store menu signage and/or in advertising, deprives
12 consumers of information needed (and legally mandated to be disclosed) in order to base
13 decisions about which menu items to eat based upon the nutritional information of said items.
14 Worse still, by providing false nutritional information for their menu items, consumers are lulled
15 into a false belief that the items they are eating are healthier than they really are, and thereby
16 encouraging repeat patronage by consumers who are concerned about the nutritional values of
17 the food they eat.

18 3. Plaintiff brings this action for damages on behalf of all similarly situated
19 consumers to represent the following class of persons:

20 All individuals residing in California who, from four years preceding the filing of
21 this Complaint until this case is certified, purchased food products at a
22 CHIPOTLE restaurants in California.

23 THE PARTIES

24 4. Plaintiff DESMOND is an individual who currently resides within the State of
25 California. Plaintiff brings this action on behalf of himself and all other similarly situated
26 throughout the State of California, (collectively, "Plaintiff and Class Members" or "Class
27 Members").
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1 5. Plaintiff GUREVICH is an individual who currently resides within the State of
2 California. Plaintiff brings this action on behalf of himself and all other similarly situated
3 throughout the State of California, (collectively, "Plaintiff and Class Members" or "Class
4 Members").

5 6. Plaintiff KIM is an individual who currently resides within the State of California.
6 Plaintiff brings this action on behalf of himself and all other similarly situated throughout the
7 State of California, (collectively, "Plaintiff and Class Members" or "Class Members").

8 7. Plaintiffs are informed and believe, and on thereon allege, that Defendant
9 CHIPOTLE is a Delaware corporation that owns and operates a chain of 1200 restaurants across
10 the United States, with its principal place of business located in Denver, Colorado, and registered
11 with the Secretary of State to do business in the State of California.
12

13 8. Plaintiffs are currently ignorant of the true names and capacities, whether
14 individual, corporate, associate, or otherwise, of the defendants sued herein under the fictitious
15 names Does 1 through 100, inclusive, and therefore, sues such defendants by such fictitious
16 names. Plaintiff will amend this complaint to allege the true names and capacities of said
17 fictitiously named defendants when their true names and capacities have been ascertained.
18 Plaintiffs are informed and believe and thereon allege that each of the fictitiously named Doe
19 defendants are legally responsible in some manner for the events and occurrences alleged herein,
20 and for the damages suffered by Plaintiff and members of the class.
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22 9. As sued herein, "Defendant" shall mean the above-named Defendant, including
23 all entities through which it does business and its predecessors, successors, affiliates,
24 representatives, attorneys, employees, and/or assigns who, in concert and/or acting as agents for
25 one another, engaged in the conduct complained of herein.
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GENERAL ALLEGATIONS

10. Plaintiffs are informed and believe, and on that basis allege, that all defendants, including the fictitious Doe defendants, were at all relevant times acting as actual agents, conspirators, ostensible agents, partners and/or joint-venturers and employees of all other defendants, and that all acts alleged herein occurred within the course and scope of said agency, employment, partnership, joint venture, conspiracy and/or enterprise, and with the express and/or implied permission, knowledge, consent, authorization and ratification of their co-defendants; however, this allegation is pleaded as an "alternative" theory wherever not doing so would result in a contradiction with other allegations.

11. All allegations in this complaint are based on information and belief and/or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery. Whenever allegations in this complaint are contrary or inconsistent, such allegations shall be deemed alternative.

JURISDICTION AND VENUE

12. This Court has jurisdiction over the entire action by virtue of the fact that this is a civil action wherein the matter in controversy, exclusive of interest and costs, exceeds the jurisdictional minimum of the Court. The acts and omissions complained of in this action took place in the State of California. Venue is proper because this is a class action, the acts and/or omissions complained of took place, in whole or in part within the venue of this Court, and/or one or more defendants operate their restaurant chain business within the venue of this Court.

FACTUAL ALLEGATIONS

13. According to published statements of Defendant CHIPOTLE, they are a nationwide restaurant chain purveying Mexican food, directly operating (with limited exception) over 1200 retail restaurant locations through-out the United States.

