

**Court:** US COURT OF APPEALS FOR THE NINTH CIRCUIT

**Case Title:** MAURIZIO ANTONINETTI v. CHIPOTLE MEXICAN GRILL, INC.

**Appeal From:** US DISTRICT COURT FOR SOUTHERN CALIFORNIA, SAN DIEGO

**Date Filed:** 05/28/2008

**CASE INFORMATION**

**Case Number:** 08-55867

**Case Type:** APPEALS

**Case Subtype:** CIVIL

PRIVATE

**Nature of Suit:** 3440 OTHER CIVIL RIGHTS

**Key Nature of Suit:** APPEALS (030)

**LOWER COURT INFORMATION**

**District:** 0974-3

**Lower Court Docket Number:** 3:05-CV-01660-J-WMC

**Trial Judge(s):** NAPOLEON A. JONES, U.S. DISTRICT JUDGE

**Court Reporter(s):** JOAN KING

**Date Filed:** 08/22/2005

**Date Order/Judgment:** 04/21/2008

**Date NOA Filed:** 05/15/2008

**Date COA Received:** 05/22/2008

### OTHER CASES

**Current Case(s):**

<b>Relationship:</b>	<b>Lead Docket:</b>	<b>Member Docket:</b>	<b>Start Date:</b>	<b>End Date:</b>
CROSS-APPEAL	08-55867	--	06/11/2008	--
CROSS-APPEAL	09-55327	--	03/20/2009	--
RELATED	08-55867	--	03/05/2009	--
RELATED	08-55867	--	03/20/2009	--
RELATED	08-55946	--	03/05/2009	--
RELATED	08-55946	--	03/20/2009	--

### NAMES

**Name:** MAURIZIO ANTONINETTI

**Type:** PLAINTIFF - APPELLANT

**Attorney:** AMY BETH VANDEVELD

**Attorney Phone:** 619-231-8883

**Firm Name:** VANDEVELD LAW OFFICES

**Firm Address:** SUITE 22  
1850 FIFTH AVENUE  
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**Name:** CHIPOTLE MEXICAN GRILL, INC.

**Type:** DEFENDANT - APPELLEE

**Attorney:** GREGORY FRANCIS HURLEY, ESQUIRE, SENIOR LITIGATION

**Attorney Phone:** 949-732-6500

**Firm Name:** LAW OFFICES OF GREENBERG TRAUERIG, LLP

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**Attorney:** JOHN F. SCALIA, ESQUIRE  
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**Firm Phone:** 703-749-1380

