

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:16-cv-00141-KPF**

Ong v. Chipotle Mexican Grill, Inc. et al
Assigned to: Judge Katherine Polk Failla
Cause: 15:78j(b)ss Stockholder Suit

Date Filed: 01/08/2016
Date Terminated: 03/23/2018
Jury Demand: Plaintiff
Nature of Suit: 850
Securities/Commodities
Jurisdiction: Federal Question

Lead Plaintiff

Metzler Investment GmbH

represented by **David Avi Rosenfeld**
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Lead Plaintiff

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Michael Gerard Capeci
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Plaintiff

Susie Ong
*Individually and On Behalf of All Others
Similarly Situated*

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Movant

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Movant

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Movant

The Boston Retirement System

represented by **Jeremy Alan Lieberman**
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*LEAD ATTORNEY
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Movant

Doug V. Fougnes

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Defendant

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Defendant

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Defendant

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Date Filed	#	Docket Text
01/08/2016	<u>1</u>	COMPLAINT against Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran. (Filing Fee \$ 400.00, Receipt Number 0208-11815559) Document filed by Susie Ong.(Lieberman, Jeremy) Modified on 1/11/2016 (rch). Modified on 1/11/2016 (laq). (Entered: 01/08/2016)
01/08/2016	<u>2</u>	CIVIL COVER SHEET filed. (Lieberman, Jeremy) (Entered: 01/08/2016)
01/08/2016	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Chipotle Mexican Grill, Inc., M. Steven Ells, Montgomery F. Moran, and John R. Hartung, re: <u>1</u> Complaint. Document filed by Susie Ong. (Lieberman, Jeremy) (Entered: 01/08/2016)
01/11/2016		***NOTICE TO ATTORNEY REGARDING CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Jeremy Alan Lieberman. The following case opening statistical information was erroneously selected/entered: County code Albany. The following correction(s) have been made to your case entry: the County code has been modified to XX Out of State. (rch) (Entered: 01/11/2016)
01/11/2016		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Jeremy Alan Lieberman. The party information for the

		following party/parties has been modified: Susie Ong. The information for the party/parties has been modified for the following reason/reasons: party text was omitted. (rch) (Entered: 01/11/2016)
01/11/2016	<u>4</u>	ELECTRONIC SUMMONS ISSUED as to Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran. (rch) (Entered: 01/11/2016)
01/11/2016		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Katherine Polk Failla. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (rch) (Entered: 01/11/2016)
01/11/2016		Magistrate Judge Kevin Nathaniel Fox is so designated. (rch) (Entered: 01/11/2016)
01/11/2016		Case Designated ECF. (rch) (Entered: 01/11/2016)
01/11/2016	<u>5</u>	NOTICE OF APPEARANCE by Joseph Alexander Hood, II on behalf of Susie Ong. (Hood, Joseph) (Entered: 01/11/2016)
01/14/2016	<u>6</u>	WAIVER OF SERVICE RETURNED EXECUTED. Chipotle Mexican Grill, Inc. waiver sent on 1/13/2016, answer due 3/14/2016. Document filed by Susie Ong. (Lieberman, Jeremy) (Entered: 01/14/2016)
01/14/2016	<u>7</u>	WAIVER OF SERVICE RETURNED EXECUTED. John R. Hartung waiver sent on 1/13/2016, answer due 3/14/2016. Document filed by Susie Ong. (Lieberman, Jeremy) (Entered: 01/14/2016)
01/14/2016	<u>8</u>	WAIVER OF SERVICE RETURNED EXECUTED. M. Steven Ells waiver sent on 1/13/2016, answer due 3/14/2016. Document filed by Susie Ong. (Lieberman, Jeremy) (Entered: 01/14/2016)
01/14/2016	<u>9</u>	WAIVER OF SERVICE RETURNED EXECUTED. Montgomery F. Moran waiver sent on 1/13/2016, answer due 3/14/2016. Document filed by Susie Ong. (Lieberman, Jeremy) (Entered: 01/14/2016)
01/22/2016	<u>10</u>	ORDER: The Private Securities Litigation Reform Act ("PSLRA"), 15 U.S.C. § 78u-4(a)(3)(A), requires that: Not later than 20 days after the date on which the complaint is filed, the plaintiff or plaintiffs shall cause to be published, in a widely circulated national business-oriented publication or wire service, a notice advising members of the purported plaintiff class (I) of the pendency of the action, the claims asserted therein, and the purported class period.... 15 U.S.C. § 78u-4(a)(3)(A)(i). It is hereby ORDERED that no later than February 8, 2016, Plaintiff shall advise the Court in writing of the date and manner in which this notice was published. (Signed by Judge Katherine Polk Failla on 1/22/2016) (tn) (Entered: 01/22/2016)
01/27/2016	<u>11</u>	RESPONSE re: <u>10</u> Order,,. Document filed by Susie Ong. (Attachments: # <u>1</u> Exhibit A - Press Release)(Lieberman, Jeremy) (Entered: 01/27/2016)
01/29/2016	<u>12</u>	ORDER: Members of the purported class have until March 8, 2016, to move the Court to serve as lead plaintiffs. Opposition to any motion for appointment of lead plaintiff shall be served and filed by March 28, 2016. A conference shall be held at 2:00 pm on April 5, 2016, in Courtroom 618, United States Courthouse, 40 Foley Square, New York, New York to consider any motions for appointment of lead