14. Defendant CHIPOTLE uses menus, menu boards, on-line marketing and widely disseminated advertising campaigns designed to attract customers to its brand of grilled Mexican

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1 food, and specifically bills itself and identifies its brand as providing "Food With Integrity",
2 using the best ingredients and offering "Organic" fare as well as "Responsibly Raised" meat; in
3 effect, CHIPOTLE promotes a "Healthy Eating" mantra as its retail restaurant concept, in order
4 to set itself apart from other restaurants in the highly competitive Mexican retail restaurant
5 market in California, and elsewhere.

6 15. Partly, in order to comply with its obligations under California *Health and Safety*
7 *Code* §114094 (as recommended by the California Restaurant Association's guidelines for
8 compliance with the California Menu Labeling Law), and partly in conformity with its Healthy
9 Eating mantra, an integral portion of Defendant CHIPOTLE's menus, menu boards and
10 advertising campaigns contain nutritional information intended to assist their retail restaurant
11 customers in choosing amongst the many menu options; ie, calorie and carbohydrates counts,
12 sodium content, etc.

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14 16. On or about November 3, 2016, Plaintiff DESMOND purchased a Chorizo
15 Burrito at the CHIPOTLE restaurant located at 11690 San Vicente Boulevard, in the City of Los
16 Angeles, California 90049. At that time and place, DESMOND was searching Defendant's
17 menu board for a low calorie meal, aware that healthy nutrition is important for maintaining
18 overall health. DESMOND trusted the representations made by Defendant CHIPOTLE and
19 chose the Chorizo Burrito because it was listed/advertised on the menu board at the point of sale
20 as containing 300 calories. The menu board also showed a photo of the burrito. DESMOND
21 believed based on this representation that Defendant's burrito was a healthier, lower calorie
22 product perfect for his consumption just as the Defendant's advertising deceptively suggests; but
23 for the Defendant's false and misleading menu board, DESMOND would not have purchased the
24 item. After eating the Chorizo Burrito, DESMOND felt excessively full and realized that the
25 burrito couldn't have been just 300 calories. (True and correct copies of Plaintiff DESMOND's
26 purchase receipt and a photograph of the menu board are collectively attached hereto as Exhibit
27 "A".)
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1 17. On or about November 5, 2016, Plaintiff GUREVICH purchased a Chorizo
2 Burrito at the CHIPOTLE restaurant located at 4012 W. Riverside Drive, in Toluca Lake,
3 California 91505. At that time and place, GUREVICH was searching Defendant's menu board
4 for a low calorie meal, aware that healthy nutrition is important for maintaining overall health.
5 GUREVICH trusted the representations made by Defendant CHIPOTLE and chose the Chorizo
6 Burrito because it was listed/advertised on the menu board at the point of sale as containing 300
7 calories. The menu board also showed a photo of the burrito. GUREVICH believed, based on
8 this representation, that Defendant's burrito was a healthier, lower calorie product perfect for his
9 consumption just as the Defendant's advertising deceptively suggests; but for the Defendant's
10 false and misleading menu board, GUREVICH would not have purchased the item. At some
11 time after eating the Chorizo Burrito, GUREVICH came to believe that the burrito couldn't have
12 been just 300 calories. (True and correct copies of Plaintiff GUREVICH's purchase receipt and
13 a photograph of the menu board are collectively attached hereto as Exhibit "B".)
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16 18. On or about November 14, 2016, Plaintiff KIM purchased a Chorizo Burrito at
17 the CHIPOTLE restaurant located at 10250 Santa Monica Boulevard, in the City of Los Angeles,
18 90067. At that time and place, KIM was searching Defendant's menu board for a low calorie
19 meal, aware that healthy nutrition is important for maintaining overall health. KIM trusted the
20 representations made by Defendant CHIPOTLE and chose the Chorizo Burrito because it was
21 listed/advertised on the menu board at the point of sale as containing 300 calories. The menu
22 board also showed a photo of the burrito. KIM believed, based on this representation, that
23 Defendant's burrito was a healthier, lower calorie product perfect for his consumption just as the
24 Defendant's advertising deceptively suggests; but for the Defendant's false and misleading menu
25 board, KIM would not have purchased the item. At some time after eating the Chorizo Burrito,
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1 KIM came to believe that the burrito couldn't have been just 300 calories. (A true and correct
2 copies of Plaintiff KIM's purchase receipt is attached hereto as Exhibit "C".)