**Name:** DISABILITY RIGHTS EDUCATION AND DEFENSE FUND

**Type:** AMICUS CURIAE

**Attorney:** AMY FARR ROBERTSON

**Attorney Phone:** 303-595-9700

**Firm Name:** FOX & ROBERTSON, P.C.

**Firm Address:** SUITE 400  
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DENVER, CO 80203

**Name:** DISABILITY RIGHTS ADVOCATES

**Type:** AMICUS CURIAE

**Attorney:** AMY FARR ROBERTSON

**Attorney Phone:** 303-595-9700

**Name:** DISABILITY RIGHTS CALIFORNIA

**Type:** AMICUS CURIAE

**Name:** DISABILITY RIGHTS LEGAL CENTER

**Type:** AMICUS CURIAE

**Name:** COLORADO CROSS DISABILITY COALITION

**Type:** AMICUS CURIAE

**Name:** NATIONAL DISABILITY RIGHTS NETWORK  
**Type:** AMICUS CURIAE

**Name:** THE AMERICAN ASSOCIATION OF PEOPLE WITH DISABILITIES  
**Type:** AMICUS CURIAE

#### DOCKET PROCEEDINGS

<b>ENTRY #:</b>	<b>DATE:</b>	<b>DESCRIPTION:</b>
39	03/23/2009	FILED (ECF) APPELLEE CHIPOTLE MEXICAN GRILL, INC. IN 08-55867, APPELLANT CHIPOTLE MEXICAN GRILL, INC. IN 08-55946 REPLY TO RESPONSE (RESPONSE TO MOTION (ECF FILING) ). DATE OF SERVICE: 03/23/2009. [6856132] [08-55867, 08-55946] (VER)
37	03/12/2009	FILED (ECF) APPELLANT MAURIZIO ANTONINETTI IN 08-55867, APPELLEE MAURIZIO ANTONINETTI IN 08-55946 RESPONSE OPPOSING MOTION (MOTION (ECF FILING) , MOTION TO STRIKE PORTION OR WHOLE OF DOCUMENT). DATE OF SERVICE: 03/12/2009. [6844118] [08-55867, 08-55946] (ABV)
38	03/10/2009	RECEIVED 10 PAPER COPIES OF CROSS-APPEAL REPLY BRIEF BRIEF [6829038-2] FILED BY CHIPOTLE MEXICAN GRILL, INC. IN 08-55867, 08-55946. ONE COPY TO CASE FILES, THE REMAINDER TO RECORDS. [08-55867, 08-55946] (LA)
--	03/05/2009	FILED CLERK ORDER: CROSS-APPEAL REPLY BRIEF BRIEF [6829038-2] FILED BY CHIPOTLE MEXICAN GRILL, INC. IN 08-55946,08-55867. WITHIN 5 WORKING DAYS OF THE FILING OF THIS ORDER, FILER IS ORDERED TO FILE 10 COPIES OF THE BRIEF IN PAPER FORMAT, WITH A GREY COVER, ACCOMPANIED BY CERTIFICATION THAT THE BRIEF IS IDENTICAL TO THE VERSION SUBMITTED ELECTRONICALLY. [08-55946, 08-55867] (FT)
35	03/02/2009	FILED (ECF) APPELLEE CHIPOTLE MEXICAN GRILL, INC. IN 08-55867 MOTION TO STRIKE PORTION OF APPEL-

LANT/CROSS-APPELLEE'S THIRD BRIEF ON CROSS-APPEAL. DATE OF SERVICE: 03/02/2009. [6829043] [08-55867, 08-55946] (VER)

34	03/02/2009	SUBMITTED (ECF) CROSS-APPEAL REPLY BRIEF BRIEF FOR REVIEW. SUBMITTED BY APPELLEE CHIPOTLE MEXICAN GRILL, INC. IN 08-55867. DATE OF SERVICE: 03/02/2009. [6829038] [08-55867, 08-55946] (VER)
36	02/27/2009	RECEIVED 10 PAPER COPIES OF THIRD BRIEF ON CROSS-APPEAL BRIEF [6811942-2] FILED BY MAURIZIO ANTONINETTI IN 08-55867,08-55946. ONE COPY TO CASE FILES, THE REMAINDER TO RECORDS. [08-55867, 08-55946] (SJ)
--	02/23/2009	FILED THIRD BRIEF ON CROSS-APPEAL BRIEF [6811942-2] FILED BY MAURIZIO ANTONINETTI IN 08-55867, 08-55946. WITHIN 5 WORKING DAYS OF THE FILING OF THIS ORDER, FILER IS ORDERED TO FILE 10 COPIES OF THE BRIEF IN PAPER FORMAT, WITH A YELLOW COVER, ACCOMPANIED BY CERTIFICATION THAT THE BRIEF IS IDENTICAL TO THE VERSION SUBMITTED ELECTRONICALLY. [08-55867, 08-55946] (LA)
32	02/18/2009	SUBMITTED (ECF) THIRD BRIEF ON CROSS-APPEAL BRIEF FOR REVIEW. SUBMITTED BY APPELLANT MAURIZIO ANTONINETTI IN 08-55867. DATE OF SERVICE: 02/18/2009. [6811942] [08-55867, 08-55946] (ABV)
31	02/17/2009	THIRD BRIEF ON CROSS-APPEAL BRIEF [6807503-2] WILL NOT BE FILED BECAUSE OF DEFICIENCIES (CERTIFICATE OF COMPLIANCE DOES NOT INCLUDE A WORD COUNT). WITHIN 5 WORKING DAYS OF THE FILING OF THIS ORDER, FILER SHALL SUBMIT A NEW BRIEF VIA ECF CURING THE DEFICIENCIES. [6810667] [08-55867, 08-55946] (LA)
--	02/17/2009	DELETED INCORRECT DOCKET ENTRY (FT)