		plaintiff and lead counsel and for consolidation. The named plaintiff shall promptly serve a copy of this Order on each of the defendants. Motions due by 3/8/2016. Responses due by 3/28/2016. Status Conference set for 4/5/2016 at 02:00 PM in Courtroom 618, 40 Centre Street, New York, NY 10007 before Judge Katherine Polk Failla. (Signed by Judge Katherine Polk Failla on 1/29/2016) (tn) (Entered: 01/29/2016)
03/07/2016	<u>13</u>	STIPULATION AND ORDER EXTENDING TIME FOR DEFENDANTS TO RESPOND TO COMPLAINT: that Defendants' time to answer, move, or otherwise respond to the complaint in the above-captioned action is extended through and including sixty (60) days after the later of (i) the appointment of lead plaintiff, approval of lead plaintiff's selection of lead counsel, and notification by such lead counsel that no consolidated amended complaint will be filed or (ii) the filing of a consolidated amended complaint, if any, in this action, which, if filed, shall be filed within sixty (60) days after entry of an Order appointing lead plaintiff and lead counsel. If Defendants file a motion or other response pursuant to paragraph 1, plaintiffs shall have sixty (60) days to file a response and defendants shall have thirty (30) days after such response to file a reply. The requests for relief contained in this Stipulation And Order Extending Time For Defendants To Respond To Complaint, are SO ORDERED. (Signed by Judge Katherine Polk Failla on 3/7/2016) (tn) (Entered: 03/07/2016)
03/08/2016	<u>14</u>	MOTION to Appoint <i>Lead Plaintiff.</i> , MOTION to Appoint Counsel <i>Rosen Law Firm.</i> Document filed by Uri Skorski. (Attachments: # <u>1</u> Text of Proposed Order)(Kim, Phillip) (Entered: 03/08/2016)
03/08/2016	<u>15</u>	MEMORANDUM OF LAW in Support re: <u>14</u> MOTION to Appoint <i>Lead Plaintiff.</i> MOTION to Appoint Counsel <i>Rosen Law Firm.</i> . Document filed by Uri Skorski. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Kim, Phillip) (Entered: 03/08/2016)
03/08/2016	<u>16</u>	NOTICE OF APPEARANCE by Andrew Brian Clubok on behalf of Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran. (Clubok, Andrew) (Entered: 03/08/2016)
03/08/2016	<u>17</u>	NOTICE OF APPEARANCE by Nathaniel Jacob Kritzer on behalf of Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran. (Kritzer, Nathaniel) (Entered: 03/08/2016)
03/08/2016	<u>18</u>	FILING ERROR - CORPORATE PARENT/OTHER AFFILIATE NOT ADDED - RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Chipotle Mexican Grill, Inc..(Clubok, Andrew) Modified on 3/9/2016 (lb). (Entered: 03/08/2016)
03/08/2016	<u>19</u>	MOTION to Appoint Public School Teachers' Pension and Retirement Fund of Chicago and Labourers' Pension Fund of Central and Eastern Canada to serve as lead plaintiff(s) <i>and Approval of Co-Lead Counsel.</i> Document filed by PUBLIC SCHOOL TEACHERS' PENSION AND RETIREMENT FUND OF CHICAGO, Labourers' Pension Fund of Central and Eastern Canada. (Attachments: # <u>1</u> Text of Proposed Order)(Roseman, Robert) (Entered: 03/08/2016)
03/08/2016	<u>20</u>	MEMORANDUM OF LAW in Support re: <u>19</u> MOTION to Appoint Public School Teachers' Pension and Retirement Fund of Chicago and Labourers' Pension Fund of Central and Eastern Canada to serve as lead plaintiff(s) <i>and Approval of Co-Lead</i>

		<i>Counsel</i> . . Document filed by Labourers' Pension Fund of Central and Eastern Canada, PUBLIC SCHOOL TEACHERS' PENSION AND RETIREMENT FUND OF CHICAGO. (Attachments: # <u>1</u> Declaration of Robert M. Roseman, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F)(Roseman, Robert) (Entered: 03/08/2016)
03/08/2016	<u>21</u>	MOTION to Appoint The Boston Retirement System and Doug V. Fougnyes to serve as lead plaintiff(s) ., MOTION to Approve Approval of Counsel . Document filed by The Boston Retirement System, Doug V. Fougnyes. (Attachments: # <u>1</u> Text of Proposed Order)(Lieberman, Jeremy) (Entered: 03/08/2016)
03/08/2016	<u>22</u>	MEMORANDUM OF LAW in Support re: <u>21</u> MOTION to Appoint The Boston Retirement System and Doug V. Fougnyes to serve as lead plaintiff(s) . MOTION to Approve Approval of Counsel . . Document filed by Doug V. Fougnyes, The Boston Retirement System. (Lieberman, Jeremy) (Entered: 03/08/2016)
03/08/2016	<u>23</u>	MOTION to Appoint Metzler Investment GmbH and Construction Laborers Pension Trust of Greater St. Louis to serve as lead plaintiff(s) ., MOTION to Appoint Counsel . Document filed by Metzler Investment GmbH, Construction Laborers Pension Trust of Greater St. Louis. (Attachments: # <u>1</u> Text of Proposed Order [Proposed] Order)(Rosenfeld, David) (Entered: 03/08/2016)
03/08/2016	<u>24</u>	DECLARATION of Jeremy A. Lieberman in Support re: <u>21</u> MOTION to Appoint The Boston Retirement System and Doug V. Fougnyes to serve as lead plaintiff(s) . MOTION to Approve Approval of Counsel .. Document filed by Doug V. Fougnyes, The Boston Retirement System. (Attachments: # <u>1</u> Exhibit A - Press Release, # <u>2</u> Exhibit B - Certifications, # <u>3</u> Exhibit C - Loss Chart, # <u>4</u> Exhibit D - Firm Resume)(Lieberman, Jeremy) (Entered: 03/08/2016)
03/08/2016	<u>25</u>	MOTION to Appoint Arkansas Teacher Retirement System to serve as lead plaintiff(s) . Document filed by Arkansas Teacher Retirement System.(Silk, Gerald) (Entered: 03/08/2016)
03/08/2016	<u>26</u>	MEMORANDUM OF LAW in Support re: <u>25</u> MOTION to Appoint Arkansas Teacher Retirement System to serve as lead plaintiff(s) . . Document filed by Arkansas Teacher Retirement System. (Silk, Gerald) (Entered: 03/08/2016)
03/08/2016	<u>27</u>	DECLARATION of Gerald H. Silk in Support re: <u>25</u> MOTION to Appoint Arkansas Teacher Retirement System to serve as lead plaintiff(s) .. Document filed by Arkansas Teacher Retirement System. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Silk, Gerald) (Entered: 03/08/2016)
03/08/2016	<u>28</u>	DECLARATION of David A. Rosenfeld in Support re: <u>23</u> MOTION to Appoint Metzler Investment GmbH and Construction Laborers Pension Trust of Greater St. Louis to serve as lead plaintiff(s) . MOTION to Appoint Counsel .. Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Attachments: # <u>1</u> Exhibit Certifications, # <u>2</u> Exhibit Loss Charts, # <u>3</u> Exhibit Joint Declaration, # <u>4</u> Exhibit Notice, # <u>5</u> Exhibit RGRD Resume, # <u>6</u> Exhibit Motley Rice Resume, # <u>7</u> Exhibit LP Appointment Orders, # <u>8</u> Exhibit Opinion)(Rosenfeld, David) (Entered: 03/08/2016)
03/08/2016	<u>29</u>	MEMORANDUM OF LAW in Support re: <u>23</u> MOTION to Appoint Metzler Investment GmbH and Construction Laborers Pension Trust of Greater St. Louis to serve as lead plaintiff(s) . MOTION to Appoint Counsel . . Document filed by

		Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Rosenfeld, David) (Entered: 03/08/2016)
03/08/2016	<u>30</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent B. Metzler seel. Sohn & Co. Holding AG for Metzler Investment GmbH. Document filed by Metzler Investment GmbH.(Rosenfeld, David) (Entered: 03/08/2016)
03/09/2016		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney Andrew Brian Clubok to RE-FILE Document <u>18</u> Rule 7.1 Corporate Disclosure Statement. ERROR(S): Corporate Parents were not added. Please re-file this document and when prompted: Are there any corporate parents or other affiliates?, select the YES radio button and enter the Corporate Parent(s) or Affiliate(s). YOU MUST SELECT THE SEARCH BUTTON. Select the correct name or create a new corporate parent. Add the Corporate Parent(s) or Affiliate(s) one party name at a time. (lb) (Entered: 03/09/2016)
03/09/2016	<u>31</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Other Affiliate FMR, LLC for Chipotle Mexican Grill, Inc.. Document filed by Chipotle Mexican Grill, Inc..(Clubok, Andrew) (Entered: 03/09/2016)
03/21/2016	<u>32</u>	NOTICE of Non-Opposition re: <u>25</u> MOTION to Appoint Arkansas Teacher Retirement System to serve as lead plaintiff(s) .. Document filed by Arkansas Teacher Retirement System. (Silk, Gerald) (Entered: 03/21/2016)
03/21/2016	<u>33</u>	LETTER MOTION to Adjourn Conference <i>scheduled for April 5, 2016</i> addressed to Judge Katherine Polk Failla from David A. Rosenfeld dated March 21, 2016. Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH.(Rosenfeld, David) (Entered: 03/21/2016)
03/22/2016	<u>34</u>	NOTICE of Withdrawal of Motion of the Boston Retirement System and Doug V. Fougnyes for Appointment as Lead Plaintiff and Approval of Counsel. Document filed by Doug V. Fougnyes, The Boston Retirement System. (Lieberman, Jeremy) (Entered: 03/22/2016)
03/22/2016	<u>35</u>	NOTICE of Withdrawal of Lead Plaintiff Motion re: <u>14</u> MOTION to Appoint <i>Lead Plaintiff</i> . MOTION to Appoint Counsel <i>Rosen Law Firm.</i> . Document filed by Uri Skorski. (Kim, Phillip) (Entered: 03/22/2016)
03/23/2016	<u>36</u>	LETTER MOTION to Adjourn Conference addressed to Judge Katherine Polk Failla from David A. Rosenfeld dated March 23, 2016. Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH.(Rosenfeld, David) (Entered: 03/23/2016)
03/23/2016	<u>37</u>	ORDER terminating <u>33</u> Letter Motion to Adjourn Conference; granting <u>36</u> Letter Motion to Adjourn Conference: The Conference originally scheduled for April 5, 2016, shall take place on April 18, 2016, at 2:00 p.m. The Clerk of Court is directed to terminate docket entries 33 and 36. Status Conference set for 4/18/2016 at 02:00 PM before Judge Katherine Polk Failla. (Signed by Judge Katherine Polk Failla on 3/23/2016) (tn) (Entered: 03/23/2016)
03/28/2016	<u>38</u>	RESPONSE in Support of Motion re: <u>19</u> MOTION to Appoint Public School Teachers' Pension and Retirement Fund of Chicago and Labourers' Pension Fund of Central and Eastern Canada to serve as lead plaintiff(s) <i>and Approval of Co-Lead</i>

		<i>Counsel</i> . . Document filed by Labourers' Pension Fund of Central and Eastern Canada, PUBLIC SCHOOL TEACHERS' PENSION AND RETIREMENT FUND OF CHICAGO. (Roseman, Robert) (Entered: 03/28/2016)
03/28/2016	<u>39</u>	RESPONSE in Support of Motion re: <u>23</u> MOTION to Appoint Metzler Investment GmbH and Construction Laborers Pension Trust of Greater St. Louis to serve as lead plaintiff(s) . MOTION to Appoint Counsel . . Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Rosenfeld, David) (Entered: 03/28/2016)
03/30/2016	<u>40</u>	NOTICE OF APPEARANCE by Mark B Collier on behalf of Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran. (Collier, Mark) (Entered: 03/30/2016)
04/13/2016	<u>41</u>	NOTICE OF APPEARANCE by William H. Narwold on behalf of Metzler Investment GmbH. (Narwold, William) (Entered: 04/13/2016)
04/18/2016	<u>42</u>	NOTICE OF APPEARANCE by Robert Anthony Gretch on behalf of Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran. (Gretch, Robert) (Entered: 04/18/2016)
04/18/2016	<u>43</u>	ORDER GRANTING MOTION FOR APPOINTMENT AS LEAD PLAINTIFF AND LEAD COUNSEL granting <u>23</u> Motion to Appoint Counsel; denying <u>25</u> Motion to Appoint; denying <u>14</u> Motion to Appoint; denying <u>14</u> Motion to Appoint Counsel; denying <u>19</u> Motion to Appoint; denying <u>21</u> Motion to Appoint; denying <u>21</u> Motion to Approve; granting <u>23</u> Motion to Appoint: Having reviewed all pending motions and accompanying memoranda of law and supporting exhibits, the Court hereby appoints Metzler Investment GmbH ("Metzler") and Construction Laborers Pension Trust of Greater St. Louis (the "Pension Trust") as Lead Plaintiff. Metzler and the Pension Trust satisfy the requirements for Lead Plaintiff pursuant to Section 21D(a)(3)(B)(iii) of the PSLRA. Lead Plaintiff, pursuant to Section 21D(a)(3)(B)(v) of the PSLRA, has selected and retained the law firms of Robbins Geller Rudman & Dowd LLP ("Robbins Geller") and Motley Rice LLC ("Motley Rice") as Lead Counsel in this action. The Court hereby approves Metzler and the Pension Trust's selection of Robbins Geller and Motley Rice as Lead Counsel for the proposed Class. Lead Counsel shall have the following responsibilities and duties, to be carried out either personally or through counsel whom Lead Counsel shall designate: (a) to coordinate the briefing and argument of motions; (b) to coordinate the conduct of discovery proceedings; (c) to coordinate the examination of witnesses in depositions; (d) to coordinate the selection of counsel to act as a spokesperson at pretrial conferences; (e) to call meetings of plaintiffs' counsel as they deem necessary and appropriate from time to time; (f) to coordinate all settlement negotiations with counsel for defendants; (g) to coordinate and direct the pretrial discovery proceedings, and the preparation for trial, and the trial of this matter and to delegate work responsibilities to selected counsel as may be required; and (h) to supervise any other matters concerning the prosecution, resolution, or settlement of the action. No motion, request for discovery, or other pretrial proceedings shall be initiated or filed by any plaintiff without the approval of Lead Counsel, so as to prevent duplicative pleadings or discovery by plaintiffs. No settlement negotiations in the action shall be conducted without the approval of Lead Counsel. Lead Counsel shall have the responsibility of receiving and disseminating Court orders and notices. Lead Counsel shall be the contact between plaintiffs' counsel, and shall direct and coordinate the activities of plaintiffs' counsel. Defendants shall effect service of papers on plaintiffs by serving a copy of

