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13 **BECK & LEE BUSINESS TRIAL LAWYERS**

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

24 **UNITED STATES DISTRICT COURT**
 25 **NORTHERN DISTRICT OF CALIFORNIA**

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

Plaintiffs,

v.

YELP! INC.,

Defendant.

Case No. 3:10-cv-02351 MHP
 Pleading Type: Class Action
 Action Filed: February 23, 2010

**DECLARATION OF ELIZABETH LEE
 BECK IN SUPPORT OF PLAINTIFFS'
 OPPOSITION AND CROSS-MOTION**

Judge: The Hon. Marilyn Hall Patel

Date: July 19, 2010
 Time: 2:00 p.m.

1 I, Elizabeth Lee Beck, declare:

2 1. I am a member in good standing of the State Bars of California and Florida, and
3 admitted to practice before this Court. I have personal knowledge of the facts stated herein, and,
4 if called on to do so, could and would testify competently thereto. I make this declaration in
5 support of Plaintiffs' Opposition to Yelp's Motion for Consolidation (Dkt. No. 64) and Cross-
6 Motion for:

7 (a1) Designation of *Cats and Dogs* as lead action and stay of *Levitt* action or, in the
8 alternative, (a2) Consolidation of *Cats and Dogs* and *Levitt* actions, deeming the *Cats*
9 *and Dogs* First Amended Complaint as the operative complaint;

10 (b) Appointment of The Weston Firm and Beck & Lee Business Trial Lawyers as
11 interim class counsel; and

12 (c) Submission of fully-briefed Motion to Dismiss for hearing.

13 2. I am a founding partner of the law firm Beck & Lee, P.A. ("Beck & Lee"). Beck
14 & Lee is a business and commercial litigation law firm based in Miami, Florida. The firm and its
15 principals are experienced in commercial class action litigation, including on behalf of
16 consumers.

17 3. I am experienced in and have represented both plaintiffs and defendants in class
18 action litigation, including on behalf of consumers. My representation of plaintiffs includes the
19 following class action litigation: *In re LTL Shipping Services Antitrust Litigation*, MDL Docket
20 No. 1895 (N.D. Ga.) (pending antitrust litigation in the less-than-truckload shipping industry); *In*
21 *re Korean Air Lines Co., Ltd. Antitrust Litigation*, MDL Docket No. 1891 (C.D. Cal.) (pending
22 antitrust litigation in the airline industry); *Katz et al. v. Fifield Realty Corp. et al.*, Case No. 07-
23 61626-CIV-SEITZ/MCALILEY (S.D. Fla.) (pending litigation under the federal Interstate Land
24 Sales Full Disclosure Act); *Trilogy Properties LLC et al. v. SB Hotel Associates LLC et al.*, Case
25 No. 09-21406-CIV-JORDAN/MCALILEY (S.D. Fla.) (pending litigation under the federal
26 Interstate Land Sales Full Disclosure Act); *DA Air LLC v. Diamond Aircraft Industries Inc.*, No.
27 09-60157-CIV-UNGARO/SIMONTON (S.D. Fla.) (litigation under federal Magnuson-Moss

1 Warranty Act); *Becker et al. v. TRG Columbus Dev., Ltd.*, No. 08-05068-CA-09 (Fla. Cir. Ct.)
2 (litigation under Florida deceptive and unfair trade practices statute); and at least nine other
3 consumer class actions brought under California’s Unfair Competition Law, False Advertising
4 Law and Consumer Legal Remedies Act. Beck & Lee was appointed interim class counsel in
5 *Katz*.

6 4. I have also served as defense counsel in the following class action litigation:
7 *Zlotnick v. Premier Sales Group, Inc. et al.*, No. 9:06-cv-80091-KLR (S.D. Fla.) (action on
8 behalf of purchasers of condominium units alleging unfair and deceptive trade practices); and
9 *Hicks et al. v. Kaufman & Broad Home Corp. et al.*, No. BC198414 (Los Angeles Cty. Sup. Ct.)
10 (breach of warranty and construction defects litigation).

11 5. I received a B.S. from the University of California, Los Angeles, and graduated
12 from Yale Law School. Prior to founding Beck & Lee, I practiced at Quinn Emanuel Urquhart
13 Oliver & Hedges, LLP in Los Angeles, and at Coffey Burlington in Miami.

14 6. Following our filing on February 23, 2010 of the first Complaint against Yelp, my
15 firm and The Weston Firm have been contacted by more than 200 other small business owners
16 with stories similar to Dr. Perrault’s, of Plaintiff Cats and Dogs Animal Hospital, Inc. The firms
17 continue to receive numerous inquiries each day. Of these small businesses, 60 have retained
18 Beck & Lee and The Weston Firm to pursue claims against Yelp and serve as class
19 representatives alongside Cats and Dogs Animal Hospital, Inc.

20 7. Our firm and The Weston Firm spent substantial time interviewing these small
21 business owners, and preparing the First Amended Class Action Complaint (“Amended
22 Complaint”), which was filed on March 16. The Amended Complaint added a great amount of
23 detail concerning Yelp’s unlawful business practices, included several more claims for relief, and
24 named nine additional small business representative plaintiffs.

25 8. Since February, when the Proposed Interim Class Counsel filed the First
26 Complaint, counsel have, among other things:

- 27 • Filed a detailed 39-page Amended Complaint;

- 1 • Conferred with defendant’s counsel, including in person in San Francisco
2 on March 18, 2010, on case management issues;
- 3 • Held our action’s 26(f) discovery conference on April 8, 2010;
- 4 • Conferred with defendant’s counsel on class certification, proposed
5 injunctive relief, and electronic discovery;
- 6 • Served Rule 26 disclosures;
- 7 • Fully briefed Yelp’s Motion to Dismiss, which was on calendar for
8 hearing on May 24, 2010 before Judge Fairbank in the Central District of
9 California, before the action was transferred to this Court (Judge Fairbank
10 declined to consider the motion upon ordering the action transferred);
- 11 • Served and obtained first sets of interrogatories and requests for
12 production, including serving 120 and 510 responses and objections,
13 respectfully;
- 14 • Begun collecting and reviewing documents for production to Yelp; and
- 15 • Scheduled a deposition.

16 9. On June 9 and 10, 2010, I conferred with counsel for Boris Levitt, Lawrence
17 Murray and David Ongaro, regarding the substance of the instant Motion and The Weston Firm
18 and Beck & Lee’s intention to seek appointment as interim lead counsel. Mr. Murray and Mr.
19 Ongaro indicated that they would not agree to this request at that time.

20 10. As a result of our efforts in prosecuting the *Cats and Dogs* lawsuit, Yelp has
21 already made substantial policy changes. Yelp now allows its users and business owners to
22 access “filtered” reviews—reviews that were previously completely hidden. Moreover, Yelp no
23 longer allows businesses to pay a monthly fee in order to keep a favorite review listed at the top
24 of their Yelp pages.

25 11. Yelp announced these changes on March 1, 2010—nearly two weeks before
26 Levitt filed his copycat Complaint.

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

Executed on June 14, 2010 in Miami, Florida.

s/ Elizabeth Lee Beck
Elizabeth Lee Beck

1 Respectfully Submitted,

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3 /s/ Jack Fitzgerald
4 Jack Fitzgerald

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