33                    02/13/2009            FILED APPELLANT/CROSS-APPELLEE MAURIZIO AN-  
TONINETTI'S SUPPLEMENTAL EXCERPTS OF RECORD  
ON APPEAL IN 1 VOLUME (ENTITLED "VOL. 8"). [08-  
55867, 08-55946] (LA)

30                    02/12/2009            SUBMITTED (ECF) THIRD BRIEF ON CROSS-APPEAL  
BRIEF FOR REVIEW. SUBMITTED BY APPELLANT MAU-  
RIZIO ANTONINETTI IN 08-55867. DATE OF SERVICE:  
02/12/2009. [6807503] [08-55867, 08-55946] (ABV)

28                    12/23/2008            RECEIVED 10 PAPER COPIES OF SECOND BRIEF ON  
CROSS-APPEAL BRIEF [6742588-2] FILED BY CHIPOTLE  
MEXICAN GRILL, INC. IN 08-55867,08-55946. ONE COPY  
TO CASE FILES, THE REMAINDER TO RECORDS. [08-  
55867, 08-55946] (FT)

27                    12/23/2008            FILED CLERK ORDER (DEPUTY CLERK:GSS ): APPEL-  
LANT ANTONINETTI'S MOTION FOR AN EXTENSION OF  
TIME TO FILE THE THIRD CROSS-APPEAL BRIEF IS  
GRANTED. THE THIRD CROSS-APPEAL BRIEF FOR AP-  
PELLANT ANTONINETTI IS DUE FEBRUARY 17, 2009. THE  
FOURTH CROSS-APPEAL BRIEF FOR APPELLEE CHI-  
POTLE IS DUE 14 DAYS AFTER SERVICE OF THE THIRD  
CROSS-APPEAL BRIEF. [08-55867, 08-55946] (BJB)

26                    12/19/2008            FILED (ECF) APPELLANT MAURIZIO ANTONINETTI IN 08-  
55867 MOTION TO EXTEND TIME TO FILE THIRD BRIEF  
ON CROSS-APPEAL BRIEF UNTIL 02/17/2009 AT 11:59 PM.  
DATE OF SERVICE: 12/19/2008. [6745443] [08-55867, 08-  
55946] (ABV)

25                    12/18/2008            FILED SECOND BRIEF ON CROSS-APPEAL BRIEF  
[6742588-2] FILED BY CHIPOTLE MEXICAN GRILL, INC. IN  
08-55867, 08-55946. WITHIN 5 WORKING DAYS OF THE  
FILING OF THIS ORDER, FILER IS ORDERED TO FILE 10  
COPIES OF THE BRIEF IN PAPER FORMAT, WITH A RED  
COVER, ACCOMPANIED BY CERTIFICATION THAT THE  
BRIEF IS IDENTICAL TO THE VERSION SUBMITTED  
ELECTRONICALLY. [08-55867, 08-55946] (LA)

24	12/18/2008	ELECTRONICALLY-FILED DOCUMENT [6742537-2] BRIEF SUBMITTED FOR REVIEW (ECF FILING) IS STRICKEN BECAUSE THERE IS AN ERROR IN THE DOCUMENT (SUBMITTED INCORRECTLY AS OPENING BRIEF). [08-55867, 08-55946] (LA)
29	12/17/2008	FILED APPELLEE CHIPOTLE MEXICAN GRILL, INC. IN 08-55867 SUPPLEMENTAL EXCERPTS OF RECORD ON APPEAL IN 1 VOLUMES. [08-55867, 08-55946] (FT)
23	12/17/2008	SUBMITTED (ECF) SECOND BRIEF ON CROSS-APPEAL BRIEF FOR REVIEW. SUBMITTED BY APPELLEE CHIPOTLE MEXICAN GRILL, INC. IN 08-55867, APPELLANT CHIPOTLE MEXICAN GRILL, INC. IN 08-55946. DATE OF SERVICE: 12/17/2008. [6742588] [08-55867, 08-55946] (VER)
22	12/17/2008	SUBMITTED (ECF) OPENING BRIEF FOR REVIEW. SUBMITTED BY APPELLEE CHIPOTLE MEXICAN GRILL, INC. IN 08-55867, APPELLANT CHIPOTLE MEXICAN GRILL, INC. IN 08-55946. DATE OF SERVICE: 12/17/2008. [6742537] [08-55867, 08-55946] (VER)
21	12/17/2008	ELECTRONICALLY-FILED DOCUMENT [6742402-2] BRIEF SUBMITTED FOR REVIEW (ECF FILING) IS STRICKEN BECAUSE THERE IS AN ERROR IN THE DOCUMENT (SUBMITTED INCORRECTLY AS FIRST BRIEF ON CROSS-APPEAL). [08-55867, 08-55946] (LA)
20	12/17/2008	SUBMITTED (ECF) FIRST BRIEF ON CROSS-APPEAL BRIEF FOR REVIEW. SUBMITTED BY APPELLEE CHIPOTLE MEXICAN GRILL, INC. IN 08-55867, APPELLANT CHIPOTLE MEXICAN GRILL, INC. IN 08-55946. DATE OF SERVICE: 12/17/2008. [6742402] [08-55867, 08-55946] (VER)
19	12/15/2008	ADDED ATTORNEY VIRGINIA E. ROBINSON FOR CHIPOTLE MEXICAN GRILL, INC., IN CASE 08-55946 VIRGINIA E. ROBINSON FOR CHIPOTLE MEXICAN GRILL, INC., IN CASE 08-55867. [08-55867, 08-55946] (JFF)

