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13 **Attorneys for Plaintiffs and the Proposed Classes**

15 **UNITED STATES DISTRICT COURT**
 16 **CENTRAL DISTRICT OF CALIFORNIA**

17 CATS AND DOGS ANIMAL HOSPITAL,
 18 INC.; ASTRO APPLIANCE SERVICE;
 19 BLEEDING HEART, LLC; CALIFORNIA
 20 FURNISHINGS, INC.; CELIBRÉ, INC.;
 21 J.L. FERRI ENTERTAINMENT, INC.; LE
 22 PETITE RETREAT DAY SPA, LLC; SAN
 23 FRANCISCO BAY BOAT CRUISES,
 24 LLC; WAG MY TAIL, INC.; and
 25 ZODIAC RESTAURANT GROUP, INC.,
 26 on behalf of themselves and all others
 27 similarly situated,

24 Plaintiffs,

25 v.

26 YELP! INC.,
 27 Defendant.

Case No: 2:10-cv-01340-VBF-SS

Pleading Type: Class Action

**DECLARATION OF KEVIN
 DICERBO IN SUPPORT OF
 PLAINTIFFS' OPPOSITION
 TO DEFENDANT YELP! INC.'S
 MOTION TO TRANSFER
 VENUE (28 U.S.C. § 1404(a))**

Hearing Date: May 10, 2010

Hearing Time: 1:30 p.m.

Judge: Hon. Valerie Baker Fairbank

1 I, Kevin DiCerbo, declare:

2 1. I am the owner of Celebré, Inc., Plaintiff in this action. I submit this
3 declaration in support of Plaintiffs' Opposition to Yelp's Motion to Transfer
4 Venue. I have personal knowledge of the facts stated herein and, if called upon to
5 do so, could and would testify competently thereto.

6 2. To my knowledge, I have never agreed to a forum selection clause
7 with respect to any disputes with Yelp. Although I became a Yelp Sponsor as a
8 result of Yelp's sales tactics, I did not know I was entitled to consult with an
9 attorney to review Yelp's terms of service. I do not remember seeing a forum
10 selection clause and did not expect that I would be limited to litigating in the
11 Northern District of California if a dispute between Yelp and Celebré arose.

12 3. To the extent that my use of the Yelp website, including my claiming
13 my business's Yelp.com listing, purportedly binds me to Yelp's Terms of Service,
14 and that those Terms of Service include a forum selection clause in the event of a
15 dispute with Yelp, I never had any knowledge of that clause and never expected, if
16 a dispute arose with Yelp, that I would be limited to litigation in the Northern
17 District of California.

18 I declare under penalty of perjury under the laws of the United States that
19 the foregoing is true and correct.

20 Executed in Torrance, California on April 19, 2010.

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23 Kevin DiCerbo
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DATED: April 19, 2010

Respectfully Submitted,

/s/Jared H. Beck
Jared H. Beck

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