		same on Lead Counsel by overnight mail, electronic mail, or hand delivery. Plaintiffs shall effect service of papers on defendants by serving a copy of same on defendants' counsel by overnight mail, electronic mail, or hand delivery. During the pendency of this litigation, or until further order of this Court, the parties shall take reasonable steps to preserve all documents within their possession, custody, or control, including computer-generated and stored information, and materials such as computerized data and electronic mail, containing information that is relevant to the subject matter of the pending litigation. (Signed by Judge Katherine Polk Failla on 4/18/2016) (tn) (Entered: 04/18/2016)
04/18/2016		Minute Entry for proceedings held before Judge Katherine Polk Failla: Status Conference held on 4/18/2016. (Court Reporter Khris Sellin) (Lopez, Jose) (Entered: 04/21/2016)
04/25/2016	<u>44</u>	NOTICE OF APPEARANCE by Michael Gerard Capeci on behalf of Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Capeci, Michael) (Entered: 04/25/2016)
05/03/2016	<u>45</u>	TRANSCRIPT of Proceedings re: conference held on 4/18/2016 before Judge Katherine Polk Failla. Court Reporter/Transcriber: Khristine Sellin, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/27/2016. Redacted Transcript Deadline set for 6/6/2016. Release of Transcript Restriction set for 8/4/2016.(McGuirk, Kelly) (Entered: 05/03/2016)
05/03/2016	<u>46</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a conference proceeding held on 4/18/16 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 05/03/2016)
05/04/2016	<u>47</u>	MOTION for James M. Hughes to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-12259956. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Metzler Investment GmbH. (Attachments: # <u>1</u> Certificate of Good Standing, # <u>2</u> Proposed Order)(Hughes, James) (Entered: 05/04/2016)
05/04/2016		>>> NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>47</u> MOTION for James M. Hughes to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-12259956. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (sdi) (Entered: 05/04/2016)
05/05/2016	<u>48</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>47</u> Motion for James M. Hughes to Appear Pro Hac Vice. (Signed by Judge Katherine Polk Failla on 5/5/2016) (tn) (Entered: 05/06/2016)
06/17/2016	<u>49</u>	AMENDED COMPLAINT amending <u>1</u> Complaint, against Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran with JURY DEMAND.Document filed by Metzler Investment GmbH, Construction Laborers

		Pension Trust of Greater St. Louis. Related document: <u>1</u> Complaint, filed by Susie Ong.(Rosenfeld, David) (Entered: 06/17/2016)
06/20/2016	<u>50</u>	CERTIFICATE OF SERVICE of Summons and Amended Complaint,. Chipotle Mexican Grill, Inc. served on 6/17/2016, answer due 7/8/2016; M. Steven Ells served on 6/17/2016, answer due 7/8/2016; John R. Hartung served on 6/17/2016, answer due 7/8/2016; Montgomery F. Moran served on 6/17/2016, answer due 7/8/2016. Document filed by Metzler Investment GmbH; Construction Laborers Pension Trust of Greater St. Louis. (Rosenfeld, David) (Entered: 06/20/2016)
06/28/2016	<u>51</u>	MOTION for Christopher F. Moriarty to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-12475218. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Metzler Investment GmbH. (Attachments: # <u>1</u> Certificate of Good Standing, # <u>2</u> Text of Proposed Order)(Moriarty, Christopher) (Entered: 06/28/2016)
06/28/2016		>>> NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>51</u> MOTION for Christopher F. Moriarty to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-12475218. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 06/28/2016)
06/29/2016	<u>52</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>51</u> Motion for Christopher F. Moriarty to Appear Pro Hac Vice. (As further set forth in this Order.) (Signed by Judge Katherine Polk Failla on 6/29/2016) (cf) (Entered: 06/29/2016)
07/19/2016	<u>53</u>	NOTICE of Party Name Change. Document filed by Metzler Investment GmbH. (Hughes, James) (Entered: 07/19/2016)
08/02/2016	<u>54</u>	LETTER MOTION for Extension of Time addressed to Judge Katherine Polk Failla from David A. Rosenfeld dated August 2, 2016. Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Rosenfeld, David) (Entered: 08/02/2016)
08/04/2016	<u>55</u>	ORDER EXTENDING TIME granting <u>54</u> Letter Motion for Extension of Time. IT IS HEREBY ORDERED that certain deadlines of the Scheduling Order are adjusted as follows: 1. Defendants must answer, move, or otherwise respond to the Amended Complaint by no later than August 18, 2016. 2. Lead Plaintiffs must respond to any motion to dismiss filed by Defendants by no later than October 31, 2016. 3. Defendants must file their reply by no later than December 14, 2016. 4. The portions of the Scheduling Order not modified by this Order remain in effect. 5. No further extensions of time will be granted. (Signed by Judge Katherine Polk Failla on 8/4/2016) (mro) (Entered: 08/04/2016)
08/04/2016		Set/Reset Deadlines: Chipotle Mexican Grill, Inc. answer due 8/18/2016; M. Steven Ells answer due 8/18/2016; John R. Hartung answer due 8/18/2016; Montgomery F. Moran answer due 8/18/2016. Responses due by 10/31/2016 Replies due by 12/14/2016. (mro) (Entered: 08/04/2016)
08/05/2016	<u>56</u>	LETTER MOTION for Leave to File Excess Pages addressed to Judge Katherine Polk Failla from Andrew B. Clubok dated 08/05/2016. Document filed by Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran.(Clubok, Andrew) (Entered: 08/05/2016)

08/08/2016	<u>57</u>	ORDER granting <u>56</u> Letter Motion for Leave to File Excess Pages. Application GRANTED. SO ORDERED. (Signed by Judge Katherine Polk Failla on 8/8/2016) (kko) (Entered: 08/08/2016)
08/18/2016	<u>58</u>	NOTICE OF APPEARANCE by Susan Elisabeth Engel on behalf of Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran. (Engel, Susan) (Entered: 08/18/2016)
08/18/2016	<u>59</u>	NOTICE OF APPEARANCE by Richard William Nicholson, Jr on behalf of Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran. (Nicholson, Richard) (Entered: 08/18/2016)
08/18/2016	<u>60</u>	MOTION to Dismiss <i>the Amended Complaint</i> . Document filed by Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran.(Clubok, Andrew) (Entered: 08/18/2016)
08/18/2016	<u>61</u>	MEMORANDUM OF LAW in Support re: <u>60</u> MOTION to Dismiss <i>the Amended Complaint</i> . . Document filed by Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran. (Clubok, Andrew) (Entered: 08/18/2016)
08/18/2016	<u>62</u>	DECLARATION of Nathaniel J. Kritzer in Support re: <u>60</u> MOTION to Dismiss <i>the Amended Complaint</i> .. Document filed by Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16 (Part I), # <u>17</u> Exhibit 16 (Part II), # <u>18</u> Exhibit 17, # <u>19</u> Exhibit 18, # <u>20</u> Exhibit 19, # <u>21</u> Exhibit 20, # <u>22</u> Exhibit 21, # <u>23</u> Exhibit 22, # <u>24</u> Exhibit 23, # <u>25</u> Exhibit 24, # <u>26</u> Exhibit 25, # <u>27</u> Exhibit 26, # <u>28</u> Exhibit 27, # <u>29</u> Exhibit 28, # <u>30</u> Exhibit 29, # <u>31</u> Exhibit 30, # <u>32</u> Exhibit 31, # <u>33</u> Exhibit 32, # <u>34</u> Exhibit 33, # <u>35</u> Exhibit 34, # <u>36</u> Exhibit 35, # <u>37</u> Exhibit 36, # <u>38</u> Exhibit 37, # <u>39</u> Exhibit 38, # <u>40</u> Exhibit 39, # <u>41</u> Exhibit 40)(Kritzer, Nathaniel) (Entered: 08/18/2016)
09/22/2016	<u>63</u>	LETTER MOTION for Discovery <i>pursuant to Your Honor's Individual Rule of Practice 3.C.</i> addressed to Judge Katherine Polk Failla from David A. Rosenfeld dated September 22, 2016. Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Rosenfeld, David) (Entered: 09/22/2016)
09/27/2016	<u>64</u>	LETTER RESPONSE to Motion addressed to Judge Katherine Polk Failla from Andrew B. Clubok dated 09/27/2017 re: <u>63</u> LETTER MOTION for Discovery <i>pursuant to Your Honor's Individual Rule of Practice 3.C.</i> addressed to Judge Katherine Polk Failla from David A. Rosenfeld dated September 22, 2016. . Document filed by Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran. (Attachments: # <u>1</u> Exhibit A)(Clubok, Andrew) (Entered: 09/27/2016)
09/28/2016	<u>65</u>	ORDER denying <u>63</u> LETTER MOTION for Discovery pursuant to Your Honor's Individual Rule of Practice 3.C. addressed to Judge Katherine Polk Failla from David A. Rosenfeld dated September 22, 2016. Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. Application DENIED. Plaintiffs have failed to demonstrate "that particularized discovery is necessary to preserve evidence or to prevent undue prejudice to [them]." See 15 U.S.C. § 78u-4.

