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8 Attorneys for Plaintiffs Boris Y. Levitt
 9 *et al.*

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12
 13 BORIS Y. LEVITT, CATS AND DOGS
 ANIMAL HOSPITAL, INC., TRACY CHAN,
 14 and BLEEDING HEART, LLC d/b/a
 BLEEDING HEART BAKERY; on behalf of
 15 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 ALLOWING PLAINTIFFS TO
 FILE A SECOND AMENDED AND
 CONSOLIDATED COMPLAINT**

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, on November 3, 2010, the parties stipulated to a modified briefing schedule,
5 in part, to allow the parties time to meet and confer regarding the possibility of allowing
6 Plaintiffs to file a Second Amended Complaint (“SAC”);

7 WHEREAS, as a result of the parties’ meet and confer efforts, the parties have agreed to
8 allow Plaintiffs to file a SAC;

9 WHEREAS, the parties agree that, in the event Defendant files a motion to dismiss, that a
10 modified briefing schedule is appropriate;

11 THEREFORE, it is hereby stipulated and agreed to by and between the parties, through
12 their counsel of record, that Plaintiffs shall file a SAC. The deadline for Defendant to file a
13 responsive pleading or motion to dismiss shall be December 17, 2010. If Defendant files a
14 motion to dismiss, the deadline for Plaintiffs to file an opposition brief shall be January 7, 2011
15 and the deadline for Defendant to file a reply brief shall be January 21, 2011. Defendant’s
16 Motion to Dismiss shall be heard on February 7, 2011 or as soon thereafter as is convenient with
17 the Court’s calendar

18
19 DATED: November 18, 2010

ONGARO BURTT & LOUDERBACK LLP

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21 By: /s/ David R. Ongaro
 David R. Ongaro

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

23
24 DATED: November 18, 2010

GIBSON DUNN & CRUTCHER LLP

25 By: /s/ Susannah Stroud Wright
 Susannah Stroud Wright

26 Attorneys for Defendant
27 Yelp! Inc.

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED:

By: _____
United States District Judge

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ATTESTATION PURSUANT TO GENERAL ORDER 45

I, David R. Ongaro, attest that concurrence in the filing of this Stipulation and [Proposed] Order has been obtained from each of the other signatories.

DATED: November 18, 2010

By: /s/ David R. Ongaro
David R. Ongaro