3 19. Plaintiffs are informed and believe and thereon allege that Defendant's website
4 also contains multiple listings and/or is designed in such a manner that the calorie count of the
5 Chorizo Burrito (among other products) is misleading, and such that taken together with the
6 menu boards, amounts to deceptive advertising.

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8 20. Defendant CHIPOTLE has engaged, and continues to engage, in a pattern and
9 practice of unfairly, unlawfully and/or fraudulently listing false and misleading nutritional values
10 of their menu items on menus, menu boards, online and in marketing campaigns, which
11 Defendant knew, and/or in the reasonable exercise of due diligence should have known, were
12 false and misleading. Defendant's conduct and actions alleged herein were despicable, and were
13 done maliciously, oppressively and/or fraudulently, with a willful and conscious disregard of
14 Plaintiff's and class members' rights. The conduct alleged herein was engaged in by
15 representatives of Defendant, and officers, directors and/or managing agents of Defendants
16 engaged in, authorized, and/or ratified the conduct complained of herein.
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19 21. Absent an order from this Honorable Court, Plaintiff and the Class will not be
20 made whole nor will the unfair business practices be abated. Plaintiff thus seek injunctive relief
21 requiring the immediate cessation of the foregoing practices, including but not limited to false
22 advertising of nutritional information of Defendant's products in menus, on menu boards, online
23 and/or in marketing campaigns. Plaintiff also seeks restitution and appropriate damages for
24 themselves and the Class.
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1 CLASS ACTION ALLEGATIONS

2 22. Plaintiff brings this action on his own behalf and on behalf of all persons similarly
3 situated pursuant to *Code of Civil Procedure* §382. Plaintiff seeks to represent the following
4 class:

5 All individuals residing in California who, from four years preceding the filing of
6 this Complaint until this case is certified, purchased food at a CHIPOTLE
7 restaurant in California.

8 23. Upon information and belief, the scope of this class definition, including its
9 temporal scope, may be further refined after discovery of Defendant's and/or third party records.

10 24. Excluded from the Class are governmental entities, Defendant, any entity in
11 which Defendant has a controlling interest, and Defendant's officers, directors, affiliates, legal
12 representatives, employees, co-conspirators, successors, subsidiaries, and assigns. Also excluded
13 from the Class is any judge, justice, or judicial officer presiding over this matter and the
14 members of their immediate families and judicial staff.

15 25. Plaintiff's claims are typical of the claims of the class. Plaintiffs are a member of
16 the class he seeks to represent. Plaintiffs are a member of a class of consumers, and the
17 members of this class of consumers were similarly situated and similarly affected by the conduct
18 alleged of Defendant CHIPOTLE and incurred similar damage, as alleged in this complaint, as a
19 result of the conduct of Defendant. Members of the class are ascertainable from Plaintiff's
20 description of the class and/or Defendant's payment records and/or records of third parties
21 accessible through discovery.

22 26. By purchasing Defendant's products, all members of the Class were subjected to
23 the same wrongful conduct. Absent Defendant's material deceptions, misstatements, and
24 omissions, Plaintiff and other members of the Classes would not have purchased Defendant's
25 products.
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1 27. The representative Plaintiff will fairly and adequately represent the members of
2 the class and have no interests which are antagonistic to the claims of the class. The Plaintiff's
3 interests in this action are antagonistic to the interests of Defendant CHIPOTLE, and he will
4 vigorously pursue the claims of the class.