		So ordered. (Signed by Judge Katherine Polk Failla on 9/28/2016) (rjm) (Entered: 09/29/2016)
10/31/2016	<u>66</u>	MOTION to Strike Document No. <u>62</u> [<i>Motion to Strike Exhibits Submitted with Defendant's Motion to Dismiss</i>]. Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Attachments: # <u>1</u> Text of Proposed Order)(Rosenfeld, David) (Entered: 10/31/2016)
10/31/2016	<u>67</u>	DECLARATION of David A. Rosenfeld in Support re: <u>66</u> MOTION to Strike Document No. <u>62</u> [<i>Motion to Strike Exhibits Submitted with Defendant's Motion to Dismiss</i>]. Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30, # <u>31</u> Exhibit 31, # <u>32</u> Exhibit 32, # <u>33</u> Exhibit 33, # <u>34</u> Exhibit 34, # <u>35</u> Exhibit 35, # <u>36</u> Exhibit 36, # <u>37</u> Exhibit 37, # <u>38</u> Exhibit 38, # <u>39</u> Exhibit 39, # <u>40</u> Exhibit 40, # <u>41</u> Exhibit 41, # <u>42</u> Exhibit 42, # <u>43</u> Exhibit 43, # <u>44</u> Exhibit 44, # <u>45</u> Exhibit 45, # <u>46</u> Exhibit 46, # <u>47</u> Exhibit 47, # <u>48</u> Exhibit 48, # <u>49</u> Exhibit 49, # <u>50</u> Exhibit 50, # <u>51</u> Exhibit 51, # <u>52</u> Exhibit 52, # <u>53</u> Exhibit 53, # <u>54</u> Exhibit 54, # <u>55</u> Exhibit 55, # <u>56</u> Exhibit 56, # <u>57</u> Exhibit 57, # <u>58</u> Exhibit 58, # <u>59</u> Exhibit 59, # <u>60</u> Exhibit 60, # <u>61</u> Exhibit 61, # <u>62</u> Exhibit 62, # <u>63</u> Exhibit 63, # <u>64</u> Exhibit 64, # <u>65</u> Exhibit 65, # <u>66</u> Exhibit 66, # <u>67</u> Exhibit 67, # <u>68</u> Exhibit 68, # <u>69</u> Exhibit 69, # <u>70</u> Exhibit 70, # <u>71</u> Exhibit 71, # <u>72</u> Exhibit 72, # <u>73</u> Exhibit 73, # <u>74</u> Exhibit 74, # <u>75</u> Exhibit 75)(Rosenfeld, David) (Entered: 10/31/2016)
10/31/2016	<u>68</u>	MEMORANDUM OF LAW in Support re: <u>66</u> MOTION to Strike Document No. <u>62</u> [<i>Motion to Strike Exhibits Submitted with Defendant's Motion to Dismiss</i>]. Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Rosenfeld, David) (Entered: 10/31/2016)
10/31/2016	<u>69</u>	DECLARATION of David A. Rosenfeld in Opposition re: <u>60</u> MOTION to Dismiss <i>the Amended Complaint</i> . Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Rosenfeld, David) (Entered: 10/31/2016)
10/31/2016	<u>70</u>	MEMORANDUM OF LAW in Opposition re: <u>60</u> MOTION to Dismiss <i>the Amended Complaint</i> . Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Rosenfeld, David) (Entered: 10/31/2016)
10/31/2016	<u>71</u>	LETTER addressed to Judge Katherine Polk Failla from David A. Rosenfeld dated October 31, 2016 re: oral argument request pursuant to Your Honor's Individual Rule of Practice 4.E.. Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH.(Rosenfeld, David) (Entered: 10/31/2016)
11/07/2016	<u>72</u>	LETTER MOTION for Extension of Time to File Response/Reply as to <u>66</u> MOTION to Strike Document No. <u>62</u> [<i>Motion to Strike Exhibits Submitted with Defendant's Motion to Dismiss</i>]. addressed to Judge Katherine Polk Failla from Andrew B. Clubok dated 11/07/2016. Document filed by Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran.(Clubok, Andrew) (Entered: 11/07/2016)