18	12/15/2008	FILED (ECF) NOTICE OF APPEARANCE OF VIRGINIA ELLEN ROBINSON FOR APPELLEE CHIPOTLE MEXICAN GRILL, INC. IN 08-55867, APPELLANT CHIPOTLE MEXICAN GRILL, INC. IN 08-55946. DATE OF SERVICE: 12/15/2008. [6739354] [08-55867, 08-55946] (VER)
17	11/13/2008	FILED CLERK ORDER (DEPUTY CLERK:LBS ): DEFENDANT CHIPOTLE MEXICAN GRILL, INC.'S MOTION AND CORRECTED MOTION FOR AN EXTENSION OF TIME TO FILE THE SECOND CROSS-APPEAL BRIEF ARE GRANTED. THE SECOND CROSS-APPEAL BRIEF IS DUE DECEMBER 17, 2008. THE THIRD CROSS-APPEAL BRIEF IS DUE JANUARY 16, 2009. THE OPTIONAL CROSS-APPEAL REPLY BRIEF IS DUE 14 DAYS AFTER SERVICE OF THE THIRD CROSS-APPEAL BRIEF. [08-55867, 08-55946] (SC)
16	10/30/2008	FILED (ECF) APPELLEE CHIPOTLE MEXICAN GRILL, INC. IN 08-55867 CORRECTED MOTION TO EXTEND TIME TO FILE OPENING BRIEF UNTIL 12/17/2008. DATE OF SERVICE: 10/30/2008. [6691675] [08-55867, 08-55946] (GFH)
15	10/30/2008	FILED (ECF) APPELLEE CHIPOTLE MEXICAN GRILL, INC. IN 08-55867 MOTION TO EXTEND TIME TO FILE OPENING BRIEF UNTIL 12/17/2008. DATE OF SERVICE: 10/30/2008. [6691000] [08-55867, 08-55946] (GFH)
14	10/29/2008	FILED CLERK ORDER (DEPUTY CLERK:LBS ): THE COURT IS IN RECEIPT OF THE MOTION OF DISABILITY RIGHTS EDUCATION AND DEFENSE FUND, DISABILITY RIGHTS ADVOCATES, DISABILITY RIGHTS CALIFORNIA, DISABILITY RIGHTS LEGAL CENTER, COLORADO CROSS DISABILITY COALITION, NATIONAL DISABILITY RIGHTS NETWORK, AND THE AMERICAN ASSOCIATION OF PEOPLE WITH DISABILITIES TO FILE AN AMICUS CURIAE BRIEF IN SUPPORT OF REVERSAL. THE MOTION, ANY RESPONSE THERETO AND ANY FURTHER SUCH REQUEST SHALL BE REFERRED TO THE MERITS PANEL FOR SUCH TREATMENT THE PANEL DEEMS APPROPRIATE. A COPY OF THE BRIEF SHALL BE PROVIDED TO THE PANEL TO AID RESOLUTION OF THE MOTION. ANY FUTURE REQUESTS TO FILE FRIEND OF THE COURT BRIEFS SHALL BE TREATED IN THE SAME FASHION. [08-55867, 08-55946] (SC)



