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8 UNITED STATES DISTRICT COURT  
9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
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11 MAURIZIO ANTONINETTI, JEAN RIKER,  
12 JAMES PERKINS, KAREN FRIEDMAN,  
MICHAEL RIFKIN, SUSAN CHANDLER, LAURA  
13 WILLIAMS, on behalf of themselves and  
all others similarly situated,

14 Plaintiffs,  
15

16 v.

17 CHIPOTLE MEXICAN GRILL, INC., a  
Delaware Corporation and DOES 1-10,  
18 Defendants.

CASE NO. 06cv2671 BTM  
(WMC)

**FIRST AMENDED COMPLAINT**

**CLASS ACTION - Related to  
USDC No. 05 CV 1660 BTM  
(WMC)**

**DEMAND FOR JURY TRIAL**

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20 **INTRODUCTION**

21 1. Defendant Chipotle Mexican Grill, Inc. ("Chipotle")  
22 specifically intends to provide its customers with the "Chipotle  
23 Experience" in which Chipotle customers have the opportunity to  
24 "build their perfect burrito," to ask for "a little more salsa, a  
25 little less guacamole," to see the appetizing display of food  
26 choices, to see into the open kitchen and to see freshly  
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28 First Amended Complaint  
06cv2671 BTM (WMC)

1 marinated meats being grilled, to experience a "feast for the  
2 eyes," and to be brought "more completely into the dining  
3 experience." All of these benefits and opportunities are part of  
4 "the Chipotle Experience." The Chipotle Experience is supposed  
5 to be a "fast" experience, in a casual setting, consistent with  
6 Chipotle's description of its restaurants as providing "fast  
7 casual" fare. Plaintiffs and the class of people with mobility  
8 disabilities they represent were denied full and equal access to  
9 the Chipotle Experience by Chipotle.

10 2. Chipotle originally designed and constructed its  
11 restaurants in California with walls approximately 46 inches high  
12 ("the walls") located between the customers and the food ordering  
13 and preparation areas, in violation of the Americans with  
14 Disabilities Act ("the ADA"). The walls obstructed the view of  
15 the kitchen and food preparation areas for people with mobility  
16 impairments who require the use of wheelchairs or other mobility  
17 devices (hereafter collectively referred to as "people in  
18 wheelchairs") and who, because of their mobility disabilities,  
19 are denied full and equal access to the Chipotle Experience.  
20 Those who can see over the walls have the opportunity to see into  
21 the open kitchen, to see large pans of appetizing ingredients,  
22 tantalizingly displayed, to see and select the specific  
23 ingredients they want in their entrees, to direct the amount of  
24 each of the chosen ingredients to be placed in the entrees, and  
25 to watch the actual construction of their entrees. People who  
26 can see over the walls can "direct" the construction of their

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1 "perfect" burrito. Plaintiffs and the class of people they  
2 represent, however, have no such opportunity because they cannot  
3 see the food on display or the making of their entrees because of  
4 the walls.

5 3. In an effort to provide the Chipotle Experience to  
6 people with mobility impairments, like the Plaintiffs, Chipotle  
7 adopted a policy of providing accommodations by various methods,  
8 including by lifting samples of food for viewing or by having  
9 entrees constructed at the cashier counter or at an adjacent  
10 table. Chipotle's policy of accommodation legally fails as  
11 "equivalent facilitation," pursuant to a ruling by the Ninth  
12 Circuit Court of Appeals in *Antoninetti v. Chipotle Mexican*  
13 *Grill, Inc.*, 614 F.3d 971 (9<sup>th</sup> Cir. 2010).

14 4. The accommodations offered by Chipotle pursuant to its  
15 policy "merely provide a substitute experience that lacks the  
16 customer's personal participation in the selection and  
17 preparation of the food that the full 'Chipotle experience'  
18 furnishes." *Antoninetti*, 614 F.3d 971, 979.

