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15 Attorneys for Plaintiff  
 16 BORIS Y. LEVITT

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA

19 BORIS Y. LEVITT, on behalf of himself and all  
 20 others similarly situated,  
 21  
 22 Plaintiffs,  
 23  
 24 v.  
 25 YELP! INC.; and DOES 1 through 100, inclusive,  
 26  
 27 Defendants.

Case No. CV 10-01321 MHP

**DECLARATION OF DAVID R. ONGARO IN SUPPORT OF PLAINTIFF LEVITT'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF ITS OPPOSITION TO CATS AND DOGS CROSS-MOTION FOR:**

**(A1) DESIGNATION OF CATS AND DOGS AS LEAD ACTION AND STAY OF LEVITT ACTION, OR IN THE ALTERNATIVE, (A2) CONSOLIDATION OF THE ACTIONS, DEEMING CATS AND DOGS FIRST AMENDED COMPLAINT AS THE OPERATIVE PLEADING; AND**

**(B) APPOINTMENT OF THE WESTON FIRM AND BECK & LEE AS INTERIM CLASS COUNSEL**

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1 I, David R. Ongaro, declare as follows:

2 1. I am a partner with the law firm of Ongaro Burt LLP, attorneys of record for  
3 Plaintiff Boris Y. Levitt. I am admitted to practice law in the State of California. I have personal  
4 knowledge of the matters set forth herein and if called to do so, I could and would testify  
5 competently under oath.

6 2. On or around February 10, 2010, I met with Boris Levitt to discuss his  
7 experiences with Yelp and the possibility of filing a lawsuit. Thereafter, Ongaro Burt LLP and  
8 Murray & Associates began jointly investigating Mr. Levitt's claims against Yelp and drafting a  
9 complaint against Yelp.

10 3. My office has spent over 100 hours on the Yelp investigation, however, as with  
11 all cases we take on, we are mindful about racking up needless attorneys' fees and costs.

12 4. I have extensive class action, jury trial and consumer class action experience.

13 5. I am a trial attorney with nearly 20 years of experience handling complex  
14 litigation matters. Prior to forming Ongaro Burt LLP, I was a partner at Perkins Coie LLP.  
15 Prior to working at Perkins Coie, I was a partner at Schnader Harrison Segal & Lewis LLP and  
16 an associate at Bronson, Bronson & McKinnon in San Francisco. Law and Politics Magazine  
17 has listed me as a "Northern California Super Lawyer."

18 6. I have prosecuted and defended a total of 24 multi-million dollar class action  
19 lawsuits across the country where I have acted as lead counsel. Those actions include:

- 20 • *Allen v. Labor Ready*, United States District Court, Central District of California,  
21 Case No. CV 09-04266 DDP (AGRx)
- 22 • *Alowdi v. Innovative Facility Services*, Superior Court of California, County of  
23 San Francisco, Case No. CGC 08-477340
- 24 • *Balandran v. Labor Ready*, Superior Court of California, County of Los Angeles,  
25 Case Nos. BC278551, BC188428
- 26 • *Barker v. Qwest Communications Corporation et al*, United States District Court,  
27 Central District of California, Case No. 2:05-cv-05875-JVS-RNB
- 28 • *Bernal v. Labor Ready*, Western District of Michigan, Southern Division, Case  
No. 1:08-cv-507
- *Bernal II v. Labor Ready*, Western District of Michigan, Southern Division, Case  
No. 1:08-CV-508

- 1 • *Brown v. Labor Ready*, United States District Court, Middle District of Pennsylvania, Case No. 1:10-cv-00514-YK
- 2 • *Chandler v. Labor Ready*, State of Michigan, Circuit Court of County of Kent, Case No. 09-03400-CZ
- 3 • *Crawford v. Labor Ready*, American Arbitration Association, Case No. 11 160 02264 06
- 4 • *Gray v. California Redwood Company, et al.*, Superior Court of California, County of Alameda, Case No. RG07348848
- 5 • *Grosvenor v. Steelscape*, Superior Court of California, County of Contra Costa, Case No. C0501694
- 6 • *Harrington v. Coinstar*, United States District Court, Eastern District of California, Case No. 2:2006cv01172
- 7 • *Huff v. Liberty League*, United States District Court for the Central District of California, Case No. ED CV08-01010 VAP (SSx)
- 8 • *Jackson v. Greenpoint*, Superior Court of Washington State, County of King, Case No. 08-2-40051-4
- 9 • *Johnson v. Interstate Distributors*, United States District Court, Northern District of California, Case No. 3:08-cv-05309 SI
- 10 • *Lopez v. Marketwire*, Superior Court of California, County of San Francisco,
- 11 • *Mann v. Liberty League*, United States District Court, District of Arizona, Case No. CV-09-1260-PHX-GMS
- 12 • *Marine v. Interstate Distributors*, Superior Court of California, County of Alameda, Case No. RG07358277
- 13 • *Owens v. Labor Ready, Inc.*, United States District Court for the Western District of Washington, Case No. CV 03-5566 FDB
- 14 • *Romer v. Labor Ready*, Superior Court of California, County of Los Angeles, Consolidated Case Nos. BC 303374 and BC 321600
- 15 • *Snyder v. Kellermeyer Building Services*, Superior Court of California, County of Alameda, Case No. RG 07 351434
- 16 • *Vicencio v. Labor Ready*, Superior Court of California, County of Los Angeles, Case Number: BC 402935
- 17 • *Yarborough v. Labor Ready*, Superior Court of California, County of Alameda, Case No. 836186-2
- 18 • *Wilkerson v. Labor Ready*, Superior Court of California, County of Santa Clara, Case No. CV792942

19 7. In this year alone, my office has handled a total of eleven class action lawsuits  
20 involving California's unfair competition laws.

21 8. I have been and will be acting as co-lead counsel in *Levitt v. Yelp! Inc.* with Larry  
22 Murray.

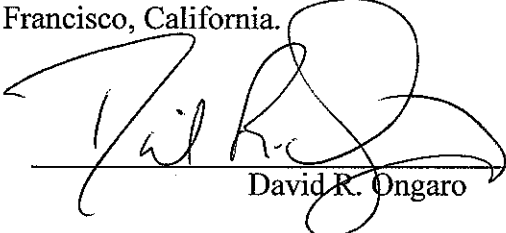
23 9. I have substantial trial experience and have successfully tried cases to verdict in  
24 California, Iowa, and Massachusetts

1           10.    My office, Ongaro Burt LLP, is located in San Francisco, California.

2           11.    Ongaro Burt LLP routinely takes on contingency and plaintiffs' class action  
3 cases. Ongaro Burt LLP is willing to dedicate resources, in the form of attorney and law firm  
4 hours and costs to litigate Levitt's class action against Yelp.

5           I declare under the penalty of perjury under the laws of the State of California that the  
6 foregoing is true and correct.

7           Executed on June 28, 2010, in San Francisco, California.

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10           David R. Ongaro

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