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8 *Attorneys for Plaintiffs and the Class*

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of Alameda  
**05/16/2022 at 10:56:33 AM**  
By: Darnekia Oliver, Deputy Clerk

9  
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **FOR THE COUNTY OF ALAMEDA**

12 JOHN DUNDON and AARON  
13 ASELTINE, on behalf of themselves and  
all others similarly situated,

14 Plaintiffs,

15 v.

16 CHIPOTLE MEXICAN GRILL, INC.,

17 Defendant.

Case No. RG21088118  
Assigned for All Purposes to:  
Hon. Evelio Grillo

18 CLASS ACTION

19 **SUPPLEMENTAL DECLARATION OF**  
20 **CAMERON R. AZARI ON**  
21 **IMPLEMENTATION AND ADEQUACY OF**  
22 **NOTICE PROGRAM**

23 **[Notice of Unopposed Motion for Final**  
24 **Approval; Memorandum of Points and**  
25 **Authorities; Declaration of Jeffrey Kaliel;**  
26 **[Proposed] Order filed concurrently**  
27 **herewith]**

Hearing Date: July 12, 2022  
Time: 10:00 a.m.  
Department: 21  
Reservation No. 277454712648

Action filed: February 4, 2021  
Trial date: None

1  
2 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
3 **FOR THE COUNTY OF ALAMEDA**

4 JOHN DUNDON and AARON  
5 ASELTINE, on behalf of themselves and  
6 all others similarly situated,

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8 v.

9 CHIPOTLE MEXICAN GRILL, INC.,

10 Defendant.

Case No. RG21088118

CLASS ACTION

**SUPPLEMENTAL DECLARATION OF  
CAMERON R. AZARI ON  
IMPLEMENTATION AND ADEQUACY OF  
NOTICE PROGRAM**

11  
12  
13 I, Cameron Azari, declare as follows:

14 1. My name is Cameron R. Azari, Esq. I have personal knowledge of the matters set forth  
15 herein, and I believe them to be true and correct.

16 2. I am a nationally recognized expert in the field of legal notice, and I have served as an  
17 expert in hundreds of federal and state cases involving class action notice plans.

18 3. I am a Senior Vice President with Epiq Class Action and Claims Solutions, Inc.  
19 (“Epiq”) and the Director of Legal Notice for Hilsoft Notifications (“Hilsoft”), a firm that specializes  
20 in designing, developing, analyzing, and implementing large-scale legal notification plans. Hilsoft is  
21 a business unit of Epiq.

22 6. This declaration will provide updated settlement administration statistics for the  
23 implementation of the Settlement Notice Program (“Notice Plan” or “Notice Program”) for *Aaron*  
24 *Aseltine and John Dundon v. Chipotle Mexican Grill, Inc.*, Case No. RG21088118 in the Superior  
25 Court of the State of California for the County of Alameda. I previously executed my *Declaration of*  
26 *Cameron R. Azari on Implementation and Adequacy of Notice Program*, on April 22, 2022, which  
27 described the successful implementation of the Notice Program, provided settlement administration  
28 statistics, detailed Hilsoft’s class action notice experience, and attached Hilsoft’s *curriculum vitae*. I

1 also provided my educational and professional experience relating to class actions and my ability to  
2 render opinions on overall adequacy of notice programs. The facts in this declaration are based on my  
3 personal knowledge, as well as information provided to me by my colleagues in the ordinary course  
4 of my business at Epiq.

## 5 **NOTICE PROGRAM IMPLEMENTATION SUMMARY**

### 6 ***Individual Notice***

7 9. As stated in my Implementation Declaration, on February 21, 2022, Epiq began sending  
8 Email Notices to all identified Settlement Class Members. All Non-Rewards Class Member Email  
9 Notices were sent on February 21, 2020. An Email Notice was successfully delivered to 7,443,989 of  
10 the 7,754,080 unique, identified Settlement Class Members to whom Epiq sent Notice, a deliverable  
11 rate of approximately 96% for the individual notice effort.

### 12 ***Settlement Website***

13 10. The dedicated Settlement Website established for the Settlement with an easy-to-  
14 remember domain name (www.DeliveryFeeSettlement.com) continues to be available 24 hours per  
15 day, 7 days per week. Settlement Class Members can download relevant case documents, review  
16 answers to frequently asked questions (“FAQs”) and instructions for how Settlement Class Members  
17 may request exclusion from or object to the Settlement, and obtain contact information for the Class  
18 Action Settlement Administrator. In addition, visitors to the Settlement Website can conveniently file  
19 a Settlement Claim Form online using their unique ID number that was included in the Email Notice  
20 they received. As of May 5, 2022, there have been 215,146 visitor sessions to the Settlement Website  
21 and 608,132 website pages presented.

