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 9 *et al.*

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

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

16 Plaintiffs,

17 v.

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

20 Defendants.

Case No. CV 10-01321 MHP
 Consolidated with CV 3:10-cv-02351MHP

**STIPULATION AND ~~PROPOSED~~
 ORDER MODIFYING BRIEFING
 SCHEDULE AND HEARING DATE
 FOR DEFENDANT'S MOTION TO
 DISMISS**

1 WHEREAS, on September 23, 2010, Plaintiffs filed a First Amended and Consolidated
2 Complaint (“FAC”) in the above-entitled matter;

3 WHEREAS, on October 22, 2010, Defendant filed a motion to dismiss Plaintiffs’ FAC;

4 WHEREAS, the hearing for Defendant’s motion to dismiss is currently set for November
5 29, 2010, with the deadlines for the opposition and reply briefs scheduled for November 8, 2010
6 and November 15, 2010, respectively;

7 WHEREAS, due to a travel conflict and a hearing scheduled in another matter, Defense
8 counsel is unavailable to attend the hearing on the noticed hearing date;

9 WHEREAS, the parties also are in the process of meeting and conferring regarding the
10 possibility of stipulating to allow Plaintiffs to file a Second Amended Complaint and agree that
11 delaying the briefing schedule for Defendant’s motion to dismiss will allow the parties additional
12 time to confer about this issue;

13 WHEREAS, the first available hearing date on the Court’s calendar when counsel for
14 both parties will be available is January 31, 2011;

15 THEREFORE, it is hereby stipulated and agreed to by and between the parties, through
16 their counsel of record, that the deadline for Plaintiffs to file an opposition brief to Defendant’s
17 Motion to Dismiss shall be December 7, 2010 and the deadline for Defendant to file a reply brief
18 shall be December 21, 2010. Defendant’s Motion to Dismiss shall be heard on January 31, 2011
19 or as soon thereafter as is convenient with the Court’s calendar
20

21 DATED: November 3, 2010

ONGARO BURTT & LOUDERBACK LLP

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23 By: /s/ Amelia D. Winchester
 Amelia D. Winchester

24 Attorneys for Plaintiffs Boris Y. Levitt *et al.*
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