11/09/2016	<u>73</u>	ORDER granting <u>72</u> Letter Motion for Extension of Time to File Response/Reply. Application GRANTED. No further extension requests with regard to this motion will be entertained. Responses due by 12/14/2016 Replies due by 1/11/2017. (Signed by Judge Katherine Polk Failla on 11/9/2016) (mro) (Entered: 11/09/2016)
12/14/2016	<u>74</u>	REPLY MEMORANDUM OF LAW in Support re: <u>60</u> MOTION to Dismiss <i>the Amended Complaint</i> . . Document filed by Chipotle Mexican Grill, Inc., M. Steven Eells, John R. Hartung, Montgomery F. Moran. (Clubok, Andrew) (Entered: 12/14/2016)
12/14/2016	<u>75</u>	MEMORANDUM OF LAW in Opposition re: <u>66</u> MOTION to Strike Document No. <u>62</u> [<i>Motion to Strike Exhibits Submitted with Defendant's Motion to Dismiss</i>]. . Document filed by Chipotle Mexican Grill, Inc., M. Steven Eells, John R. Hartung, Montgomery F. Moran. (Clubok, Andrew) (Entered: 12/14/2016)
12/14/2016	<u>76</u>	LETTER addressed to Judge Katherine Polk Failla from Andrew B. Clubok dated 12/14/2016 re: Oral Argument Request Pursuant to Your Honor's Individual Rule of Practice 4.E. Document filed by Chipotle Mexican Grill, Inc., M. Steven Eells, John R. Hartung, Montgomery F. Moran.(Clubok, Andrew) (Entered: 12/14/2016)
01/11/2017	<u>77</u>	REPLY MEMORANDUM OF LAW in Support re: <u>66</u> MOTION to Strike Document No. <u>62</u> [<i>Motion to Strike Exhibits Submitted with Defendant's Motion to Dismiss</i>]. . Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Rosenfeld, David) (Entered: 01/11/2017)
01/11/2017	<u>78</u>	DECLARATION of David A. Rosenfeld in Support re: <u>66</u> MOTION to Strike Document No. <u>62</u> [<i>Motion to Strike Exhibits Submitted with Defendant's Motion to Dismiss</i>]. Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Attachments: # <u>1</u> Exhibit 76, # <u>2</u> Exhibit 77, # <u>3</u> Exhibit 78)(Rosenfeld, David) (Entered: 01/11/2017)
03/08/2017	<u>79</u>	OPINION AND ORDER re: <u>60</u> MOTION to Dismiss <i>the Amended Complaint</i> , filed by John R. Hartung, M. Steven Eells, Montgomery F. Moran, Chipotle Mexican Grill, Inc.; <u>66</u> MOTION to Strike Document No. <u>62</u> [<i>Motion to Strike Exhibits Submitted with Defendant's Motion to Dismiss</i>], filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. For the reasons outlined above, Defendants' motion to dismiss the Complaint for failure to state a claim is GRANTED. The Complaint is DISMISSED WITHOUT PREJUDICE. Plaintiffs' motion to strike Defendants' Exhibits, mooted given this result, is DENIED. The Clerk of Court is directed to terminate the motions at docket entries 60 and 66. Plaintiffs' request for leave to amend is GRANTED. Plaintiffs must file their Second Amended Complaint within 30 days of this Opinion. Defendants must answer or otherwise respond within 30 days of Plaintiffs' filing. (Signed by Judge Katherine Polk Failla on 3/8/2017) (cla) (Entered: 03/08/2017)
04/07/2017	<u>80</u>	***STRICKEN DOCUMENT. Strike Document No. [80 - Exhibit A and Related Allegations] from the case record. The document was stricken from this case pursuant to <u>104</u> OPINION AND ORDER. (anc) SECOND AMENDED COMPLAINT amending <u>49</u> Amended Complaint, against Chipotle Mexican Grill, Inc., M. Steven Eells, John R. Hartung, Montgomery F. Moran with JURY DEMAND. Document filed by Metzler Investment GmbH, Construction Laborers Pension Trust of Greater St. Louis. Related document: <u>49</u> Amended Complaint, filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment

		GmbH. (Attachments: # <u>1</u> Exhibit A - Donnelly Declaration)(Rosenfeld, David) Modified on 3/22/2018 (anc). (Entered: 04/07/2017)
04/24/2017	<u>81</u>	LETTER MOTION for Extension of Time addressed to Judge Katherine Polk Failla from Andrew B. Clubok dated April 24, 2017., LETTER MOTION for Leave to File Excess Pages addressed to Judge Katherine Polk Failla from Andrew B. Clubok dated April 24, 2017. Document filed by Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran.(Clubok, Andrew) (Entered: 04/24/2017)
04/24/2017	<u>82</u>	ORDER granting in part and denying in part <u>81</u> LETTER MOTION for Extension of Time addressed to Judge Katherine Polk Failla from Andrew B. Clubok dated April 24, 2017. LETTER MOTION for Leave to File Excess Pages addressed to Judge Katherine Polk Failla from Andrew B. Clubok dated April 24, 2017. Document filed by Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran. Application GRANTED IN PART and DENIED IN PART. The parties may adhere to the briefing schedule for Defendants' contemplated motion to dismiss that is proposed in Defendants' letter. No extensions will be granted. The Court will extend its page limits for Defendants' memorandum of law in support of their motion to dismiss and Lead Plaintiffs' memorandum of law in opposition to Defendants motion to dismiss to 30 pages and Defendants' reply in further support of their motion to dismiss to 12 pages. The parties are advised that attempts to circumvent these page limits through "creative" formatting and the excessive use of footnotes will not be tolerated. So ordered. (Motions due by 6/7/2017.) (Signed by Judge Katherine Polk Failla on 4/24/2017) (rjm) (Entered: 04/25/2017)
04/24/2017		Set/Reset Deadlines: Responses due by 8/7/2017. Replies due by 9/6/2017. (rjm) (Entered: 04/25/2017)
06/07/2017	<u>83</u>	MOTION to Dismiss <i>the Second Amended Complaint</i> . Document filed by Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran.(Clubok, Andrew) (Entered: 06/07/2017)
06/07/2017	<u>84</u>	MEMORANDUM OF LAW in Support re: <u>83</u> MOTION to Dismiss <i>the Second Amended Complaint</i> . . Document filed by Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran. (Clubok, Andrew) (Entered: 06/07/2017)
06/07/2017	<u>85</u>	DECLARATION of Nathaniel J. Kritzer in Support re: <u>83</u> MOTION to Dismiss <i>the Second Amended Complaint</i> .. Document filed by Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17)(Clubok, Andrew) (Entered: 06/07/2017)
06/07/2017	<u>86</u>	MOTION to Strike Document No. [80 - Exhibit A and Related Allegations] . Document filed by Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran.(Clubok, Andrew) (Entered: 06/07/2017)
06/07/2017	<u>87</u>	MEMORANDUM OF LAW in Support re: <u>86</u> MOTION to Strike Document No. [80 - Exhibit A and Related Allegations] . . Document filed by Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran. (Clubok, Andrew) (Entered: 06/07/2017)

