

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>CRISTIE R. REYNOLDS, et al.,</b>	:	<b>Case No. 1:13cv146</b>
	:	
<b>Plaintiffs,</b>	:	<b>Judge Sandra Beckwith</b>
	:	
<b>vs.</b>	:	
	:	
<b>CHIPOTLE MEXICAN GRILL,</b>	:	
	:	
<b>Defendants.</b>	:	

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**MODIFIED JOINT FINAL PRETRIAL STATEMENT**

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This action came before the Court at a final pretrial conference held on January 12, 2016 at 2:00 p.m. pursuant to Rule 16 of the Federal Rules of Civil Procedure.

**I. APPEARANCES:**

For Plaintiffs:      Randolph H. Freking (0009158)  
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For Defendant:      Jacqueline Guesno (*Pro Hac Vice*)  
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**II. NATURE OF ACTION AND JURISDICTION:**

- A. This is an action for gender discrimination in violation of Title VII of the Civil Rights Act of 1963, as amended and FMLA interference and retaliation in violation of the Family and Medical Leave Act ("FMLA"), 29 U.S.C. §2601 et seq.
- B. The jurisdiction of the Court is invoked under Title 28, United States Code, Section 1331.
- C. The jurisdiction of the Court is not disputed.

**III. TRIAL INFORMATION:**

- A. The estimated length of trial is 10-14 days.
- B. Trial to a jury has been set for January 25, 2016 before the Honorable Sandra S. Beckwith, United States District court pursuant to the General Notice on Trial Assignment.

**IV. STATEMENTS AND LISTS:**

- A. General Nature of the Claims of the Parties

**1. PLAINTIFF'S ASSERTION:**

Plaintiffs Elizabeth Rogers, Tina Reynolds, and Stephanie Ochoa, general managers ("GMs"), performed their duties well when measured objectively according to criteria such as sales growth, profit, and cost management. Chipotle claims, however, that it fired these three female Plaintiffs based on wholly subjective measures such as whether they "created a restaurateur culture" by only hiring "top performers" who are "empowered to achieve high standards."

Such subjective measures are evidence of pretext for discrimination, which is reinforced by the evidence that Team Director Brian Patterson, and area manager, Hermann Mobbs, treated male GMs better than female GMs and engaged in conduct demonstrating a discriminatory animus against the female Plaintiffs. For example, Mobbs, who managed Rogers, repeatedly told her that she should look for male managers for her store because there was "too much estrogen" in it. Patterson, asked Rogers and Tina Reynolds, if they planned to have more children.

Elizabeth Rogers began working for Chipotle in 2003 and was most recently GM for Chipotle's Crescent Hills, Kentucky location. Patterson, as RM, supervised Rogers's region. Rogers notified Patterson that she was pregnant with twins in February 2011 and was put on bed rest in April 2011. She requested and was granted FMLA leave, approved to start on May 5 for twelve weeks. Rogers delivered her twins at 24 weeks in May 2011, but one twin did not survive, and the second twin remained hospitalized until September 2011. Then, in early July 2011, Rogers' brother-in-law died. About July 17, 2011, Rogers talked to Patterson and told him she was not ready to come back to work. Patterson proposed part-time status to which she agreed, but a week later, Patterson contacted Rogers to tell her that she could not work part-time and she must come back to work when her doctor released her, so Rogers returned to work on August 2, 2011.

Herman Mobbs was training to become an Area Manager in the summer of 2011, and ran Rogers' store while she was out. Mobbs formally became her supervisor in August 2011 when she returned. On September 13, 2011, Jennifer Clark conducted a risk management audit of Rogers' store and the store received a good rating and a grade of "B" and a cash handling score of 4. Mobbs did an audit 10 days later, giving the store a bad rating and a grade of "D" and a cash handling score of "1." On November 5, 2011, Mobbs told Rogers her store was understaffed, even though she told him she just hired seven new employees. Rogers was written-up for that discussion with Mobbs. On November 16, 2011, Mobbs told Rogers they needed to part ways and terminated Rogers' employment, allegedly for not having enough "top performers" in her hiring pipeline.

Tina Reynolds began working for Chipotle in October 2009 and was most recently a GM for the Western Hills Chipotle. Tina Reynolds was promoted numerous times and received a bonus in 2011. During her six-month review on September 30, 2011, she received "above expectations" in two categories, and earned a raise. However, on October 3, 2011, Defendant terminated Reynolds from her position as the Chipotle Western Hills' GM.