19 **JURISDICTION AND VENUE**

20 5. The claims alleged herein arise under the Americans  
21 with Disabilities Act (42 U.S.C. §§ 12131 et seq.) ("ADA"), and  
22 under state claims for relief, such that the jurisdiction of this  
23 Court is invoked pursuant to 28 U.S.C. §§ 1331, 1332 and 1343.  
24 Through the same actions and omissions that form the basis of  
25 Plaintiffs' federal claims, Chipotle and the DOE Defendants  
26 (hereinafter collectively referred to as "Defendants") have also

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1 violated Plaintiffs' rights under state law, over which this  
2 Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367.  
3 This Court has jurisdiction over Plaintiffs' claims for  
4 declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201  
5 and 2202 and Rule 65 of the Federal Rules of Civil Procedure.  
6 All of the Plaintiffs are residents of the State of California.  
7 Chipotle is incorporated in the State of Delaware, with its  
8 principal place of business in Denver, Colorado.

9 6. Venue over Plaintiffs' claims is proper in the Southern  
10 District of California because Defendant operates approximately  
11 14 restaurants in the Southern District of California, Mr.  
12 Antoninetti resides in the Southern District, Mr. Perkins wants  
13 to visit Chipotle restaurants in the Southern District and  
14 because the events, acts, and omissions giving rise to at least  
15 two of the Plaintiffs' claims occurred in the Southern District  
16 of California.

17 **PARTIES**

18 7. Plaintiffs Maurizio Antoninetti, Jean Riker, Michael  
19 Rifkin, James Perkins, Karen Friedman, Laura Williams and Susan  
20 Chandler are each individuals with physical disabilities within  
21 the meaning of all applicable statutes, including the ADA, 42  
22 U.S.C. § 12101, et seq., Section 504, 29 U.S.C. §794, and  
23 California Civil Code § 51, et seq. All of these Plaintiffs  
24 utilize wheelchairs or motorized scooters for mobility because  
25 their abilities to walk and stand are substantially limited.

26 8. This action is brought on behalf of the named  
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1 Plaintiffs and on behalf of all persons similarly situated. The  
2 class which the Plaintiffs seek to represent is composed of all  
3 persons with mobility disabilities who use wheelchairs or other  
4 mobility aides, such as scooters, and who, because of their  
5 mobility disabilities, have been or will be denied full and equal  
6 access to the Chipotle Experience because of the walls  
7 (hereinafter "the Class.")

8 9. Defendant Chipotle Mexican Grill, Inc., headquartered  
9 in Denver, Colorado, is a corporation authorized to do business  
10 and doing business within the State of California. Plaintiffs  
11 are informed and believe and thereon allege that Chipotle  
12 operates more than 83 restaurants within the State of California,  
13 all of which are similarly designed and constructed with respect  
14 to the food service lines and the walls. This case arises out of  
15 Defendant's denial of access to the Chipotle Experience to  
16 customers who, because of mobility disabilities, are unable to  
17 see over the walls.

18 10. The Defendants whose identities are unknown are sued  
19 herein under the names DOES 1 through 10 ("DOES"). Plaintiffs  
20 are informed and believe and thereon allege that all of the  
21 Defendants, including the DOES, are in some manner responsible  
22 for the injuries and damages herein alleged.

23 **FACTS APPLICABLE TO ALL CAUSES OF ACTION**

24 11. Each and every allegation set forth in each and every  
25 statement of the Complaint is hereby incorporated by reference in  
26 each and every other averment and allegation of this First  
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1 Amended Complaint.

2 12. Maurizio Antoninetti has paraplegia. He uses a  
3 wheelchair for mobility. In November and December of 2006, Mr.  
4 Antoninetti visited the Chipotle restaurants located on Rosecrans  
5 Street and at San Diego State University in San Diego,  
6 California. During his visits to Chipotle restaurants, the walls  
7 at the food preparation areas prevented Mr. Antoninetti from  
8 seeing food on display and/or the making of his entrees. He  
9 would like to return to Chipotle's restaurants, including other  
10 restaurants in the San Diego area, and he would like to be  
11 provided with full and equal access to the Chipotle Experience.  
12 He was deterred from returning to Chipotle's restaurants because  
13 they were constructed with the same wall design, which denied him  
14 full and equal access to the Chipotle Experience.