06/08/2017	<u>88</u>	LETTER MOTION for Extension of Time to File Response/Reply to <i>Defendants' Motion to Strike</i> addressed to Judge Katherine Polk Failla from David A. Rosenfeld dated 06/08/2017. Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH.(Rosenfeld, David) (Entered: 06/08/2017)
06/09/2017	<u>89</u>	ORDER: denying <u>88</u> Letter Motion for Extension of Time to File Response/Reply. Application DENIED. Plaintiffs must file any opposition to Defendants' motion to strike by August 7, 2017. Defendants' reply, if any, is due by September 6, 2017. Response due by 8/7/2017. Reply due by 9/6/2017. (Signed by Judge Katherine Polk Failla on 6/9/2017) (ap) (Entered: 06/09/2017)
06/09/2017		Set/Reset Deadlines: Responses due by 8/7/2017. Replies due by 9/6/2017. (ap) (Entered: 06/09/2017)
08/07/2017	<u>90</u>	MEMORANDUM OF LAW in Opposition re: <u>86</u> MOTION to Strike Document No. [80 - Exhibit A and Related Allegations] . . Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Rosenfeld, David) (Entered: 08/07/2017)
08/07/2017	<u>91</u>	MEMORANDUM OF LAW in Opposition re: <u>83</u> MOTION to Dismiss <i>the Second Amended Complaint</i> . . Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Rosenfeld, David) (Entered: 08/07/2017)
08/07/2017	<u>92</u>	DECLARATION of Michael G. Capeci in Opposition re: <u>83</u> MOTION to Dismiss <i>the Second Amended Complaint</i> .. Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Rosenfeld, David) (Entered: 08/08/2017)
08/08/2017	<u>93</u>	LETTER addressed to Judge Katherine Polk Failla from David A. Rosenfeld dated August 8, 2017 re: Oral argument on Defendants' Motion to Dismiss the Second Amended Complaint. Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH.(Rosenfeld, David) (Entered: 08/08/2017)
09/06/2017	<u>94</u>	REPLY MEMORANDUM OF LAW in Support re: <u>83</u> MOTION to Dismiss <i>the Second Amended Complaint</i> . . Document filed by Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran. (Clubok, Andrew) (Entered: 09/06/2017)
09/06/2017	<u>95</u>	REPLY MEMORANDUM OF LAW in Support re: <u>86</u> MOTION to Strike Document No. [80 - Exhibit A and Related Allegations] . . Document filed by Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran. (Clubok, Andrew) (Entered: 09/06/2017)
11/01/2017	<u>96</u>	LETTER addressed to Judge Katherine Polk Failla from David A. Rosenfeld dated November 1, 2017 re: update on factual and legal developments in the case pursuant to Your Honors Individual Rule of Practice 2.A.. Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Attachments: # <u>1</u> Exhibit A)(Rosenfeld, David) (Entered: 11/01/2017)
11/03/2017	<u>97</u>	LETTER addressed to Judge Katherine Polk Failla from Andrew B. Clubok dated November 3, 2017 re: Response to DE 96. Document filed by Chipotle Mexican

		Grill, Inc., M. Steven Eells, John R. Hartung, Montgomery F. Moran.(Clubok, Andrew) (Entered: 11/03/2017)
11/06/2017	<u>98</u>	MEMO ENDORSEMENT on re: <u>97</u> Letter filed by John R. Hartung, M. Steven Eells, Montgomery F. Moran, Chipotle Mexican Grill, Inc. ENDORSEMENT: Application GRANTED. Plaintiffs' November 1, 2017 letter relies on factual allegations not contained in the Second Amended Complaint and responds to arguments raised in Defendants' reply papers. (See Dkt. #96). In the absence of a motion to amend or a motion to convert the pending motion to dismiss into a motion for summary judgment, the Court does not believe that it can consider Plaintiffs' newly-proffered factual information. (Signed by Judge Katherine Polk Failla on 11/6/2017) (mro) (Entered: 11/06/2017)
11/08/2017	<u>99</u>	LETTER addressed to Judge Katherine Polk Failla from David A. Rosenfeld dated November 8, 2017 re: clarifying Plaintiffs' November 1, 2017 letter. Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH.(Rosenfeld, David) (Entered: 11/08/2017)
12/13/2017	<u>100</u>	LETTER addressed to Judge Katherine Polk Failla from Michael G. Capeci dated December 13, 2017 re: a recent decision from the Second Circuit that further supports denial of Defendants motion to dismiss. Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Capeci, Michael) (Entered: 12/13/2017)
12/22/2017	<u>101</u>	LETTER addressed to Judge Katherine Polk Failla from Nathaniel J. Kritzer dated December 22, 2017 re: Response to [DE 100] Lead Plaintiffs' Letter re Supplemental Authority. Document filed by Chipotle Mexican Grill, Inc., M. Steven Eells, John R. Hartung, Montgomery F. Moran.(Kritzer, Nathaniel) (Entered: 12/22/2017)
02/15/2018	<u>102</u>	NOTICE OF CHANGE OF ADDRESS by Susan Elisabeth Engel on behalf of Chipotle Mexican Grill, Inc., M. Steven Eells, John R. Hartung, Montgomery F. Moran. New Address: Latham & Watkins LLP, 555 Eleventh Street, Nw, Suite 1000, Washington, DC, 20004, (202) 637-2200. (Engel, Susan) (Entered: 02/15/2018)
02/16/2018	<u>103</u>	NOTICE OF CHANGE OF ADDRESS by Andrew Brian Clubok on behalf of Chipotle Mexican Grill, Inc., M. Steven Eells, John R. Hartung, Montgomery F. Moran. New Address: Latham & Watkins LLP (DC), 555 Eleventh Street, Nw, Suite 1000, Washington, DC, 20004, (202) 637-2200. (Clubok, Andrew) (Entered: 02/16/2018)
03/22/2018	<u>104</u>	OPINION AND ORDER re: <u>86</u> MOTION to Strike Document No. [80 - Exhibit A and Related Allegations] filed by John R. Hartung, M. Steven Eells, Montgomery F. Moran, Chipotle Mexican Grill, Inc.; <u>83</u> MOTION to Dismiss <i>the Second Amended Complaint</i> filed by John R. Hartung, M. Steven Eells, Montgomery F. Moran, Chipotle Mexican Grill, Inc. The Court has reviewed the many new allegations added by Plaintiffs to the SAC, and concludes that they do not remedy the fundamental problems outlined in Chipotle I. While numerous, the new allegations fail because, broadly speaking, they are (i) conclusory assertions, including assertions to materials the Court may not properly consider, or (ii) allegations that add new facts but exhibit the same pleading deficiencies. At its core, the SAC faults Defendants for failing to disclose duties they did not assume; for failing to be prescient; and for presenting accurate, but general, discussions of material risks rather than attempting the impossible task of outlining the myriad possible outcomes. The food-borne illness outbreaks were unfortunate, but whatever else they might reveal about Chipotle, they