Reynolds had a series of TL audits at her restaurant during 2011. Coran Stetter (a male general Manager) audited on February 18, giving her an operations score of C-77, and cash handling score of 1. Luis Martinez audited her restaurant on March 30, giving her an operations score of B-88 and cash handling score of 1; Martinez stated that he "loved the customer service" during his visit. Cris Reynolds audited on May 12, resulting in an operations score of B-81, and a perfect cash handling score of 0. In her audit comments, she urged Tina to stop thinking about "the remodel [of

her restaurant] and just concentrate on what she can control.” She stated that “overall there has been tremendous improvement in Western Hills.” Coran Stetter audited again on June 30, and gave an operations score of C-74 and a perfect cash handling score of 0. He noted that operations have “really improved,” but that the location was 9 years old “and needs a lot of love on the facilities side that Tina and team can’t really do much about without the support from their [facilities] team. Especially the hot [food] wells not reaching temperature.” Andy Ransick audited the restaurant on August 8, scoring operations at B-87 and a perfect cash handling score of 0. He noted that he and Reynolds spent some time organizing and “decluttering,” but that her team “stayed on task and had high energy throughout the entire shift.”

Ochoa began working for Chipotle in June 2005. She was transferred to the Downtown Chipotle in August 2008 and became a GM there. In January 2012, Patterson and Mobbs visited the Downtown Cincinnati location. Patterson told Ochoa that he was very impressed and the location had improved 100% since his last visit three months earlier. Despite Patterson’s acknowledgment of Ochoa’s great performance, Chipotle terminated her only two months later on March 12, 2012. After her termination, Ochoa received two pay stubs, one pay stub was a bonus for Ochoa’s previous six months, the second pay stub was a pay check which gave Ochoa a 2% raise. Chipotle replaced Ochoa with a male employee.

John Curran was the apprentice manager at the new Kings Island restaurant. On November 9, 2011, Mobbs audited Curran resulting in an operations score of D-65 and a cash handling score of 11. The next audit report for Curran is dated February 7, 2012, when his operations score was D-67. Curran’s next audit was March 31, 2012, when Mobbs gave an operations score of B-80 and cash handling score of 5. On July 27, Mobbs scored operations at D-62, and his cash handling score was 5. Curran had an SSR audit by Jennifer Clarke on August 28, 2012, in which she scored his operations at C-77, and 4 on cash handling.

Curran was not terminated.

Christian Armenta (General Manager at the Kenwood Road restaurant) received TL audit scores on September 30 and December 30, 2011 of D-65/5 and D-69/4, respectively, and his March 31, 2012 audit score was 71/5. His SSR audit score on August 21, 2012 was D -62/5.

Armenta was not terminated.

Jose Garduno became a General Manager on March 6, 2012; his TL audit scores in 2012 were D-69/6, D-69/9, C-73/4, C-75/2, C-75/6 and C-75/5.

Garduno was not terminated.

Scott Phillippo (Fountain Square GM) received audit scores of C-76/1 on August 14, 2011; C-74/5 on August 3, 2012; and D-69/5 on June 29, 2013.

Phillippo was not terminated.

Plaintiffs are seeking lost pay and benefits, compensatory damages, punitive damages, attorneys' fees and costs, and pre- and post-judgment interest for Chipotle's unlawful conduct. Rogers is also seeking liquidated damages.

**2. DEFENDANT CLAIMS:**

- 3. Defendant denies liability as asserted in Counts I, II and III for the following reasons: All Plaintiffs were terminated based on work performance and not their gender. In addition, Plaintiff Rogers was not denied FMLA leave, her leave was not interfered with, and she was not terminated or retaliated against for taking FMLA leave.**