13                    10/14/2008            RECEIVED ORIGINAL AND 15 COPIES OF AMICI CURIAE COLORADO CROSS DISABILITY COALITION, DISABILITY RIGHTS ADVOCATES, DISABILITY RIGHTS CALIFORNIA, DISABILITY RIGHTS EDUCATION AND DEFENSE FUND, DISABILITY RIGHTS LEGAL CENTER, NATIONAL DISABILITY RIGHTS NETWORK AND THE AMERICAN ASSOCIATION OF PEOPLE WITH DISABILITIES IN 08-55867, 08-55946 BRIEF IN 30 PAGES. DEFICIENCY: MOTION PENDING SERVED ON. 10/10/2008 [08-55867, 08-55946] (FT)

12                    10/14/2008            FILED DISABILITY RIGHTS EDUCATION AND DEFENSE FUND, DISABILITY RIGHTS ADVOCATES, DISABILITY RIGHTS CALIFORNIA, DISABILITY RIGHTS LEGAL CENTER, COLORADO CROSS DISABILITY COALITION, NATIONAL DISABILITY RIGHTS NETWORK AND THE AMERICAN ASSOCIATION OF PEOPLE WITH DISABILITIES IN 08-55867 AND DISABILITY RIGHTS EDUCATION AND DEFENSE FUND, DISABILITY RIGHTS ADVOCATES, DISABILITY RIGHTS CALIFORNIA, DISABILITY RIGHTS LEGAL CENTER, COLORADO CROSS DISABILITY COALITION, NATIONAL DISABILITY RIGHTS NETWORK AND THE AMERICAN ASSOCIATION OF PEOPLE WITH DISABILITIES IN 08-55946 MOTION TO TO BECOME AMICUS CURIAE, SERVED ON 10/10/2008 [08-55867, 08-55946] (FT)

11                    10/10/2008            SUBMITTED (ECF) AMICUS BRIEF FOR REVIEW AND FILED MOTION TO BECOME AMICUS CURIAE. SUBMITTED BY DISABILITY RIGHTS EDUCATION AND DEFENSE FUND, DISABILITY RIGHTS ADVOCATES, DISABILITY RIGHTS CALIFORNIA, DISABILITY RIGHTS LEGAL CTR, COLORADO CROSS DISABILITY COALITION, NATIONAL DISABILITY RIGHTS NETWORK, AND AMERICAN ASS'N OF PEOPLE WITH DISABILITIES. DATE OF SERVICE: 10/10/2008. [6672513] [08-55867, 08-55946] (AFR)

10                    10/06/2008            FILED ORIGINAL AND 15 COPIES OF MAURIZIO ANTONINETTI IN 08-55867 FIRST BRIEF ON CROSS-APPEAL. (INFORMAL: NO). 57 PAGES. FIVE COPIES EXCERPTS OF RECORD IN 7 VOLUMES. SERVED ON: 10/03/2008. [08-55867, 08-55946] (FT)

9                    08/13/2008            FILED ORDER MEDIATION (PWS): THE COURT HAS DETERMINED THAT THESE APPEALS WILL NOT BE SELECTED FOR INCLUSION IN THE MEDIATION PROGRAM. THE BRIEFING SCHEDULE SET FORTH IN THE COURT'S ORDER FILED JULY 30, 2008, SHALL REMAIN IN EFFECT. [08-55867, 08-55946] (SC)

8                    08/06/2008            FILED CERTIFICATE OF RECORD ON APPEAL. RT FILED IN DC 9/10/07, 11/5/07, 11/27/08, 11/29/07, 11/30/07, 12/3/07. (BG)