5 28. The representative Plaintiff has retained counsel who are competent and
6 experienced in consumer class action litigation, and have successfully represented consumers in
7 complex class actions.
8

9 29. Common questions of law and fact impact the rights of each member of the class
10 and a common remedy by way of permissible damages, restitutionary disgorgement and/or
11 injunctive relief is sought for the class.
12

13 30. There are substantial questions of law and fact common to all members of the
14 class which will predominate over any individual issues. These common questions of law and
15 fact include, but are not limited to, the following:

- 16 a. Whether Defendant contributed to, committed, and/or is responsible for the
17 conduct alleged herein;
18 b. Whether Defendant's conduct constitutes the violations of laws alleged herein;
19 c. Whether Defendant acted willfully, recklessly, negligently, or with gross
20 negligence with respect to the violations of law alleged herein;
21 d. Whether Defendant's conduct was unfair under the Unfair Competition Law;
22 e. Whether Defendant's conduct was unlawful under the Unfair Competition Law;
23 f. Whether Defendant's conduct was fraudulent under the Unfair Competition
24 Law;
25 g. Whether Class Members are entitled to injunctive relief;
26 h. Whether Class Members are entitled to restitution;
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1 31. A class action provides a fair and efficient method, if not the only method, for
2 adjudicating this controversy. The substantive claims of the representative Plaintiff and the class
3 are nearly identical and will require evidentiary proof of the same kind and application of the
4 same law.

5 32. A class action is superior to other available methods for the fair and efficient
6 adjudication of this controversy, because class members number in at least the thousands and
7 individual joinder is impracticable. The expense and burden of individual litigation would make
8 it impracticable or impossible for proposed class members to prosecute their claims individually.
9 Trial of Plaintiff's and the class members' claims are manageable. Unless a class is certified,
10 Defendant will be unjustly enriched at the expense of class members.

11 33. There is no plain, speedy or adequate remedy other than by maintenance of this
12 class action because Plaintiffs are informed and believe that damage to each member of the class
13 is relatively small, making it economically unfeasible to pursue remedies other than by way of a
14 class action.

15 34. The persons in the class are so numerous that the joinder of all such persons
16 individually in this case is impracticable, and the disposition of their claims in this case and as
17 part of a single class action lawsuit, rather than hundreds or thousands of individual lawsuits,
18 will benefit the parties and greatly reduce the aggregate judicial resources that would be spent if
19 this matter were handled as hundreds or thousands of separate lawsuits.

20 35. Plaintiff knows of no difficulty that will be encountered in the management of this
21 litigation, which would preclude its maintenance of a class action.

22 36. Defendant has acted on grounds generally applicable to the entire class, thereby
23 making final injunctive relief or corresponding declaratory relief appropriate with respect to the
24 class as a whole. Prosecution of separate actions by individual members of the class would
25 create the risk of inconsistent or varying adjudications with respect to individual members of the
26 class that would establish incompatible standards of conduct for the Defendant.
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1 37. Without a class action, Defendant will likely retain the benefit of its wrongdoing
2 and will continue a course of action, which will result in further damages to Plaintiff and the
3 class. Plaintiff envisions no difficulty in the management of this action as a class action.

4 **FIRST CAUSE OF ACTION**

5 (Violation of *Business & Professions Code* §§17200, *et. seq.*)
6 (By All Plaintiffs and All Class Members as Against All Defendants)

7 38. Plaintiffs and the class re-allege and incorporate by reference the allegations
8 contained in the preceding paragraphs of this complaint, as though fully set forth herein.

9 39. *Business & Professions Code* §17200, prohibits any unfair competition, including
10 any unlawful, unfair or fraudulent business act or practice.

11 40. The acts, omissions, misrepresentations, practices, and non-disclosures of
12 CHIPOTLE as alleged herein constitute "unlawful" business acts and practices in that
13 Defendant's conduct violates *Health and Safety Code* §114094, as well as *Business &*
14 *Professions Code* §17500, et seq.

15 41. Defendant's conduct amounts to "unfair" business practices within the meaning of
16 the Act, in that their practices prevented customers from having the nutritional information
17 mandated by law upon which to make healthy eating decisions by grossly undervaluing calorie
18 counts in their products. As described herein, Defendant's business practices are unethical,
19 oppressive, and/or offend established public policies.

20 42. Defendant's conduct as alleged herein also constitutes "fraudulent" business
21 practices. Plaintiff and members of the Class are likely to be deceived by Defendant's
22 representations as to nutritional values of Defendant's products. Similarly, members of the
23 public are likely to be deceived by Defendant's representations.