**Defendant as an affirmative defense asserts: Plaintiffs have failed to mitigate their damages.**

**B. Uncontroverted Facts**

**The following facts are established by admissions in the pleadings or by stipulations of counsel:**

- 1. Hourly employees ("crew") staff each Chipotle restaurant. They are supervised and managed by a Kitchen Manager, a Services Manager, an Apprentice Manager, and ultimately by a General Manager.**
- 2. Chipotle conducts regular "audits" of its restaurants to measure and monitor many aspects of operations.**
- 3. A score of 100% or "A" is the best possible operations score; points are deducted for operational problems or lack of compliance with Chipotle's restaurant procedures. Cash handling compliance is scored in the opposite fashion, with points added for non-compliance. A "zero" is therefore a perfect score for cash handling.**
- 4. Brian Patterson became a Team Director for the Cincinnati area market in March 2010, and was in that position when all Plaintiffs were terminated.**

5. Michelle Small was the Regional Director for the Cincinnati area, and was Patterson's direct supervisor from March 2010 until Patterson left Chipotle in April 2012.
6. Herman Mobbs joined Chipotle in April 2011 as an Area Manager.
7. Elizabeth Rogers began her employment with Chipotle in April 2004. In October 2008, Elizabeth Rogers became the General Manager of the Buttermilk Pike, Kentucky restaurant.
8. On November 16, Mobbs terminated Rogers.
9. Tina Reynolds began working for Chipotle in October 2009.
10. Reynolds was promoted on July 5, 2010.
11. Mobbs terminated Reynolds on October 3, 2011.
12. Stephanie Ochoa began her employment with Chipotle in June 2005, and was promoted to General Manager in 2006. Sometime thereafter she took a disability leave, followed by an unpaid medical leave. She did not return to work when her leave ended.
13. She was rehired in November 2009. She was promoted to General Manager on September 13, 2010.
14. Mobbs terminated Ochoa on March 12, 2012.

**C. Issues of Fact and Law**

The contested issues of fact remaining for decision are:

1. Plaintiffs contend the contested issues of fact are:
  - a. Whether Defendant interfered and/or retaliated against Plaintiff Rogers for taking FMLA protected leave;
  - b. Whether Defendant discriminated against and terminated Plaintiffs on the basis of their gender;
  - c. Whether Plaintiffs should be awarded all lost pay and benefits from the dates of their respective terminations through the date of trial;
  - d. Whether Plaintiffs should be awarded compensatory damages;
  - e. Whether Plaintiffs should be awarded punitive damages.

2. Defendant contends the contested issues of fact are:
  - a. Whether Defendant interfered with/retaliated against Plaintiff Rogers' FMLA leave.
  - b. Whether Plaintiff Rogers has sustained damages caused by the conduct of Defendant.
  - c. Whether Plaintiff Ochoa has sustained damages caused by the conduct of Defendant.
  - d. Whether Plaintiff Reynolds has sustained any damages caused by the conduct of Defendant.
  - e. Whether Defendant terminated the employment of any of the Plaintiffs due to their gender.
3. Contested Issues of Law: The contested issues of law, in addition to those implicit in the foregoing issues of fact, are:
  - a. There are no special issues of law reserved other than those implicit in the foregoing issues of fact.

**D. Witnesses**

1. Plaintiff will call or have available for testimony at trial:  
Those witnesses listed on **Appendix A**.
2. Defendant will call or have available for testimony at trial:  
Those witnesses listed on **Appendix B**.
3. The parties reserve the right to call rebuttal witnesses whose testimony could not reasonably be anticipated without prior notice to opposing counsel.

**E. Expert Witnesses**

The parties are limited to the following number of expert witnesses, including treating physicians, whose names have been disclosed to opposing counsel:

Plaintiffs: None

Defendant: None

## Exhibits

Counsel have exchanged pre-marked exhibits. Exhibit Lists are attached to this Final Pretrial Order as follows:

Appendix C Joint Exhibits  
Appendix D Plaintiffs' Exhibits  
Appendix E Defendant's Exhibits

All exhibits are to be delivered to the Courtroom Deputy THREE DAYS prior to the commencement of trial. Any demonstrative exhibits are to be presented to opposing counsel five days prior to trial.

Except for good cause shown, the Court will not permit the introduction of any exhibits unless they have been listed in the Final Pretrial Order, with the exception of exhibits to be used solely for impeachment purposes.

## F. Depositions

Testimony of the following witnesses will be offered by deposition:

Candy Andreoni

Monty Moran

Tim Spong

\*At this time Chipotle anticipates calling Michelle Small live to testify but Chipotle has not yet secured her commitment to appear for trial, therefore it may be necessary to designate her testimony.

## G. Discovery

Discovery is complete.