7                    07/30/2008            FILED ORDER MEDIATION (PWS):THE COURT WILL INITIATE A FURTHER ASSESSMENT CONFERENCE BY TELEPHONE ON AUGUST 12, 2008, AT 1:00 P.M. PACIFIC (SAN FRANCISCO) TIME. THE BRIEFING SCHEDULE PREVIOUSLY SET BY THE COURT IS AMENDED AS FOLLOWS: APPELLANT MAURIZIO ANTONINETTI SHALL FILE THE FIRST CROSS-APPEAL BRIEF ON OR BEFORE OCTOBER 6, 2008; APPELLEE CHIPOTLE MEXICAN GRILL, INC. SHALL FILE THE SECOND CROSS-APPEAL BRIEF ON OR BEFORE NOVEMBER 17, 2008; APPELLANT MAURIZIO ANTONINETTI SHALL FILE THE THIRD CROSS-APPEAL BRIEF ON OR BEFORE DECEMBER 17, 2008; APPELLEE CHIPOTLE MEXICAN GRILL, INC. MAY FILE AN OPTIONAL FOURTH CROSS-APPEAL BRIEF WITHIN FOURTEEN (14) DAYS FROM THE SERVICE DATE OF THE THIRD CROSS-APPEAL BRIEF. (KKW)

6                    06/16/2008            FILED CLERK ORDER (DEPUTY CLERK:EPM): THESE CASES ARE UNDER CONSIDERATION FOR INCLUSION IN THE MEDIATION PROGRAM. A SETTLEMENT ASSESSMENT CONFERENCE WILL BE HELD BY TELEPHONE ON JULY 22, 2008, AT 10:00 A.M. PACIFIC (SAN FRANCISCO) TIME. THE BRIEFING SCHEDULE PREVIOUSLY SET BY THE COURT REMAINS IN EFFECT. [08-55867, 08-55946] (SC)

5                    06/11/2008            FILED APPELLANT CHIPOTLE MEXICAN GRILL, INC. IN 08-55946 CIVIL APPEALS DOCKETING STATEMENT. SERVED ON 05/29/2008. [08-55946, 08-55867] (CONFATT) (JN)

4	06/11/2008	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND CADS: NO. SETTING CROSS-APPEAL BRIEFING SCHEDULE AS FOLLOWS: DESIGNATION OF RT FOR APPELLANT CHIPOTLE MEXICAN GRILL, INC. DUE 06/09/2008. DESIGNATION OF RT FOR APPELLEE MAURIZIO ANTONINETTI DUE 06/18/2008. TRANSCRIPT ORDER FOR APPELLANT CHIPOTLE MEXICAN GRILL, INC. DUE 06/30/2008. TRANSCRIPT DUE FOR COURT REPORTER JOAN KING, COURT REPORTER ON 07/28/2008. CERTIFICATE OF RECORD DUE 07/07/2008. FIRST CROSS APPEAL BRIEF DUE 09/02/2008 FOR MAURIZIO ANTONINETTI. SECOND BRIEF ON CROSS APPEAL DUE 10/02/2008 FOR CHIPOTLE MEXICAN GRILL, INC.. THIRD BRIEF ON CROSS APPEAL DUE 11/03/2008 FOR MAURIZIO ANTONINETTI. OPTIONAL CROSS APPEAL REPLY BRIEF DUE 11/17/2008 FOR CHIPOTLE MEXICAN GRILL, INC. [08-55946, 08-55867] (JN)
3	05/28/2008	FILED APPELLANT'S REPRESENTATION STATEMENT BY AMY B. VANDEVELD, COUNSEL FOR APPELLANT. ORIGINAL ATTACHED AND SERVED WITH CADS ON 05/15/2008. (CASE FILES) (JN)
2	05/28/2008	FILED APPELLANT MAURIZIO ANTONINETTI CIVIL APPEALS DOCKETING STATEMENT. SERVED ON 05/15/2008. (CONFATT) (JN)
1	05/28/2008	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND CADS: NO. THE SCHEDULE IS SET AS FOLLOWS: DESIGNATION OF RT FOR APPELLEE CHIPOTLE MEXICAN GRILL, INC. DUE 06/04/2008. TRANSCRIPT ORDER FOR APPELLANT MAURIZIO ANTONINETTI DUE 06/16/2008. TRANSCRIPT DUE FOR COURT REPORTER JOAN KING, COURT REPORTER ON 07/14/2008. CERTIFICATE OF RECORD DUE 06/23/2008. APPELLANT MAURIZIO ANTONINETTI OPENING BRIEF DUE 09/02/2008. APPELLEE CHIPOTLE MEXICAN GRILL, INC. ANSWERING BRIEF DUE 09/29/2008. APPELLANT'S OPTIONAL REPLY BRIEF IS DUE 14 DAYS AFTER SERVICE OF THE ANSWERING BRIEF. (JN)