

Exhibit B

FILED

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2 GEORGIY B. LYUDYNO [SBN 268380]
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2010 MAR -3 AM 10: 54
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
BY _____

Attorneys for the Plaintiff and the Putative Class

THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT COURT OF CALIFORNIA

8 CHRISTINE LaPAUSKY d/b/a D'AMES DAY
9 SPA, on behalf of herself and all others
10 similarly situated,

11 Plaintiffs,

12 vs.

13 YELP! INC.,

14 Defendant.

CV10 1578 R (Ex)

CLASS ACTION COMPLAINT
DEMAND FOR JURY TRIAL

15 Plaintiff Christine LaPausky doing business as D'ames Day Spa ("Plaintiff," or "D'ames Day
16 Spa," or "LaPausky"), on behalf of herself and all other similarly situated, by and through
17 undersigned counsel, hereby sues Defendant YELP! INC. ("Defendant" or "Yelp") and, upon
18 information and belief and investigation of counsel, alleges as follow:

19 **JURISDICTION AND VENUE**

20 1. This Court has original jurisdiction under 28 United States Code section 1332,
21 subdivision (d)(2) (The Class Action Fairness Act) because the matter in controversy exceeds the
22 sum or value of \$5,000,000 exclusive of interest and costs and more than two-thirds of the members
23 of the class reside in states other than that state of which Defendant is a citizen.

24 2. Venue is proper in this Court pursuant to 28 United States Code section 1391 because
25 Plaintiffs reside in and suffered injuries as a result of Defendant's acts in this district, many of the
26 acts and transactions giving rise to this action occurred in this district, and Defendants (1) are
27
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1 authorized to conduct business in this district and have intentionally availed themselves of the laws
2 markets of this district through the promotion, marketing, and sale of advertising in this district; (2)
3 reside in this district, and (3) are subject to personal jurisdiction in this district.

4 **PARTIES**

5 3. Plaintiff Christine LaPausky does business as D'ames Day Spa with her principal
6 place of business in Imperial Beach, County of San Diego, California.

7 4. Defendant Yelp is a Delaware corporation with its principal place of business in San
8 Francisco, California. Yelp owns and operates Yelp.com, a popular online directory and user-rating
9 website.
10

11 **INTRODUCTION AND BACKGROUND**

12 5. The term "Web 2.0" describes internet websites and applications that revolve around
13 information sharing and user-centered design. Examples of Web 2.0 websites include social
14 networking sites (e.g., Facebook.com), video sharing sites (e.g., YouTube.com), wikis (e.g.,
15 Wikipedia.com), blogs, and many other sites that allow users to create, upload, or modify content.
16 Web 2.0 websites thus allow internet users to do much more than simply retrieve information-- the
17 users choose what information to interact with, how they interact with it, and how to modify or add
18 to pre-existing content.
19

20 6. Online review applications are an increasingly popular form of Web 2.0. Companies
21 such as Amazon.com, Best Buy, and TripAdvisor.com, embed services and share their experiences.
22

23 7. Yelp.com, a website owned and operated by Yelp, utilizes Web 2.0 user-website
24 interaction.

25 8. Yelp.com consists of an online directory of businesses in multiple categories, much
26 like an online Yellow Pages. Each business listed on Yelp.com has a unique Yelp.com listing page,
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1 which provides basic business information (such as address, phone number and hours of operation),
2 and user-generated ratings and reviews.

3 9. To rate businesses, internet users simply register on the Yelp.com website. Any
4 internet user (whether registered or not) can browse Yelp.com to find reviews of businesses.

5 10. Ratings-based websites, including Yelp.com, are highly popular, and have great
6 power to direct the flow of commerce in a given area. Users frequently read ratings and reviews for
7 all of the businesses in a particular category and locale and then decide where to spend their money
8 based on those ratings and reviews.

9
10 11. Yelp, however, regularly manipulates the content on Yelp.com listing pages, despite
11 Yelp's mantra of "Real people. Real reviews."