## H. Pending Motions

Chipotle's Motion for Jacqueline Guesno to serve as Trial Attorney is pending. The Parties anticipate filing motions in limine.

**The parties propose amending the case caption to reflect that the trial is proceeding on behalf of E. Rogers, T. Reynolds and S. Ochoa.**

## I. Miscellaneous Orders

There is a protective order that has been signed by the Court.



**V. MODIFICATION:**

This Final Pretrial Order may be modified at the trial of this action, or prior thereto, to prevent manifest injustice. Such modification may be made by application of counsel or on motion of the Court.

**VI. PROPOSED JURY INSTRUCTIONS AND TRIAL BRIEFS**

Plaintiff does not anticipate filing a trial brief.

Attached hereto are Plaintiffs' and Defendant's Proposed Jury Instructions and Special Verdict forms.

**VII. SETTLEMENT EFFORTS**

The parties have engaged in settlement discussions but, to date, have been unable to reach a settlement agreement.

**ADDITIONAL ACTION TAKEN**

**Date: 1/5/16**

**JOINTLY SUBMITTED:**

/s/ Randolph Freking

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## APPENDIX A

### PLAINTIFFS' WITNESSES

Description of Witness
<b>Plaintiff Elizabeth Rogers</b> –is expected to testify as to any and all matters at issue in this litigation.
<b>Plaintiff Tina Reynolds</b> - is expected to testify as to any and all matters at issue in this litigation.
<b>Plaintiff Stephanie Ochoa</b> - is expected to testify as to any and all matters at issue in this litigation.
<b>Candy Andreoni</b> – is expected to testify as to Plaintiffs' employment and the performance of their duties, Defendant's policies and procedures, the allegations contained in Plaintiffs' Complaint and matters testified to in her deposition.
<b>Erick Arce</b> - is expected to testify as to Plaintiffs' employment and the performance of their duties, Defendant's policies and procedures, the allegations contained in Plaintiffs' Complaint.
<b>Steve Botts</b> - is expected to testify as to Plaintiffs' employment and the performance of their duties, Defendant's policies and procedures, the allegations contained in Plaintiffs' Complaint and matters testified to in his deposition.
<b>Kerri Breeze</b> - is expected to testify as to any and all matters at issue in this litigation.
<b>Alan Clark</b> - is expected to testify as to Plaintiffs' employment and the performance of their duties, Defendant's policies and procedures, the allegations contained in Plaintiffs' Complaint and matters testified to in his deposition.
<b>Jennifer Clarke</b> - is expected to testify as to Plaintiffs' employment and the performance of their duties, Defendant's policies and procedures, the allegations contained in Plaintiffs' Complaint and matters testified to in her deposition.
<b>Jennifer Darrah</b> - is expected to testify as to Plaintiffs' employment and the performance of their duties, Defendant's policies and procedures, the allegations contained in Plaintiffs' Complaint and matters testified to in her deposition.
<b>Aracely Mendez</b> - is expected to testify as to Plaintiffs' employment and the performance of their duties, Defendant's policies and procedures, the allegations contained in Plaintiffs' Complaint.
<b>Jennifer Hernandez</b> - is expected to testify as to any and all matters at issue in this litigation.

Description of Witness
<b>Monty Moran</b> - is expected to testify as to Plaintiffs' employment and the performance of their duties, Defendant's policies and procedures, the allegations contained in Plaintiffs' Complaint and matters testified to in his deposition.
<b>Andy Ransick</b> - is expected to testify as to Plaintiffs' employment and the performance of their duties, Defendant's policies and procedures, the allegations contained in Plaintiffs' Complaint and matters testified to in his deposition.
<b>Cristie Reynolds</b> - is expected to testify as to any and all matters at issue in this litigation.
<b>Kim Sporleder</b> - is expected to testify as to Plaintiffs' employment and the performance of their duties, Defendant's policies and procedures, the allegations contained in Plaintiffs' Complaint.
<b>Tim Spong</b> - is expected to testify as to Plaintiffs' employment and the performance of their duties, Defendant's policies and procedures, the allegations contained in Plaintiffs' Complaint and matters testified to in his deposition.
<b>Coran Stetter</b> - is expected to testify as to Plaintiffs' employment and the performance of their duties, Defendant's policies and procedures, the allegations contained in Plaintiffs' Complaint and matters testified to in his deposition.
<b>Megan Verplank</b> - is expected to testify as to any and all matters at issue in this litigation.