24 43. Plaintiff relied on the truth of Defendant's statements, in reliance upon the
25 accuracy of the menu boards and purchased the afore-mentioned Chorizo Burrito.

26 44. As a result of Defendant's unfair, fraudulent, and/or unlawful business practices,
27 Plaintiff has suffered injury-in-fact and damage, including but not limited to, the cost of the
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1 product purchased. The impact of Defendant's practices is in no way mitigated by any
2 justification, reason or motive.

3 45. Each of these grounds for recovery under this cause of action (i.e., unfair,
4 unlawful and/or fraudulent) are alleged in the alternative.

5 46. Plaintiff and the class are informed and believe and on that basis allege that the
6 unlawful, unfair, and/or fraudulent practices alleged in this complaint are continuing in nature
7 and are widespread practices engaged in by Defendants, and each of them.

8 47. As a result of the aforementioned conduct, Plaintiffs and Class members are
9 entitled to equitable relief, including restitution of all charges and disgorgement of profits,
10 attorneys' fees and costs, and permanent injunctive relief to prevent such conduct in the future.

11 **SECOND CAUSE OF ACTION**

12 (Violation of *Business and Professions Code* §17500, *et seq.*)

13 (By All Plaintiffs and all Class Members, as Against All Defendants)

14 48. Plaintiff and the class re-allege and incorporate by reference the allegations
15 contained in the preceding paragraphs of this complaint, as though fully set forth herein.

16 49. Defendant has undertaken unfair methods of competition and unfair or deceptive
17 acts or practices in transactions intended to result or which results in the sale of goods and/or
18 services to a consumer, including but not limited to:

19 50. In violation of *Business & Professions Code* §17500 *et seq.*, the advertisements,
20 labeling, policies, acts, and practice described herein were designed to, and did, result in the
21 purchase and use of the products without the knowledge that the nutritional values were false
22 and/or misleading.

23 51. Defendant either knew, and/or in the exercise of reasonable diligence should have
24 known, that the nutritional values on the menus, menu boards, online and in advertising
25 campaigns were false and misleading.

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52. As a result, Plaintiff, the Class and the general public are entitled to injunctive and equitable relief, restitution, and an order for the disgorgement of the funds by which Defendant was unjustly enriched.

THIRD CAUSE OF ACTION
(Breach of Warranty)
(By All Plaintiffs and All Class Members, as Against All Defendants)

53. Plaintiff and the class re-allege and incorporate by reference the allegations contained in the preceding paragraphs of this complaint, as though fully set forth herein.

54. Defendant sold the goods to Plaintiff and other consumers, who bought the goods from Defendant. However, Defendant breached the express warranty in that the goods did not meet the nutritional values disclosed, as set forth in detail hereinabove. As a result of this breach, Plaintiff and other consumers in fact did not receive goods as warranted by Defendant. As a proximate result of this breach of warranty by Defendants, Plaintiffs and other consumers have been damaged in an amount to be determined at trial.

PRAYER

WHEREFORE, Plaintiffs individually, on behalf of all others similarly situated and the general public, pray for judgment against Defendant CHIPTOLE as follows:

- 1. For general, special, and consequential damages according to proof;
- 2. For statutory damages;
- 3. For equitable entitlement to attorney's fees and costs from the common fund;
- 4. For attorney's fees and costs pursuant to California *Code of Civil Procedure* §1021.5;

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5. For any and all other relief available under *Business & Professions Code* §§ 17200, *et seq.* and 17500, *et seq.*, including but not limited to disgorgement of profits received and/or restitution;
6. For an injunction prohibiting Defendant from engaging in the unlawful, unfair, and fraudulent practices alleged herein;
7. For pre-judgment interest; and
8. For such other and further relief as the Court deems just and proper.

DATED: November 13, 2016

ABIR COHEN TREYZON SALO, LLP

By: 

Bovis Treyzon, Esq.
Alexander J. Perez, Esq.
Attorneys for Plaintiffs and Class Members

11/16/2016

11/16/2016

11/16/2016

EXHIBIT: A

You decide what's inside.