12 12. One method Yelp uses to control content (and thereby raise or lower a business's
13 rating), is to promise to remove a business's negative reviews or relocate them to the bottom of a
14 listing page where fewer searchers will read them if the business agrees to purchase a costly
15 monthly advertising subscription from Yelp. Yelp thus capitalizes on the presumed integrity of the
16 Yelp.com ratings system to extort business owners to purchase advertising.

17
18 13. As a result, business listings on Yelp.com, contrary to the website's "Real people.
19 Real reviews." mantra, are in fact biased in favor of businesses that buy Yelp advertising.

20 **FACTUAL ALLEGATIONS**

21 14. In or around August, 2009, LaPausky contacted GROUPON to promote her
22 business, D'ames Day Spa, through a mass email marketing campaign. A GROUPON
23 representative informed LaPausky that her business needed more on-line reviews and/or comments
24 to be featured in a GROUPON marketing campaign.
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1 15. LaPausky began asking her customers to leave feedback regarding their D'ames Day
2 Spa experience on Yelp.com. In a short while, D'ames Day Spa's reviews on Yelp.com totaled
3 approximately fourteen, many of them very positive and very detailed.

4 16. LaPausky enjoyed a larger influx of customers to D'ames Day Spa as the number of
5 reviews posted on Yelp.com climbed.

6 17. However, at point, LaPausky noticed that the number of reviews went down from
7 fourteen to eleven. Three reviews simply disappeared from the Yelp.com.

8 18. LaPausky called Yelp.com's marketing department to find out why some of reviews
9 disappeared. She was told that Yelp's "automatic system" picks out reviews containing "certain"
10 words and all such reviews are then analyzed for fraud, and, if warranted, are removed. LaPausky
11 received no explanation of the criteria the "automatic system" uses to find suspect comments. Nor
12 did LaPausky receive any explanation as to why three comments were adjudged fraudulent and thus
13 removed. The Yelp representative simply said that Yelp has no control over which comments are
14 flagged and/or removed.
15

16 19. During the same conversation, the Yelp representative pushed LaPausky to purchase
17 advertisements from D'ames Day Spa on Yelp.com. LaPausky refused. A few days later LaPausky
18 received a phone call from Yelp, once again cajoling her to purchase advertisement on yelp.com.
19 Once again, LaPausky refused.
20

21 20. Shortly following the marketing phone call from Yelp, LaPausky noticed that all but
22 one of reviews of D'ames Day Spa on yelp.com disappeared. As of the date of this Complaint,
23 thirteen of the original fourteen comments are absent from D'ames Day Spa review page on
24 yelp.com
25

26 21. D'ames Day Spa' experience with Yelp was not unique, but rather typical of Yelp's
27 advertisement sales tactics.
28

1 22. A February 18, 2009 article in the East Bay Express titled *Yelp and the Business of*
2 *Extortion 2.0*,¹ describes Yelp's unlawful business practices. According to the article:

- 3 a. Yelp sales representatives contact business owners saying "[Y]ou have a few
4 bad [reviews] at the top. I could do something about those.... We can move
5 them. Well, for \$299 a month."
- 6 b. Almost all the time when Yelp calls business owners, negative reviews are at the
7 top of the business's Yelp.com listing page.
- 8 c. Mary Seaton, the owner of a furniture store in San Mateo, took Yelp up on an
9 offer to remove her negative reviews if she advertised at a cost of \$350 per
10 month for six months. During that time, her negative reviews were removed
11 and old positive ones showed up. After her contract was up, a negative
12 review appeared which Seaton said contained lies.
- 13 d. Greg Quinn, the owner of a San Francisco bar and bistro, said a Yelp sales
14 representative moved negative reviews further down his page in an effort to
15 entice him to advertise. The sales rep called Mr. Quinn and said, "Did you
16 notice what I did? Well, we can keep doing that for you."
- 17 e. An East Bay business owner said Yelp offered to move one- or two-star
18 reviews of his business if he advertised.
- 19 f. Six people told the East Bay Express that Yelp sales representatives promised
20 to move or remove negative reviews if their businesses would advertise.
- 21 g. Six other people told the East Bay Express that positive reviews disappeared,
22 or negative reviews appeared, after owners declined to advertise.
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27 ¹ Available at [http://www.eastbayexpress.com/eastbay/yelp-and-the-business-of-extortion-](http://www.eastbayexpress.com/eastbay/yelp-and-the-business-of-extortion-20/Content?oid=1176635)
28 [20/Content?oid=1176635](http://www.eastbayexpress.com/eastbay/yelp-and-the-business-of-extortion-20/Content?oid=1176635).