### 22 ***Toll-Free Number***

23 11. The toll-free telephone number (1-855-675-3034) established for the Settlement  
24 continues to allow Settlement Class Members to call for additional information and listen to answers  
25 to FAQs. This automated telephone system is available 24 hours per day, 7 days per week. As of May  
26 5, 2022, there have been 1,022 calls to the toll-free telephone number representing 2,530 minutes of use.

### 27 ***Postal Mailing Address Information***

28 12. The post office box established for the Settlement continues to be available, allowing

1 Settlement Class Members to contact the Class Action Settlement Administrator by mail with any  
2 specific requests or questions.

3 ***Requests for Exclusion and Objections***

4 13. The deadline to request exclusion from the Settlement or to object to the Settlement is  
5 May 25, 2022. As of May 5, 2022, Epiq has received four Requests for Exclusion, and I am aware of  
6 one objection filed thus far. Prior to the July 12, 2022, Final Approval Hearing, Epiq will provide a  
7 final report of all valid Requests for Exclusion received, as well as comment on any objections that  
8 may be received that address adequacy of notice.

9 ***Status of Claims Process***

10 14. The deadline for Settlement Class Members to file a Claim is June 28, 2022. As of  
11 May 5, 2022, Epiq has received 91,109 Settlement Claim Forms – 83,702 submissions from the  
12 Rewards Member Settlement Subclass and 7,407 submissions from the Non-Rewards Member  
13 Settlement Subclass. As standard practice, Epiq is in the process of conducting a complete review and  
14 audit of all Settlement Claim Forms received. After the June 28, 2022, deadline and prior to the July  
15 12, 2022, Final Approval Hearing, Epiq will provide a breakdown of all Claim Forms received.

16 I declare under penalty of perjury that the foregoing is true and correct. Executed on May 10,  
17 2022.

18   
19 \_\_\_\_\_  
Cameron R. Azari, Esq.

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF ALAMEDA**

3 I am employed in the District of Columbia. I am over the age of 18 and not a party to the  
4 within action. My business address is 1100 15th Street NW, 4<sup>th</sup> Floor, Washington, DC 20005.

5 On **May 16, 2022**, I served the document(s) described as:

6 **SUPPLEMENTAL DECLARATION OF CAMERON R. AZARI ON**  
7 **IMPLEMENTATION AND ADEQUACY OF NOTICE PROGRAM**

8 on the interested parties in this action by sending [ ] the original [or] [✓] a true copy thereof [✓]  
9 to interested parties as follows [or] [ ] as stated on the attached service list:

10 **DLA PIPER LLP (US)**  
11 ANGELA C. AGRUSA (SBN 131337)  
12 *angela.agrusa@us.dlapiper.com*  
13 SHANNON E. DUDIC (SBN 261135)  
14 *shannon.dudic@us.dlapiper.com*  
2000 Avenue of the Stars  
Suite 400 North Tower  
Los Angeles, California 90067-4704

Attorneys for Defendant,  
**CHIPOLTE MEXICAN  
GRILL, INC.**

15 [ ] **BY MAIL (ENCLOSED IN A SEALED ENVELOPE):** I deposited the envelope(s)  
16 for mailing in the ordinary course of business at Los Angeles, California. I am “readily  
17 familiar” with this firm’s practice of collection and processing correspondence for  
mailing. Under that practice, sealed envelopes are deposited with the U.S. Postal  
Service that same day in the ordinary course of business with postage thereon fully  
prepaid at Los Angeles, California.

18 [X] **BY E-MAIL:** I hereby certify that this document was served from Los Angeles,  
19 California, by e-mail delivery on the parties listed herein at their most recent known e-  
mail address or e-mail of record in this action.

20 [ ] **BY FAX:** I hereby certify that this document was served from Los Angeles, California,  
21 by facsimile delivery on the parties listed herein at their most recent fax number of  
record in this action.

22 [ ] **BY PERSONAL SERVICE:** I delivered the document, enclosed in a sealed envelope,  
23 by hand to the offices of the addressee(s) named herein.

24 I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct. Executed this **May 16, 2022**, at Los Angeles, California.

25 \_\_\_\_\_  
26 NEVA R. GARCIA

  
\_\_\_\_\_  
27 Signature  
28