15 13. Jean Riker has hemiplegia. She uses a wheelchair for  
16 mobility. Ms. Riker visited the Chipotle restaurant on Capitol  
17 Avenue in Sacramento, California in November of 2006. During her  
18 visit to the Chipotle restaurant, the wall at the food  
19 preparation area prevented Ms. Riker from seeing food on display  
20 and/or the making of her entree. Ms. Riker was deterred from  
21 returning to Chipotle's restaurants because of the discrimination  
22 she experienced during her visit and because of the common wall  
23 design of the restaurants. She would like to return to  
24 Chipotle's restaurants and to be provided full and equal access  
25 to the Chipotle Experience.

26 14. Michael Rifkin had multiple sclerosis and used a  
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1 motorized chair for mobility. Mr. Rifkin visited the Chipotle  
2 restaurant on Victoria Avenue in Ventura, California in August of  
3 2006. During his visit to the Chipotle restaurant, the wall at  
4 the food preparation area prevented Mr. Rifkin from seeing food  
5 on display and/or the making of his entree. Mr. Rifkin was  
6 deterred from returning to any Chipotle because of the  
7 discrimination he experienced during his visit.

8 15. Karen Friedman has multiple sclerosis, among other  
9 disabling conditions. She uses a wheelchair or a motorized  
10 scooter for mobility. She visited the Chipotle restaurant on  
11 State Street in Santa Barbara, California. During her visit to  
12 the Chipotle restaurant, the wall at the food preparation area  
13 prevented Ms. Friedman from seeing food on display and/or the  
14 making of her entree. She was deterred from returning to any  
15 Chipotle restaurant because all Chipotle restaurants were  
16 constructed with the same wall design, which denied her full and  
17 equal access to the Chipotle Experience. She would like to  
18 return to Chipotle's restaurants and to be provided full and  
19 equal access to the Chipotle Experience.

20 16. Dr. Perkins uses a wheelchair for mobility. From about  
21 2006 to 2008, Dr. Perkins visited Chipotle restaurants located in  
22 Ventura, Norco, Riverside, and Valencia, California. During each  
23 of his visits to the Chipotle restaurants, the walls at the food  
24 preparation areas prevented Dr. Perkins from seeing food on  
25 display and/or the making of his entrees. Dr. Perkins would have  
26 visited other Chipotle restaurants in the Ventura, San Diego, Los  
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1 Angeles, Riverside and Santa Barbara County areas of California,  
2 but he was deterred from doing so by the high walls that  
3 prevented him from seeing the food on display at those  
4 restaurants previously visited by him. At all times relevant  
5 herein, Dr. Perkins wanted to, and still wants to, return to  
6 Chipotle's restaurants and to be provided full and equal access  
7 to the Chipotle Experience.

8 17. Susan Chandler has paraplegia and she uses a wheelchair  
9 for mobility. In about 2005, she visited a Chipotle restaurant  
10 in Sacramento, California. During her visit to the Chipotle  
11 restaurant, the wall at the food preparation area prevented Ms.  
12 Chandler from seeing food on display and/or the making of her  
13 entree. She was deterred from returning to any other Chipotle  
14 restaurant because all Chipotle restaurants were constructed with  
15 the same wall design, which denied her full and equal access to  
16 the Chipotle Experience. She would like to return to Chipotle's  
17 restaurants and to be provided full and equal access to the  
18 Chipotle Experience.