1 one case, a nightclub owner said Yelp offered positive reviews of his business in exchange for free
2 drinks.

- 3 25. The article tells the stories of six California business owners' experiences with Yelp:
- 4 a. After Bob Hyde, owner of M&M Auto Werkes in Campbell, received a negative
5 rating from a customer's boyfriend, violating Yelp's Terms of Service
6 (prohibiting third parties from posting reviews), he contacted Yelp sales
7 representative Jacqueline Fitzhugh to complain. She told him "**We can't control**
8 **that, but if you advertise you can control the order that they're in.**" After
9 **declining, Mr. Hyde noticed some of his five-star posts were disappearing.**
10
11 Yelp told him the website has a spam filter, like Google. Hyde tracked his
12 reviews, printing them daily to monitor which days as long as 131 days. **Yelp**
13 **told Hyde that if he advertised, some of those five-star reviews could come**
14 **back.**
- 15 b. Calvin Gee of Haight Street Dental in San Francisco saw his rating drop from
16 five-stars to 3.5-stars following his declining to buy advertising. **Yelp reps told**
17 **Gee that if he advertised, they would let him choose his favorite review and**
18 **move negative reviews to the bottom of the page.** Gee noticed that one of his
19 competitors, CitiDent, had two separate listings on Yelp.com. The business had
20 more positive reviews and a higher star rating on the page that was marked a
21 Yelp sponsor, and more negative reviews and a lower star rating on the harder to
22 **find non-sponsored page.**
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25 c. Larry Trujillo owns the Uptown Nightclub in Oakland. Shortly after opening the
26 club, a Yelp sales rep began calling him "almost daily" about advertising. The
27 rep would say "**I notice you have a lot of positive reviews. We could make**
28

1 sure that those reviews stay positive." Sarah Lippman, a Sales Manager at
2 Yelp, separately asked Mr. Trujillo for free use of his club with Yelp staff and
3 alcohol expenses paid by the club in exchange for positive reviews on the club's
4 Yelp.com listing page.

5 d. Debbie Leonardo, director of membership at the Ruby Hill Golf Club in
6 Pleasanton, received a phone call from a Yelp sales representative who told her
7 that the business could get rid of its worst review if it purchased advertising.

8
9 e. Bob Kurtz, owner of Collectors Real 3 in Oakland, was contacted by a Yelp sales
10 person after receiving a negative review. In an email, Yelp told him that, as a
11 paid advertiser, the negative review could be dealt with.

12 f. Nicholas Paul, an instructor at a Chicago art studio, declined to purchase
13 advertising and shortly thereafter three positive reviews disappeared from and
14 two negative ones were added to the studio's Yelp.com listing page. A Yelp
15 sales rep told Mr. Paul he could control that.

16
17 26. An August 13, 2008 article in The Register, a news website, titled *Yelp "pay to*
18 *play" pitch makes shops scream for help: User generated discontent*³ notes that:

19 At least some of Yelp's sales staff hope to make money by offering to hide what you and I
20 have to say. Over the last year, five San Francisco Bay Area businesses have told *The Register* that
21 the company has offered to "push bad reviews to the bottom" of their yelp pages if they paid
22 to advertise on the site. One restaurant owner was contacted "five or six" times, and each time, the
23 Yelp sales rep insisted that if he forked over \$6,000 a year for "sponsored link" status, the site
24 would suppress user posts that put his restaurant in a less-than-positive light. "They told me I had
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28 ³ Available at http://www.theregister.co.uk/2008/08/13/yelp_sales_pitch/print.html

1 60 reviews on my [Yelp] page," said the owner.... "They told me 'No one is going to read all 60.
2 They're only going to read the first few."