## **APPENDIX B**

### **DEFENDANT'S WITNESSES**

Kevin Male. Mr. Male will testify as to the work performance and basis for termination of the Plaintiffs.

Jennifer Clarke. Ms. Clark will testify as to her observations and results of audits she performed involving the Plaintiffs.

Brian Patterson. Mr. Patterson will testify to the work performance and basis for termination of the Plaintiffs.

**OR:** Defendant may call:

Herman Mobbs. Mr. Mobbs will testify to the work performance and basis for termination of the Plaintiffs

Michelle Small. Ms. Small will testify to the work performance and the basis for termination of the Plaintiffs.

Adena Reedy. Ms. Reedy will testify as to her observations of alleged gender discrimination by Mr. Mobbs and Mr. Patterson.

Dot Bonner. Ms. Bonnor will testify as to her observations of alleged gender discrimination of Mr. Mobbs and Mr. Patterson.

Caitlin Ledyard. Ms. Ledyard will testify as to her observations of alleged gender discrimination of Mr. Mobbs and Mr. Patterson.

Luis Martinez. Mr. Martinez will testify to his observations of work performance of the Plaintiffs.

Jenifer Yokley (f/k/a) Jenifer Darrah. Ms. Darrah will testify as to the FMLA paperwork and leave requested by Plaintiff Rogers.

Alan Clark. Mr. Clark will testify to the work performance and basis for termination of the Plaintiffs.

Candance Andreoni. Ms. Andreoni will testify about Plaintiff's Rogers FMLA leave and return to work following leave.

Katondra Cousins. Ms. Cousins will testify to the work performance of Plaintiff Ochoa and serve as an impeachment witness.

Nathan Leach. Mr. Leach will testify to the work performance of Plaintiff Ochoa and serve as an impeachment witness.

Chelsey Leach. Ms. Leach will testify to the work performance of Plaintiff Ochoa and serve as an impeachment witness.

James Brinson. Mr. Brinson will testify to the work performance of Plaintiff Ochoa and serve as an impeachment witness.

Araceli Mendez. Ms. Mendez will testify to the work performance of Plaintiff Rogers and serve as an impeachment witness.

Melvin Henriquez. Mr. Henriquez will testify to the work performance of Plaintiffs Rogers, Ochoa and T. Reynolds, to the equal treatment he observed under Mr. Mobbs and Mr. Patterson and serve as an impeachment witness.

Allison Reynolds. Ms. Reynolds will testify to the equal treatment of men and women at Chipotle by Mr. Patterson and Mr. Mobbs.

Eric Arce. Mr. Arce will testify to the equal treatment of men and women by Mr. Patterson and Mr. Mobbs.

Steve Botts. Mr. Botts will testify to the equal treatment of men and women by Mr. Patterson and Mr. Mobbs.

Cesar Coronado. Mr. Coronado will testify to the work performance of Plaintiff T. Reynolds and the equal treatment of men and women under Mr. Mobbs and Mr. Patterson.

Scott Phillippo. Mr. Phillippo will testify to the work performance of Plaintiff S. Ochoa, and the equal treatment of men and women under Mr. Mobbs and Mr. Patterson.

Esther Smiley. Ms. Smiley will testify about the equal treatment of men and women under Mr. Patterson and serve as an impeachment witness.

**APPENDIX C****JOINT EXHIBITS OF PLAINTIFFS AND DEFENDANT**

<b>Joint Exhibit No.</b>	<b>Adm.</b>	<b>Description of Exhibit</b>
JX 1		General Manager Job Description CMG/5285 – 002483-002484
JX 2		Elizabeth Rogers 2009 Restaurant Management Performance Review CMG/5285 – 000651-000658
JX 3		2010 Elizabeth Rogers Restaurant Management Performance Review CMG/5285 – 000646-000650
JX 4		2/13/2011 TL Audit CMG/5285 – 003048-003050
JX 5		3/31/2011 TL August CMG/5285 – 007253-007255
JX 6		5/1/11 Elizabeth Rogers Status Change Form CMG/5285 - 000626
JX 7		5/9/2011 Elizabeth Rogers Notice of Eligibility Rights and Responsibilities CMG/5285 – 015179-015181
JX 8		5/14/2011 TL Audit CMG/5285 – 003054-003056
JX 9		8/11/2011 TL Audit CMG/5285 – 003057-003059
JX 10		9/13/2011 SSR Audit CMG/5285 – 003045-003047
JX 11		9/30/2011 TL Audit CMG/5285 – 003060-003062
JX 12		11/5/2011 Elizabeth Rogers Performance Discussion ER_000006-000008
JX 13		Tina Reynolds 2009 Restaurant Management Performance Review TR_000020-000026
JX 14		Tina Reynolds 2010 Restaurant Management Performance Review CMG/5285 – 000604-000608