19 18. Laura Williams has multiple sclerosis and uses a  
20 wheelchair or a motorized scooter for mobility. In about 2007 or  
21 2008, she visited a Chipotle restaurant in Los Angeles,  
22 California. During her visit to the Chipotle restaurant, the  
23 wall at the food preparation area prevented her from seeing food  
24 on display and/or the making of her entree. She was deterred  
25 from returning to any Chipotle restaurant, including restaurants  
26 in the Sacramento and Los Angeles areas, because all Chipotle

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1 restaurants were constructed with the same wall design, which  
2 denied her full and equal access to the Chipotle Experience. She  
3 would like to return to Chipotle's restaurants in the Los Angeles  
4 and Sacramento areas and to be provided full and equal access to  
5 the Chipotle Experience.

6 19. As a result of the above, Defendants have failed to  
7 comply with federal requirements not to discriminate against  
8 people with disabilities, as set forth in *Antoninetti v. Chipotle*  
9 *Mexican Grill, Inc.*, 614 F.3d 971 (9<sup>th</sup> Cir. 2010). Chipotle was  
10 and is required, under Title III of the ADA, to ensure that the  
11 Class has full and equal access to the Chipotle Experience that  
12 is provided to non-Class patrons of Chipotle.

13 20. Chipotle has also failed to comply with California  
14 state requirements relating to providing full and access to  
15 people with disabilities. *See, Antoninetti v. Chipotle Mexican*  
16 *Grill, Inc.*, 614 F.3d 971 (9<sup>th</sup> Cir. 2010). Chipotle was notified  
17 by other wheelchair users, beginning at least as early as 2002,  
18 about the lack of full and equal access to the Chipotle  
19 Experience for people such as the Plaintiffs and the class of  
20 people they represent. Chipotle, despite this notice, took no  
21 action prior to the filing of the instant action to provide the  
22 Plaintiffs and Class members with full and equal access to the  
23 Chipotle Experience.

24 21. Accordingly, Plaintiffs bring this action seeking  
25 injunctive and declaratory relief in order to compel Defendants  
26 to comply with their obligations to provide Plaintiffs and Class  
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1 members with full and equal access to the Chipotle Experience.  
2 The named Plaintiffs also seek statutory minimum damages, on  
3 behalf of themselves and the Class, in addition to their  
4 attorneys' fees and costs.

5 **CLASS ACTION ALLEGATIONS**

6 22. Plaintiffs bring this action on their own behalf and on  
7 behalf of all persons similarly situated. The Class which  
8 plaintiffs seek to represent is composed of "all persons with  
9 mobility disabilities who use wheelchairs or other mobility  
10 aides, such as scooters, and who, because of their mobility  
11 impairments, have been or will be denied their rights under the  
12 ADA and California state law to full and equal access to the  
13 Chipotle Experience at Chipotle's restaurants within the State of  
14 California because of the walls." (Class definition).

15 23. This suit is properly maintainable as a class action  
16 under Federal Rules of Civil Procedure, Rule 23 (b) (2), because  
17 Defendants have acted or refused to act on grounds generally  
18 applicable to the Class, at each of the more than 83 California  
19 Chipotle Mexican Grill restaurants, thereby making appropriate  
20 final injunctive relief or declaratory relief with respect to the  
21 Class as a whole an appropriate remedy. Class claims are brought  
22 for the purpose of obtaining declaratory and injunctive relief  
23 and for statutory minimum damages under California Civil Code §  
24 52 only, which provides for a minimum of \$4,000.00 for each and  
25 every offense. Class damages claims are limited to the minimum  
26 statutory damages recoverable under California Civil Code § 52.

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1       24.     This suit is further properly maintainable as a class  
2 action under Federal Rules of Civil Procedure, Rule 23(b)(3)  
3 because questions of law or fact common to Class members  
4 predominate over any questions affecting only individual members,  
5 and a class action is superior to other available methods for  
6 fairly and efficiently adjudicating the claims alleged herein.

