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8 *Attorneys for Plaintiff and the Class*

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

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

15 Plaintiffs,

16 v.

17 CHIPOTLE MEXICAN GRILL, INC.,

18 Defendant.

Case No. RG21088118  
Assigned for All Purposes to:  
Hon. Evelio Grillo  
Dept. 21

CLASS ACTION

***EX PARTE* APPLICATION FOR LEAVE  
TO FILE MEMORANDUM IN EXCESS OF  
PAGE LIMIT**

**[[Proposed] Order; Notice of Unopposed  
Motion for Attorneys' Fees, Expenses and  
Class Representative Service Award;  
Declaration of Jeffrey D. Kaliel; Declaration  
of Cameron R. Azari; and [Proposed] Order  
Filed Concurrently herewith]**

Hearing Date: July 21, 2022  
Time: 10:00 a.m.  
Department: 21

Action filed: February 4, 2021  
Trial date: None

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Pursuant to California Rules of Court, Rule 3.1113(e), Plaintiffs hereby apply *ex parte* for an order granting them an extension of page limit specified in California Rules of Court, Rule 3.1113(d), for Plaintiffs' Memorandum in Support of Unopposed Motion for Attorneys Fees, Expenses and Class Representative Service Awards. Plaintiffs seek leave to file a memorandum of points and authorities not to exceed 22 pages in length. The parties make this application without appearing personally pursuant to California Rules of Court, Rule 3.1113(e).

This application is based on the accompanying Declaration of Jeffrey D. Kaliel in support of this *ex parte* application for leave to exceed page limit. This application is also based upon the accompanying (1) Notice of Unopposed Motion for Attorneys Fees, Expenses and Class Representative Service Awards; (2) the Memorandum of Points and Authorities In Support Thereof; (3) Declaration of Jeffrey D. Kaliel in support thereof; (4) Declaration of Cameron R. Azari; and (4) [Proposed] Order Awarding Attorneys' Fees, Expenses and Service Award; and on such other evidence that the Court may consider.

Dated: April 25, 2022

**KALIELGOLD PLLC**



By: \_\_\_\_\_  
Jeffrey D. Kaliel  
Sophia G. Gold

*Attorneys for Plaintiffs and the Classes*

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**DECLARATION OF JEFFREY D. KALIEL**

I, Jeffrey D. Kaliei, declare as follows:

1. I am counsel of record of Plaintiffs Aaron Aseltine and John Dundon and the proposed Class Counsel for the settlement Class in the above-captioned matter. I submit this declaration in support of the *Ex Parte* Application for Leave to File Memorandum in Excess of Page Limitation.

2. In order to allow the Court to fully consider each aspect of the proposed Settlement in this class action—including to explain the terms of the Settlement itself, the proposed Class, and the legal background and risks faced by the Parties—Plaintiffs believe it is necessary to seek an seven (7) page enlargement.

3. Without the extra nine (9) pages, Plaintiffs are concerned that they would have to omit information that the Court may find helpful in evaluating the proposed Settlement and the factors it must consider when determining whether to grant preliminary approval.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 25th day of April, 2022, at Washington, D.C.



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JEFFREY D. KALIEL

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 **April 25, 2022**, I served the document(s) described as:

6 **JOINT EX PARTE APPLICATION FOR LEAVE TO FILE MEMORANDUM IN**  
7 **EXCESS OF PAGE LIMIT; DECLARATION OF JEFFREY D. KALIEL IN**  
8 **SUPPORT THEREOF**

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

11 **DLA PIPER LLP (US)**  
12 ANGELA C. AGRUSA (SBN 131337)  
13 *angela.agrusa@us.dlapiper.com*  
14 SHANNON E. DUDIC (SBN 261135)  
15 *shannon.dudic@us.dlapiper.com*  
16 2000 Avenue of the Stars  
17 Suite 400 North Tower  
18 Los Angeles, California 90067-4704  
19 Tel: 310.595.3000  
20 Fax: 310.595.3300

Attorneys for Defendant,  
CHIPOLTE MEXICAN  
GRILL, INC.

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

27  **BY E-MAIL:** I hereby certify that this document was served from Los Angeles,  
28 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.

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

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

29 I declare under penalty of perjury under the laws of the State of California that the  
30 foregoing is true and correct. Executed this **April 25, 2022**, at Los Angeles, California.

31 NEVA R. GARCIA



Signature