Joint Exhibit No.	Adm.	Description of Exhibit
JX 15		Tina Reynolds 2011 Restaurant Management Performance Review CMG/5285 – 000597-000603 CMG/5285 - 000919
JX 16		2/18/2011 TL Audit CMG/5285 – 003181-003183
JX 17		3/30/2011 TL Audit CMG/5285 – 003184-003186
JX 18		5/12/2011 TL Audit CMG/5285 – 003187-003189
JX 19		6/30/2011 TL Audit CMG/5285 – 003190-003192
JX 20		8/8/2011 TL Audit CMG/5285 – 003193-003195
JX 21		9/15/2011 SSR Audit CMG/5285 – 010187-010190
JX 22		9/23/2011 Michelle Small e-mail string re: Pictures from Western Hills CMG/5285 – 005653-005662
JX 23		9/29/2011 TL Audit CMG/5285 – 003196-003199
JX 24		10/1/2011 Tina Reynolds e-mail re: Today's Operation Mobbs Depo Ex. 5
JX 25		10/1/2011 Brian Patterson e-mail re: Today's Operation Ex. W to MSJ-T. Reynolds
JX 26		Stephanie Ochoa 2010 Restaurant Management Performance Review CMG/5285 – 000747-000752
JX 27		Stephanie Ochoa 2011 Restaurant Management Performance Review SO_000079-000085
JX 28		8/14/2011 TL Audit CMG/5285 – 003014-003016
JX 29		9/30/2011 TL Audit CMG/5285 – 003017-003020
JX 30		12/27/2011 TL Audit CMG/5285 – 003021-003023
JX 31		2/11/2012 e-mail to Stephanie Ochoa SO_000225 SO_000227
JX 32		3/02/2012 TL Audit CMG/5285 – 003024-003027



Joint Exhibit No.	Adm.	Description of Exhibit
JX 33		3/8/2012 SSR Audit CMG/5285 – 003001-003004
JX 34		3/9/2012 Michelle Small e-mail to Brian Patterson re: New SSR Audit: Fountain Square OH CMG/5285 – 006206
JX 35		5/21/2012 Western Hills TL Audit CMG/5285 – 009291-009294
JX 36		Restaurant Management Handbook Hourly/Salaried CMG/5285 – 000335-000382

## APPENDIX D

### PLAINTIFFS' EXHIBITS

Pltf. No.	Deft. No.	Date Used	Date Offered	Obj.	Adm.	Description of Exhibit
PX 1						Elizabeth A. Rogers Resume ER_000281-000282
PX 2						Elizabeth Rogers Handwritten Notes ER_000009-000019
PX 3						Elizabeth Rogers Handwritten Notes E. Rogers Depo Ex. 29
PX 4						8/8/2011 Michelle Small e-mail re: Western Hills PM CMG/5285 – 005592-005594
PX 5						10/1/2011 Brian Patterson e-mail re: Today's Operation CMG/5285 -005250-005252
PX 6						5/14/2011 University of Cincinnati TL Audit CMG/5285 – 002992-002994
PX 7						2011 Cris Reynolds 2011 Restaurant Management Performance Review CMG/5285 – 000404-000409
PX 8						1/4/2012 Herman Mobbs III e-mail FW: Top Performer SO_000110
PX 9						1/8/2012 Michelle Small e-mail to Brian Patterson re: Will all of your GMs be Restaurateurs? CMG/5285 – 006065
PX 10						1/9/2012 Brian Patterson e-mail to CINDIANA Stores re: Cindiana Dec EOM recap and a look into 2012 SO_000111-000116
PX 11						Scott Phillippo Personnel Documents and Audits CMG/5285 – 003946 CMG/5285 – 003915-003919 CMG/5285 – 004790-004793 CMG/5285 – 004803-004805