7       25.     The persons in the Class are so numerous that joinder  
8 of all such persons is impracticable and the disposition of their  
9 claims in a class action is a benefit to the parties and to the  
10 Court. There are at least two hundred Class members and the  
11 combined claims of all Class members exceeds \$5,000,000.00  
12 exclusive of interest and costs. The Plaintiffs are citizens of  
13 a different state than the Defendant.

14       26.     There is a well-defined community of interest in the  
15 questions of law and fact affecting the parties to be represented  
16 in that Chipotle denied the Class full and equal access to the  
17 Chipotle Experience at each of its restaurants, despite the  
18 requirements of federal law. The design of the walls, and the  
19 methods of accommodation adopted by Chipotle to compensate for  
20 the obstruction created by the walls, violated the ADA. (See,  
21 *Antoninetti v. Chipotle Mexican Grill, Inc.*, 614 F.3d 971 (9<sup>th</sup>  
22 Cir. 2010).)

23       27.     Legal and factual questions common to each of the Class  
24 members include, but are not limited to, the following:

25           A.     Whether Defendants violated Title III of the ADA, 42  
26 U.S.C. §§ 12181, et seq., by designing and constructing food  
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1 service lines with walls which deny the Plaintiffs and the Class  
2 full and equal access to the Chipotle Experience (seeing the food  
3 items available for selection, being brought more fully into the  
4 dining experience, watching freshly marinated meats being  
5 continuously grilled and seeing the construction of their  
6 entrees.) This legal issue was resolved against Chipotle in  
7 *Antoninetti v. Chipotle Mexican Grill, Inc.*, 614 F.3d 971 (9<sup>th</sup>  
8 Cir. 2010).

9 B. Whether Defendants violated California Civil Code §§  
10 51, et seq. with respect to denial of full and equal access to  
11 the Chipotle Experience. This legal issue was resolved against  
12 Chipotle in *Antoninetti v. Chipotle Mexican Grill, Inc.*, 614 F.3d  
13 971 (9<sup>th</sup> Cir. 2010).

14 C. Whether the Defendants are liable to each and every  
15 Class member for minimum statutory damages for each and every  
16 offense, as provided by California Civil Code § 52.

17 28. The claims of the named Plaintiffs are typical of those  
18 of the Class and Plaintiffs will fairly and adequately represent  
19 the interests of the Class.

20 29. The attorneys representing the Plaintiffs are  
21 experienced civil rights attorneys with specific experience in  
22 cases involving persons with disabilities. The attorneys  
23 representing Plaintiffs are also considered able practitioners in  
24 statutory adjudication and federal court litigation.

25 30. References to Plaintiffs shall be deemed to include the  
26 named Plaintiffs and each member of the Class, unless otherwise  
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1 indicated.

2 **FIRST CAUSE OF ACTION**

3 **Title III of the Americans with Disabilities Act**  
4 **42 U.S.C. §§ 12181 et seq.**

5 31. Plaintiffs incorporate by reference each and every  
6 allegation contained in the foregoing paragraphs.

7 32. Congress enacted the ADA upon finding, among other  
8 things, that "society has tended to isolate and segregate  
9 individuals with disabilities" and that such forms for  
10 discrimination continue to be a "serious and pervasive social  
11 problem." 42 U.S.C. § 12101(a) (2).

12 33. In response to these findings, Congress explicitly  
13 stated that the purpose of the ADA is to provide "a clear and  
14 comprehensive national mandate for the elimination of  
15 discrimination against individuals with disabilities" and "clear,  
16 strong, consistent, enforceable standards addressing  
17 discrimination against individuals with disabilities." 42 U.S.C.  
18 § 12101(b) (1)-(2).

19 34. The ADA provides, inter alia, that it is discriminatory  
20 to subject an individual or class of individuals on the basis of  
21 a disability "to a denial of the opportunity of the individual or  
22 class to participate in or benefit from the goods, services,  
23 facilities, privileges, advantages, or accommodations of an  
24 entity." 42 U.S.C. § 12182(a) (i).

