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 24 YELP! INC.

25 UNITED STATES DISTRICT COURT
 26 NORTHERN DISTRICT OF CALIFORNIA
 27 SAN FRANCISCO DIVISION

28 BORIS Y. LEVITT, CATS AND DOGS
 ANIMAL HOSPITAL, INC., TRACY CHAN,
 and BLEEDING HEART, LLC d/b/a
 BLEEDING HEART BAKERY; on behalf of
 themselves and all others similarly situated,

Plaintiff,

v.

YELP! INC.; and DOES 1 through 100,
 inclusive,

Defendants.

Case No. CV 10-01321 MHP
 Consolidated with CV 10-02351 MHP

CLASS ACTION

**[PROPOSED] ORDER GRANTING
 DEFENDANT YELP! INC.'S MOTION TO
 DISMISS FIRST AMENDED CLASS
 ACTION COMPLAINT AND TO STRIKE
 CLASS ACTION ALLEGATIONS**

Date: November 29, 2010
 Time: 2:00 p.m.
 Place: Courtroom 15, 18th Floor
 450 Golden Gate Avenue
 San Francisco, California
 Judge: The Honorable Marilyn H. Patel

1 Defendant Yelp! Inc.'s ("Yelp") Motion to Dismiss Plaintiffs' First Amended Class Action
2 Complaint and Motion to Strike Class Action Allegations was heard on November 29, 2010 at 2:00
3 p.m. by this Court. Having considered all papers filed in support of and in opposition to the Motions,
4 oral arguments of counsel, and all other pleadings and papers on file herein, the Court finds as
5 follows:

6 1. Plaintiffs lack standing under Article III of the United States Constitution or the
7 California Unfair Competition ("UCL") and False Advertising ("FAL") laws to pursue their claims.

8 2. Plaintiffs have failed to plead their claims against Yelp with the level of specificity
9 required by Rule 9(b) of the Federal Rules of Civil Procedure.

10 3. Plaintiffs have failed to state a legally sufficient claim against Yelp for violations of
11 the UCL or FAL or for Intentional Interference with Prospective Business Advantage.

12 4. Plaintiffs have failed to plead an ascertainable or manageable class as required by Rule
13 23 of the Federal Rules of Civil Procedure and have failed to allege specific commonality and
14 typicality among the proposed class members.

15 Good cause appearing therefor, **IT IS HEREBY ORDERED THAT:**

16 1. Yelp's Motion to Dismiss Plaintiffs' First Amended Complaint is **GRANTED**;

17 2. Yelps' Motion to Strike Plaintiffs' Class Action Allegations is **GRANTED**; and

18 3. All claims for relief against Yelp are hereby **DISMISSED** with prejudice without leave to
19 amend.

20
21
22 Dated: _____, 2010

The Honorable Marilyn H. Patel
United States District Judge