Pltf. No.	Def. No.	Date Used	Date Offered	Obj.	Adm.	Description of Exhibit
PX 12						Rigoberto Vincente Personnel Documents and Audits CMG/5285 – 009295-009298 CMG/5285 – 010191-010194 CMG/5285 – 004030 CMG/5285 – 009299-009302 CMG/5285 – 003980-003986
PX 13						Steven Botts Personnel Documents and Audits CMG/5285 – 007845-007848 CMG/5285 – 004859-004862 CMG/5285 – 003548-003554 CMG/5285 – 003539 CMG/5285 – 003537 CMG/5285 – 004866-004868
PX 14						TL Audits University of Cincinnati – December 2011 – February 2013 CMG/5285 – 009142-009145 CMG/5285 – 009141-009143 CMG/5285 – 009146-009152 CMG/5285 – 004735-004735
PX 15						Isidro Vasquez Personnel Documents and Audits CMG/5285 - 010276-010278 CMG/5285 - 011657 CMG/5285 - 011677-011682 CMG/5285 – 007853-007856 CMG/5285 – 010024-010027
PX 16						Christian Armenta Personnel Documents and Audits CMG/5285 – 008238-008243 CMG/5285 – 011397-011402 CMG/5285 – 008244-008246 CMG/5285 – 011390-011396 CMG/5285 – 010039-010042 CMG/5285 – 011374
PX 17						John Curran Personnel Documents and Audits CMG/5285 – 008278-008293 CMG/5285 – 010183-010186 CMG/5285 – 008294-008297

Pltf. No.	Def. No.	Date Used	Date Offered	Obj.	Adm.	Description of Exhibit
PX 18						Erik Arce Personnel Documents and Audits CMG/5285 – 012362 CMG/5285 – 008910-008912 CMG/5285 – 012377-012383 CMG/5285 – 013035-013042 CMG/5285 – 008922-008928 CMG/5285 – 008933-008936 CMG/5285 – 012357
PX 19						Jose Garduno Personnel Documents and Audits CMG/5285 – 012917 CMG/5285 – 012948-012953 CMG/5285 – 009236-009257 CMG/5285 – 012913
PX 20						Maxwell Motto Personnel Documents and Audits CMG/5285 – 014274 CMG/5285 – 008805-008807 CMG/5285 – 008811-008818
PX 21						Robert Baker Personnel Documents CMG/5285 – 012428 CMG/5285 – 012424
PX 22						Bradley Pyle Personnel Documents and Audits CMG/5285 – 014621 CMG/5285 – 008655-008657 CMG/5285 – 008684-008686 CMG/5285 – 008690-008695 CMG/5285 – 014619
PX 23						Luis Martinez Personnel Documents CMG/5285 – 003789 CMG/5285 – 003784 CMG/5285 – 003783
PX 24						Jeffrey M Moore Voluntary Termination Form CMG/5285 – 014176
PX 25						Defendant Chipotle Mexican Grill Responses to Plaintiff Elizabeth Rogers' First Set of Interrogatories
PX 26						Defendant Chipotle Mexican Grill Responses to Plaintiff Tina Reynolds' First Set of Interrogatories

Pltf. No.	Deft. No.	Date Used	Date Offered	Obj.	Adm.	Description of Exhibit
PX 27						Defendant Chipotle Mexican Grill Responses to Plaintiff Stephanie Ochoa's First Set of Interrogatories
PX 28						SSR Audits CMG/5285 – 009835-009840 CMG/5285 – 010130-010133 CMG/5285 – 010152-010155 CMG/5285 – 010126-010129 CMG/5285 – 010065-010068 CMG/5285 – 010307-010310 CMG/5285 – 010263-010265 CMG/5285 – 010035-010038 CMG/5285 – 010225-010228 CMG/5285 – 010076-010079
PX 29						Errata Sheets to TL Audits CMG/5285 – 015597-015605
PX 30						Liz Rogers W-2s ER_000275 ER_000278
PX 31						Tina Reynolds Pay Stub TR_000157
PX 32						Stephanie Ochoa Pay Stubs SO_000244-000245
PX 33						Jennifer Darrah Declaration and Exhibit Exs. Q and P to Rogers' MSJ