25 35. The ADA further provides that it is discriminatory "to  
26 afford an individual or class of individuals, on the basis of a  
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1 disability ... with the opportunity to participate in or benefit  
2 from a good, service, facility, privilege, advantage, or  
3 accommodation that is not equal to that afforded to other  
4 individuals." 42 U.S.C. § 12182(a)(ii).

5       36. The ADA further provides that it is discriminatory to  
6 fail "to design and construct facilities for first occupancy  
7 later than 30 months after the date of enactment of this Act  
8 [enacted July 26, 1990] that are readily accessible to and usable  
9 by individuals with disabilities, except where an entity can  
10 demonstrate that it is structurally impracticable to meet the  
11 requirements of such subsection in accordance with standards set  
12 forth or incorporated by reference in regulations issued under  
13 this title [42 USCS § § 12181 et seq.]." 42 U.S.C. §  
14 12183(a)(1).

15       37. Defendants' acts and omissions alleged herein are in  
16 violation of the ADA, 42 U.S.C. §§ 12101, et seq., and the  
17 regulations promulgated thereunder.

18       38. Chipotle restaurants are places of public accommodation  
19 covered by Title III of the ADA. 42 U.S.C. § 12181(7)(I).

20       39. Plaintiffs are persons with mobility disabilities and  
21 thus are specifically protected under the ADA. 42 U.S.C. §  
22 12102(2) and 28 C.F.R. § 36.104.

23       40. Plaintiffs and the Class were denied full and equal  
24 access to the Chipotle Experience, in violation of the ADA,  
25 because of the walls. Plaintiffs and the Class want to return to  
26 Chipotle's restaurants in California to enjoy the Chipotle

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1 Experience. Plaintiffs and the Class were deterred from  
2 returning to Chipotle's restaurants in California because they  
3 were denied full and equal access to the Chipotle Experience  
4 because of the walls.

5 41. Defendants' conduct constitutes multiple ongoing and  
6 continuous violations of the ADA and, unless restrained from  
7 doing so, Defendants will continue to violate said laws. Said  
8 conduct, unless enjoined, will continue to inflict injuries for  
9 which Plaintiffs and the Class have no adequate remedy at law.  
10 Consequently, Plaintiffs and the Class are entitled to, and seek,  
11 injunctive and declaratory relief pursuant to Section 308 of the  
12 ADA. 42 U.S.C. § 12188.

13 42. Plaintiffs and the Class are also entitled to, and  
14 seek, reasonable attorneys' fees, litigation expenses and costs  
15 pursuant to Section 505 of the ADA. 42 U.S.C. § 12205.

16 **SECOND CAUSE OF ACTION**

17 **Unruh Civil Rights Act**  
18 **California Civil Code §§ 51, et seq.**

19 43. Plaintiffs incorporate by reference each and every  
20 allegation contained in the foregoing paragraphs.

21 44. California's Unruh Civil Rights Act ("the Unruh Act")  
22 prohibits discrimination against individuals with disabilities.  
23 Section 51 of the California Civil Code provides, in relevant  
24 part:

25 All persons within the jurisdiction of this  
26 state are free and equal, and no matter what  
27 their...disability...are entitled to the full  
and equal accommodations, advantages,

1 facilities, privileges, or services in all  
2 business establishments of every kind  
3 whatsoever.

3 Cal. Civ. Code § 51(b).

4 45. The Unruh Act also provides that “[a] violation of the  
5 right of any individual under the Americans with Disabilities  
6 Act...shall also constitute a violation of this section.” Cal.  
7 Civ. Code § 51(f).

8 46. As set forth above, Defendants discriminated against  
9 the Plaintiffs by instituting policies and/or by designing and  
10 constructing facilities that discriminate against people with  
11 mobility disabilities, including Plaintiffs and members of the  
12 Class.

13 47. Defendants’ actions or inactions constitute a violation  
14 of, among other laws, the Americans with Disabilities Act.