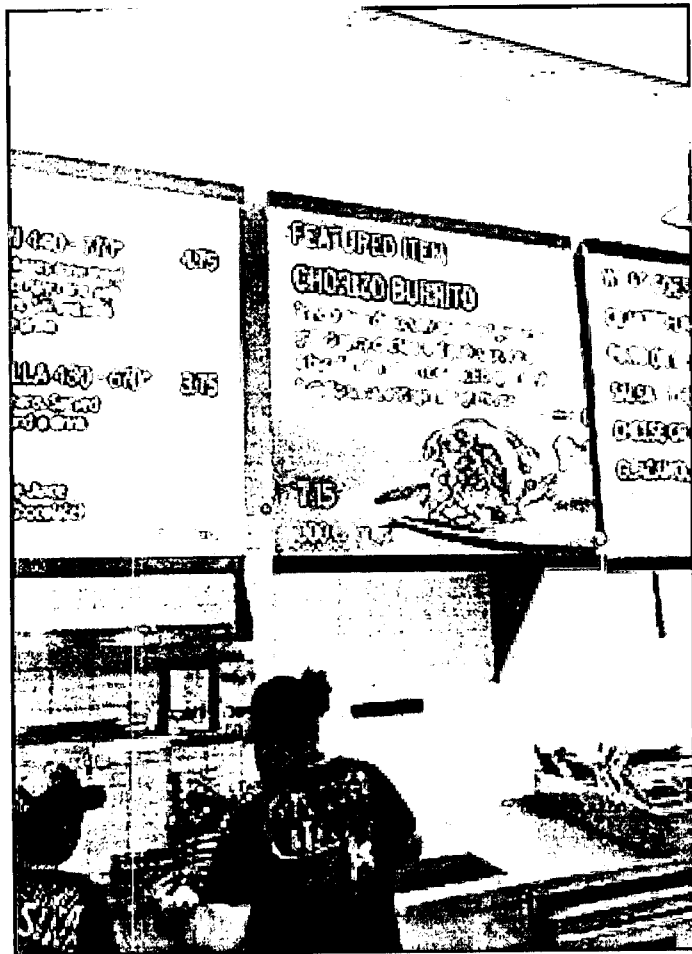
11690 San Vicente Blvd
 Los Angeles CA 90049
 (424) 652-4336

Host: Kiraahnd	11/03/2016
ORDER #623	9:25 PM
	10528
Chorizo Burrito	7.15
Subtotal	7.15
Tax	0.64
TAXE OUT Total	7.79
Visa XXXXXXXXXXXX4544	7.79
Authorizing...	
Balance Due	7.79

Order Online at Outpost16.com

EXHIBIT A-1

11/16/2016



11/16/2016

EXHIBIT A-2

FEATURED ITEM

CHORIZO BURRITO

Try our new deliciously seasoned, grilled spicy chicken and pork sausage in a burrito with white rice, black beans, tomato salsa, and sprinkle of cheese.

7.15

300 Calories



EXHIBIT A-3

11/16/2016

11/16/2016

11/16/2016

EXHIBIT: B



Our quest rocks.

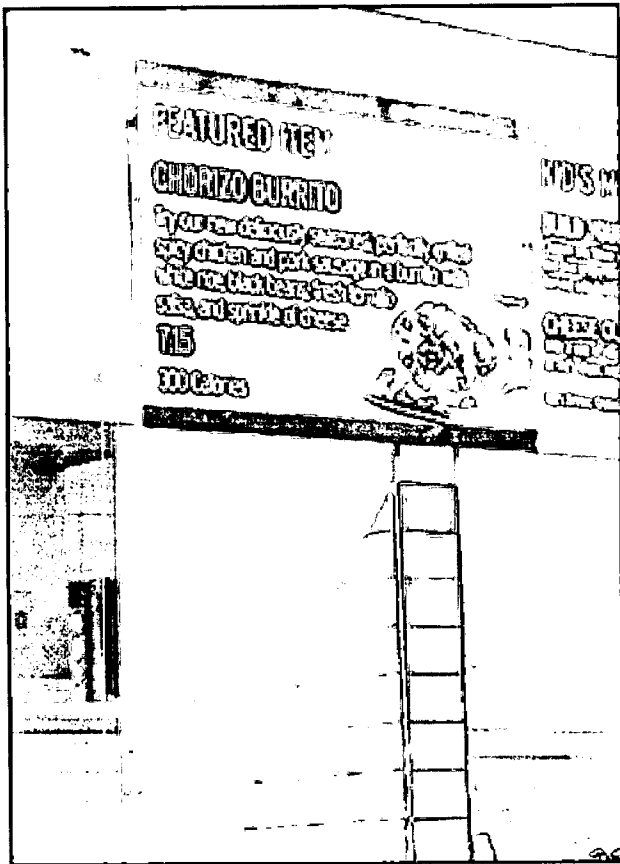
4012 W. Riverside Drive
Toluca Lake CA 91506
(818) 561-2004

