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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**

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

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

24 DATED: November 18, 2010

**GIBSON DUNN & CRUTCHER LLP**

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

27           Attorneys for Defendant  
28           Yelp! Inc.

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**PURSUANT TO STIPULATION, IT IS SO ORDERED.** [ 2:1-17].

DATED: 11/19/2010

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