		do not on this record reveal securities fraud. Given the foregoing, Defendants' motion to strike is GRANTED IN PART and Defendants' motion to dismiss is GRANTED WITH PREJUDICE. Pursuant to the PSLRA, the Court finds that the parties and counsel in this matter have complied with Federal Rule of Civil Procedure 11(b): Neither the claims nor defenses were harassing or frivolous; all factual contentions had evidentiary support or were reasonably based on belief or a lack of information; and Defendants did not affirmatively allege improper conduct nor move for sanctions. See Pehlivanian v. China Gerui Advanced Materials Grp., Ltd., No. 14 Civ. 9443 (ER), 2017 WL 1192888, at *10 n.13 (S.D.N.Y. Mar. 29, 2017) (citing 15 U.S.C. § 78u-4(c)(1)). The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case. SO ORDERED. (Signed by Judge Katherine Polk Failla on 3/22/2018) (anc) (Entered: 03/22/2018)
03/22/2018		Transmission to Judgments and Orders Clerk. Transmitted re: <u>104</u> Memorandum & Opinion to the Judgments and Orders Clerk. (anc) (Entered: 03/22/2018)
03/23/2018	<u>105</u>	CLERK'S JUDGMENT re: <u>104</u> Opinion and Order.It is hereby ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memorandum Opinion and Order dated March 22, 2018, Defendants' motion to dismiss is granted with prejudice; accordingly, the case is closed. (Signed by Clerk of Court Ruby Krajick on 3/23/2018) (Attachments: # <u>1</u> Right to Appeal)(tro) (Entered: 03/23/2018)
03/23/2018		Terminate Transcript Deadlines (tro) (Entered: 03/23/2018)
04/20/2018	<u>106</u>	MOTION to Alter Judgment <i>and for Leave to Amend</i> . Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Attachments: # <u>1</u> Text of Proposed Order)(Rosenfeld, David) (Entered: 04/20/2018)
04/20/2018	<u>107</u>	MEMORANDUM OF LAW in Support re: <u>106</u> MOTION to Alter Judgment <i>and for Leave to Amend</i> . . Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Rosenfeld, David) (Entered: 04/20/2018)
04/20/2018	<u>108</u>	DECLARATION of David A. Rosenfeld in Support re: <u>106</u> MOTION to Alter Judgment <i>and for Leave to Amend</i> .. Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Attachments: # <u>1</u> Exhibit A: Proposed Third Amended Complaint, # <u>2</u> Exhibit B: Redline differences between SAC and Proposed Third Amended Complaint)(Rosenfeld, David) (Entered: 04/20/2018)
04/20/2018	<u>109</u>	NOTICE OF APPEARANCE by Mark Tamerlane Millkey on behalf of Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Millkey, Mark) (Entered: 04/20/2018)
04/25/2018	<u>110</u>	CONSENT LETTER MOTION for Extension of Time to File Response/Reply as to <u>106</u> MOTION to Alter Judgment <i>and for Leave to Amend</i> . addressed to Judge Katherine Polk Failla from Andrew B. Clubok dated April 25, 2018. Document filed by Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran.(Clubok, Andrew) (Entered: 04/25/2018)
04/25/2018	<u>111</u>	ORDER granting <u>110</u> Letter Motion for Extension of Time to File Response/Reply re <u>106</u> MOTION to Alter Judgment <i>and for Leave to Amend</i> ., <u>110</u> CONSENT LETTER MOTION for Extension of Time to File Response/Reply as to <u>106</u> MOTION to Alter Judgment <i>and for Leave to Amend</i> . addressed to Judge Katherine Polk Failla from

		Andrew B. Clubok dated April 25, 2018. Application Granted. So Ordered. Responses due by 5/18/2018 Replies due by 6/1/2018. (Signed by Judge Katherine Polk Failla on 4/25/2018) (js) (Entered: 04/26/2018)
05/18/2018	<u>112</u>	MEMORANDUM OF LAW in Opposition re: <u>106</u> MOTION to Alter Judgment <i>and for Leave to Amend.</i> . Document filed by Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran. (Clubok, Andrew) (Entered: 05/18/2018)
05/18/2018	<u>113</u>	DECLARATION of Andrew B. Clubok in Opposition re: <u>106</u> MOTION to Alter Judgment <i>and for Leave to Amend.</i> . Document filed by Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran. (Attachments: # <u>1</u> Exhibit 1- Adam H. Callaghan's "Eater Article", # <u>2</u> Exhibit 2- Chipotle Press Release)(Clubok, Andrew) (Entered: 05/18/2018)
06/01/2018	<u>114</u>	MOTION for Matthew J. Peters to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15145178. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Chipotle Mexican Grill, Inc., M. Steven Ells, John R. Hartung, Montgomery F. Moran. (Attachments: # <u>1</u> Affidavit in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Exhibit A - Certificates of Good Standing, # <u>3</u> Text of Proposed Order)(Peters, Matthew) (Entered: 06/01/2018)
06/01/2018		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>114</u> MOTION for Matthew J. Peters to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15145178. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 06/01/2018)
06/01/2018	<u>115</u>	REPLY MEMORANDUM OF LAW in Support re: <u>106</u> MOTION to Alter Judgment <i>and for Leave to Amend.</i> . Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Rosenfeld, David) (Entered: 06/01/2018)
06/01/2018	<u>116</u>	REPLY AFFIDAVIT of David A. Rosenfeld in Support re: <u>106</u> MOTION to Alter Judgment <i>and for Leave to Amend.</i> . Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. (Attachments: # <u>1</u> Exhibit 1: Excerpts from complaint filed in Lashkari v. Ells)(Rosenfeld, David) (Entered: 06/01/2018)
06/01/2018	<u>117</u>	LETTER MOTION for Oral Argument <i>on Plaintiffs' Motion for Relief from Judgment and for Leave to Amend</i> addressed to Judge Katherine Polk Failla from David A. Rosenfeld dated 06/01/2018. Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH.(Rosenfeld, David) (Entered: 06/01/2018)
06/04/2018	<u>118</u>	ORDER with respect to <u>117</u> Letter Motion for Oral Argument. The Court is in receipt of the above letter and will schedule oral argument in this matter if the Court determines that it would be useful. (Signed by Judge Katherine Polk Failla on 6/4/2018) (rro) (Entered: 06/04/2018)
06/04/2018	<u>119</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>114</u> Motion for Matthew J. Peters to Appear Pro Hac Vice. The motion of Matthew J. Peters for admission to practice Pro Hac Vice in the above captioned action is granted. IT IS HEREBY ORDERED that Applicant is admitted to practice Pro Hac Vice in the above-captioned case in the United States District Court for the Southern District of New

		York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. (Signed by Judge Katherine Polk Failla on 6/4/18) (yv) (Entered: 06/04/2018)
11/20/2018	<u>120</u>	OPINION AND ORDER re: <u>106</u> MOTION to Alter Judgment <i>and for Leave to Amend</i> filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH: For the foregoing reasons, Plaintiffs' motion is DENIED. The Clerk of Court is directed to terminate the motion pending at docket entry 106. (Signed by Judge Katherine Polk Failla on 11/20/2018) (tn) (Entered: 11/20/2018)
12/20/2018	<u>121</u>	NOTICE OF APPEAL from <u>120</u> Memorandum & Opinion,. Document filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. Filing fee \$ 505.00, receipt number ANYSDC-16086403. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Rosenfeld, David) (Entered: 12/20/2018)
12/20/2018		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>121</u> Notice of Appeal. (tp) (Entered: 12/20/2018)
12/20/2018		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>121</u> Notice of Appeal, filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH were transmitted to the U.S. Court of Appeals. (tp) (Entered: 12/20/2018)
10/08/2020	<u>122</u>	MANDATE of USCA (Certified Copy) as to <u>121</u> Notice of Appeal, filed by Construction Laborers Pension Trust of Greater St. Louis, Metzler Investment GmbH. USCA Case Number 18-3807. IT IS HEREBY ORDERED, ADJUDGED and DECREED that the judgment of the district court is AFFIRMED.. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 10/8/2020..(nd) (Entered: 10/08/2020)
10/08/2020		Transmission of USCA Mandate to the District Judge re: <u>122</u> USCA Mandate,..(nd) (Entered: 10/08/2020)

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