15 48. Plaintiffs’ mobility disabilities limit major life  
16 activities such as standing and walking; thus Plaintiffs are  
17 protected under the Unruh Act. Cal. Civ. Code § 51(e)(1); Cal.  
18 Gov’t. Code §12926(k).

19 49. Chipotle is a business establishment regulated by the  
20 Unruh Act. Cal. Civ. Code § 51(b).

21 50. As a direct and proximate result of Defendants’  
22 conduct, Plaintiffs and the Class have suffered damages.

23 51. As such, the named Plaintiffs and the Class are  
24 entitled to the minimum amount of \$4,000.00 in damages against  
25 Chipotle for each and every offense. Plaintiffs and the Class  
26 are also entitled to their attorneys’ fees. Cal. Civ. Code



1 § 52(a), (e) and § 52.1(h). The amount of all statutory damages  
2 of Plaintiffs and the Class exceeds \$5,000,000.00, exclusive of  
3 interest and costs.

4 52. Plaintiffs and the Class are also entitled to, and  
5 seek, injunctive and declaratory relief. Cal. Civ. Code  
6 § 52.1(b).

7 **THIRD CAUSE OF ACTION**

8 **Declaratory Relief**

9 53. Plaintiffs incorporate by reference each and every  
10 allegation contained in the foregoing paragraphs.

11 54. Defendants have denied, and continue to deny, that  
12 Defendants failed to provide Plaintiffs and the Class with full  
13 and equal access to the Chipotle Experience, in violation of the  
14 ADA and various state civil rights statutes, including the Unruh  
15 Act, all to the detriment of Plaintiffs and the Class.

16 55. In addition, Defendants deny, and continue to deny,  
17 that they have violated or breached any of their legal  
18 obligations to Plaintiffs and the Class.

19 56. A judicial declaration is necessary and appropriate at  
20 this time in order that each of the parties may know their  
21 respective rights and duties and act accordingly.

22 **PRAYER FOR RELIEF**

23 **WHEREFORE**, Plaintiffs and the Class pray for judgment as  
24 follows:

25 1) Declaring that Defendants violated the ADA and its  
26 implementing regulations by failing to provide full and equal

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1 access to the Chipotle Experience to Plaintiffs and the Class;

2           2) Declaring that Defendants violated the Unruh Civil  
3 Rights Act by failing to provide full and equal access to the  
4 Chipotle Experience to Plaintiffs and the Class;

5           3) Granting a permanent injunction directing  
6 Defendants: (a) to provide Plaintiffs and the Class with full and  
7 equal access to the Chipotle Experience; (b) if Defendants have  
8 modified the walls at the restaurants so that the Chipotle  
9 Experience is now accessible to Plaintiffs and the Class, that  
10 Defendants maintain those accessible walls at the restaurants;  
11 and (c) that each restaurant constructed after the date of the  
12 Court's injunction be designed and constructed so that it  
13 provides Plaintiffs and the Class with full and equal access to  
14 the Chipotle Experience.

15           4) Granting a permanent injunction directing  
16 Defendants: (a) to provide Plaintiffs and the Class with full and  
17 equal access to the Chipotle Experience; (b) if Defendants have  
18 modified the walls so that the Chipotle Experience is now  
19 accessible to Plaintiffs and the Class, that Defendants maintain  
20 the accessible walls at the restaurants; and (c) that each  
21 restaurant constructed after the date of the Court's injunction  
22 be designed and constructed so that it provides Plaintiffs and  
23 the Class with full and equal access to the Chipotle Experience.

24           5) Awarding Plaintiffs and the Class statutory  
25 minimum damages of \$4,000.00 for each and every offense, as  
26 provided by California Civil Code § 52;

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1           6)     Awarding Plaintiffs and the Class attorneys' fees,  
2 litigation expenses, and all costs incurred by bringing this  
3 action; and

4           7)     Granting such other relief as the Court deems just  
5 and fair.

6 DATED: January 10, 2011           LAW OFFICES OF AMY B. VANDEVELD

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