Host: Alexis
ORDER #445
11/06/2016
5:52 PM
10347

Charizo Burrito	7.15
Subtotal	7.15
Tax	0.64

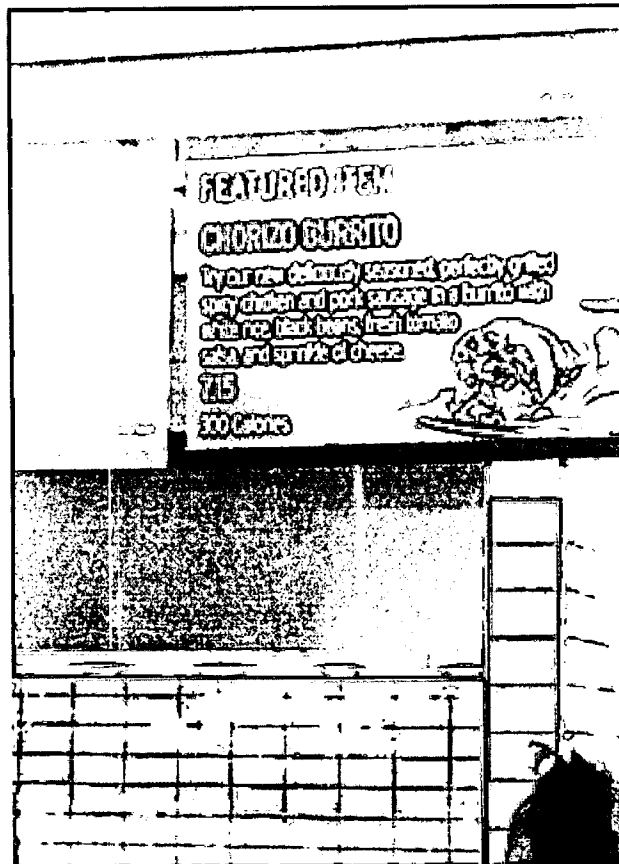
11/16/2016

EXHIBIT B-1



11/16/2016

EXHIBIT B-2



11/16/2016

EXHIBIT B-3

11/16/2016

EXHIBIT C

11/16/2016

EXHIBIT: C



Gourmet without attitude.

10250 Santa Monica Blvd.
Los Angeles CA 90067
424.204.0026

Host: Copeland
ORDER #195

11/16/2016
12:10 PM
10097

Chorizo Burrito	7.15
Subtotal	7.15
Tax	0.64
TAKE OUT Total	7.79
Cash	20.00
Change	12.21

Order online at chipotle.com

--- Check Closed ---

EXHIBIT C-1

11/16/2016

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
ABIR COHEN TREYZON SALO, LLP
Boris Treyzon, Esq. (SBN: 188893)
1901 Ave. of the Stars, Suite 935, Los Angeles, California 90067
TELEPHONE NO.: (310) 407-7888 FAX NO.: (415) 407-7915
ATTORNEY FOR (Name): Plaintiffs & Class Members, DESMOND, et al

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
STREET ADDRESS: 600 South Commonwealth Avenue
MAILING ADDRESS:
CITY AND ZIP CODE: Los Angeles, CA 90005
BRANCH NAME: CENTRAL CIVIL WEST

