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6 Attorneys for Defendant
 YELP! INC.

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10
 11 BORIS Y. LEVITT, on behalf of himself
 and all others similarly situated,

12 Plaintiff,

13 v.

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

16 Defendants.

No. CV 10-1321 MHP

**DEFENDANT YELP! INC.'S NOTICE OF
 PENDENCY OF OTHER ACTIONS OR
 PROCEEDINGS (L.R. 3-13)**

Courtroom: 15
 Judge: Honorable Marilyn Hall Patel
 Trial Date: None Set

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 18 Defendant Yelp! Inc. ("Yelp"), by and through its undersigned counsel of record, hereby
 19 notifies the Court and all opposing parties pursuant to Civil Local Rule 3-13 that this action
 20 involves the same subject matter and the same defendant as two actions pending in another
 21 federal district court.

22 **Cats and Dogs Animal Hospital, Inc., et al. v. Yelp! Inc.**

23 An action entitled *Cats and Dogs Animal Hospital, Inc., et al. v. Yelp! Inc.*, Case No.
 24 2:10-cv-01340-VBF (SSx), ("*Cats and Dogs*") is pending in the United States District Court for
 25 the Central District of California, Western Division, before the Honorable Valerie Baker
 26 Fairbank. A true and correct copy of the First Amended Complaint in the *Cats and Dogs* action is
 27 attached hereto as **Exhibit A**.

1 **LaPausky v. Yelp! Inc.**

2 An action entitled *LaPausky v. Yelp! Inc.*, Case No. 2:10-cv-01578-VBF (SSx),
3 (“*LaPausky*”) is also pending in the United States District Court for the Central District of
4 California, Western Division, before the Honorable Valerie Baker Fairbank. A true and correct
5 copy of the complaint in the *LaPausky* action is attached hereto as **Exhibit B**.

6 The *Cats and Dogs* and *LaPausky* actions were ordered related and assigned to a single
7 judge on March 12, 2010. A true and correct copy of the order relating the two actions is attached
8 hereto as **Exhibit C**. The parties in *Cats and Dogs* and *LaPausky* have agreed in principle to
9 consolidation of the two cases, although they have not yet agreed upon the appropriate method for
10 achieving that result.

11 **The Cats and Dogs and LaPausky Actions Involve Overlapping Subject Matter with This**
12 **Action**

13 The *Cats and Dogs* and *LaPausky* actions involve materially overlapping subject matter as
14 this action. Yelp operates a website (www.yelp.com) that allows consumers to find local
15 businesses, and read and write reviews about them. The website features information on and
16 reviews of businesses throughout the United States and is visited by approximately 30 million
17 people per month. Yelp makes money by, *inter alia*, selling ads to local businesses, which appear
18 as “Sponsored Results” on Yelp’s website. Plaintiffs in all three actions are businesses that allege
19 that, based on whether a business chooses to advertise with Yelp or not, the display of reviews of
20 such business on www.yelp.com is either positively or negatively affected. Plaintiffs in all three
21 actions assert claims for violation of California’s Unfair Competition Law, Business and
22 Professions Code Section 17200 *et seq.* Plaintiff in this action includes additional claims for (a)
23 violation of California Business and Professions Code Section 17500, (b) negligent
24 misrepresentation, and (c) intentional misrepresentation. Plaintiffs in the *Cats and Dogs* case
25 include additional claims for (a) violation of Cal. Penal Code §§ 518-19 (extortion), (b) violation
26 of Cal. Penal Code § 524 (attempted extortion), and (c) intentional interference with prospective
27 economic advantage.

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1 All three actions are styled as class actions against Yelp, and plaintiffs in all three seek to
2 represent nearly identically defined putative classes.

3 **Potential Transfer and Consolidation of the *Cats and Dogs* and *LaPausky* Actions**

4 In the coming days, Yelp intends to file motions to transfer the *Cats and Dogs* action and
5 the *LaPausky* action to this district pursuant to 28 U.S.C. § 1404(a). Among other factors
6 justifying such a transfer are the following: Yelp's principal place of business is in this district;
7 three of the named plaintiffs in the *Cats and Dogs* action reside in this district; many of the
8 individuals who will be witnesses reside in this district; and most, if not all, of the named
9 plaintiffs in the *Cats and Dogs* and *LaPausky* actions have entered into agreements with Yelp
10 containing forum-selection clauses in which they consented to jurisdiction and venue in the state
11 and federal courts in San Francisco County, California. Transfer of the *Cats and Dogs* action and
12 the *LaPausky* action to this district and consolidation of those actions with the *Levitt* action
13 currently pending before this Court will avoid conflicts, conserve the courts' and the parties'
14 resources, and promote an efficient determination of all three actions.

15 Alternatively, if Yelp's efforts to transfer the *Cats and Dogs* action and the *LaPausky*
16 action to this district pursuant to 28 U.S.C. § 1404(a) are unsuccessful, Yelp may consider
17 seeking transfer pursuant to 28 U.S.C. § 1407 (Multi District Litigation Procedures).

18 Dated: April 6, 2010

COOLEY GODWARD KRONISH LLP

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20
21 /s/ Matthew D. Brown
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22 Attorneys for Defendant Yelp! Inc.

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