**APPENDIX E**  
**DEFENDANT EXHIBITS**

Pltf. No.	Def't. No.	Date Used	Date Offered	Obj.	Adm.	Description of Exhibit
	DX 1					Ochoa's Crew and Hourly Manager File Checklist – Ohio (CMG 723)
	DX 2					Ochoa's Application for Hourly Employment (CMG 726-727)
	DX 3					Federal Bureau of Prisons – Inmate Locator (CMG 15512-15514)
	DX 4					Ochoa Status Change Form (CMG 736)
	DX 5					Ochoa Status Change Form (CMG 734)
	DX 6					Ochoa Status Change Form (CMG 732)
	DX 7					Restaurant Management Handbook (CMG 287-334)
	DX 8					Ochoa Notes from GM Meeting 1/18/2012 (SO 168-170)
	DX 9					Email re: Central Region Focus 2012 (SO 171 and 173)
	DX 10					Cash Handling Policies & Responsibilities (CMG 15400-15511)
	DX 11					Ochoa Signed Cash Handling Policies & Responsibilities (CMG 756)
	DX 12					Crew Knowledge Checks (CMG 15515-15517)
	DX 13					P&L Recap – February (SO 141)
	DX 14					Ochoa Termination Form (CMG 728)
	DX 15					Respectful Workplace Policy (CMG 3357)
	DX 16					Cindiana All Manager Meeting 1/23/2012 (SO 203, 207 and 209)
	DX 17					Katondra Cousins Complaint (Exhibit JJ to CMG's MSJ re: Ochoa)
	DX 18					Ochoa Status Change (CMG 730)
	DX 19					Fountain Square Information Sheet (SO 229)
	DX 20					Fountain Square TL Audit 5/27/2010 (SO 47)
	DX 21					University of Cincinnati TL Audit 5/14/2011 (CMG 2992-2994)
	DX 22					T. Reynolds Status Change Form (CMG 595)
	DX 23					T. Reynolds Status Change Form

DX 24	(CMG 593) T. Reynolds Status Change Form
DX 25	(CMG 591) T. Reynolds Status Change Form
DX 26	(CMG 588) T. Reynolds Employee Information Form (CMG 3403)
DX 27	T. Reynolds Termination Form (CMG 921)
DX 28	Western Hills Mystery Shopper Reviews (TR 742-753)
DX 29	Email re: Western Hills PM (CMG 5592-5594)
DX 30	Email re: Today's Operation (Mobbs Depo Exhibit 6)
DX 31	Rogers Status Change Form (CMG 642)
DX 32	Rogers Status Change Form (CMG 641)
DX 33	Rogers Status Change Form (CMG 631)
DX 34	Rogers Status Change Form (CMG 630)
DX 35	Rogers Pay Stubs (CMG 15183-15394)
DX 36	Buttermilk Weekly Schedules (CMG 9382-9417)
DX 37	Various Emails (CMG 4897-4976)
DX 38	Email re: Mobbs Bench and People Priorities (CMG 5033-5036)
DX 39	Email re: New Restaurant Review: Fountain Square OH (CMG 5047- 5054)
DX 40	Various Emails (CMG 5075-5090)
DX 41	Email re: New SSR Audit: Fountain Square OH (CMG 5111-5117)
DX 42	Various Emails (CMG 5120-5152)
DX 43	Email re: PDP – AUG (CMG 5167- 5229)
DX 44	Various Emails (CMG 5232-5295)
DX 45	Various Emails (CMG 5405-5407)
DX 46	Email re: New Restaurant Review: Buttermilk (CMG 5420-5421)
DX 47	Various Emails (CMG 6323-6333)
DX 48	Michelle Small letter to Team (CMG 5585-5586)
DX 49	Email re: Health Inspection Report

DX 50

DX 51

DX 52

DX 53

DX 54

Number 53 Restaurant Number 289

Chipotle Score: 7 (CMG 5603-5605)

Email re: Pictures from Western Hills  
(CMG 5616-5624)

Email re: Friday Throughput Challenge  
– Week 4!!! (CMG 5697-5698)

Various Emails (CMG 5753-5762)

Email re: New SSR Audit: Fountain  
Square OH (CMG 6150-6155)

Email re: My Plan – update from mid-  
year (CMG 6116-6132)