CASE NAME: DESMOND, et al. v. CHIPOTLE MEXICAN GRILL INC

FOR COURT USE ONLY
FILED
Superior Court of California
County of Los Angeles
NOV 15 2016
Sherri R. Carter, Executive Officer/Clerk
By Judi Lara, Deputy

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000) **Limited** (Amount demanded is \$25,000 or less)
 Counter **Joinder**
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **BC 6 407 00**
JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input checked="" type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary, declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): THREE

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: November 14, 2016
BORIS TREYZON, ESQ.
(TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE
• Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
• File this cover sheet in addition to any cover sheet required by local court rule.
• If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
• Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability (not asbestos or toxic/environmental) (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress
 - Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (not medical or legal)
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
- Breach of Rental/Lease
 - Contract (not unlawful detainer or wrongful eviction)
- Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case—Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (not provisionally complex) (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
 - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment (non-domestic relations)
 - Sister State Judgment
 - Administrative Agency Award (not unpaid taxes)
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (not specified above) (42)
 - Declaratory Relief Only
 - Injunctive Relief Only (non-harassment)
 - Mechanics Lien
 - Other Commercial Complaint Case (non-tort/non-complex)
 - Other Civil Complaint (non-tort/non-complex)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (not specified above) (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief From Late Claim
 - Other Civil Petition

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BC 6 407 00

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|--|---|
| <ul style="list-style-type: none"> 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District. 2. Permissive filing in central district. 3. Location where cause of action arose. 4. Mandatory personal injury filing in North District. 5. Location where performance required or defendant resides. 6. Location of property or permanently garaged vehicle. | <ul style="list-style-type: none"> 7. Location where petitioner resides. 8. Location wherein defendant/respondent functions wholly. 9. Location where one or more of the parties reside. 10. Location of Labor Commissioner Office. 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
|--|---|

Auto Tort
Other Personal Injury/Property Damage/Wrongful Death Tort

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11 1, 11
Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11 1, 4, 11
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11 1, 4, 11 1, 4, 11 1, 4, 11

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Non-Personal Injury/Property Damage/Wrongful Death Tort
Employment
Contract
Real Property
Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input checked="" type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1, 2, 3
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1, 2, 3
	<input type="checkbox"/> A6109 Labor Commissioner Appeals	10
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2, 5
	<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2, 5
	<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1, 2, 5
	<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1, 2, 5
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	5, 6, 11
	<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	5, 11
	<input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1, 2, 3, 5
	<input type="checkbox"/> A6031 Tortious Interference	1, 2, 3, 5
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 8, 9
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2, 6
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2, 6
	<input type="checkbox"/> A6032 Quiet Title	2, 6
	<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
Unlawful Detainer-Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2, 8
		<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2
		<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> A6160 Abstract of Judgment	2, 6
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2, 9
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2, 8
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 8, 9
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)		1, 2, 8	
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2, 3, 9
		<input type="checkbox"/> A6123 Workplace Harassment	2, 3, 9
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2, 3, 9
		<input type="checkbox"/> A6190 Election Contest	2
		<input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender	2, 7
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2, 3, 8
<input type="checkbox"/> A6100 Other Civil Petition		2, 9	

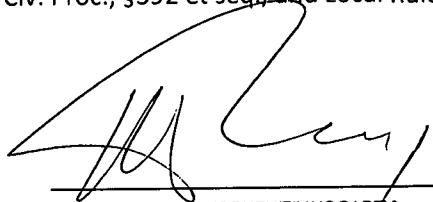
SHORT TITLE: DESMOND, et al. v. CHIPOTLE MEXICAN GRILL, INC, et al.	CASE NUMBER
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.	ADDRESS:			
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%; padding: 2px;">CITY:</td> <td style="width:30%; padding: 2px;">STATE:</td> <td style="width:40%; padding: 2px;">ZIP CODE:</td> </tr> </table>	CITY:	STATE:	ZIP CODE:	
CITY:	STATE:	ZIP CODE:		

Step 5: Certification of Assignment: I certify that this case is properly filed in the Central Civil West District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: 11/14/2016



 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

11/16/2016