3 27. A March 9, 2009 Chicago Tribune article, titled *Questions arise over Yelp's ads,*
4 *reviews; Business say site rearranges opinions for price; CEIO denies,*⁴ reported:

5 a. Ina Pinkney of Ina's restaurant in the West Loop said that last summer **a Yelp**
6 **salesperson offered "to move up my good reviews if I sponsored one of their**
7 **events. They called it rearranging my reviews."**

8 b. Jason Luros, an attorney at Hudson & Luros in Napa, California, stated "one of
9 our reviews mysteriously disappeared, so I contacted Yelp and was given the
10 usual canned response about how no humans control the reviews. But **when I**
11 **said I would consider advertising if they restored the review, it mysteriously**
12 **reappeared."**

13 28. An April 3, 2009 article in the Santa Monica Daily Press titled *Yelp Sales Tactics*
14 *Cause Concern Among Businesses,*⁵ reported:

15 After declining to advertise, the [Los Angeles area] business owner checked the Yelp page
16 again and noticed that at least 10 positive reviews had disappeared while a few negative
17 ones had been posted.... They estimate that at least 20 positive reviews had been deleted
18 from the site since the conversation with Yelp about three weeks ago.
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22 **CLASS REPRESENTATION ALLEGATIONS**

23 29. Plaintiff brings this action on behalf of itself and the following Class: all persons and
24 entities (excluding officers, directors, and employees of Yelp) in the United States for which Yelp
25

26 ⁴ No longer available online.

27 ⁵ Available at [http://www.smdp.com/Articles-c-2009-04-02-](http://www.smdp.com/Articles-c-2009-04-02-52021.113116_Yelp_sales_tactics_cause_for_concern-among-bussinesses.html)
28 [52021.113116_Yelp_sales_tactics_cause_for_concern-among-bussinesses.html](http://www.smdp.com/Articles-c-2009-04-02-52021.113116_Yelp_sales_tactics_cause_for_concern-among-bussinesses.html).

1 has offered or threatened to manipulate a Yelp.com listing page in exchange for purchasing or
2 declining to purchase advertising.

3 30. Like D'ames Day Spa, all members of the Class have a Yelp.com listing page.

4 31. Like D'ames Day Spa, all members of the Class were contacted by Yelp sales
5 representatives.

6 32. Like D'ames Day Spa, all members of the Class were promised that, if they
7 purchased advertising from Yelp, negative reviews would be removed or relocated from their
8 Yelp.com listing pages, or those pages would otherwise be favorably manipulated, including
9 through their own input or control.

10 33. Like D'ames Day Spa, all members of the Class were threatened, implicitly or
11 expressly, that if they did not purchase advertising from Yelp, their Yelp.com listing pages would
12 be detrimentally manipulated, including for example, by removing positive reviews and posting
13 new, negative reviews.

14 34. Plaintiff's claims on behalf of the Class are maintainable under Rules 23(b)(2) and
15 23(b)(3) of the Federal Rules of Civil Procedure.

16 35. The questions of law and fact common to Plaintiff and the Class include:

- 17
- 18 a. Whether Yelp violated the Unfair Competition Law;
 - 19 b. Whether Plaintiff and the Class were injured by the conduct complained herein;
 - 20 c. Whether the conduct described herein is ongoing; and
 - 21 d. Whether members of the class are entitled to injunctive relief.
- 22

23
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25 **COUNT ONE**

26 **(Violations of the Unfair Competition Law, Bus. & Prof. Code § 17200, et seq.)**

27 36. Plaintiff realleges and incorporates the allegations elsewhere in the Complaint as if
28 set forth in full herein.

1 37. Commencing in or about 2004 and continuing to the present, Yelp has engaged in, is
2 engaged in, and proposed to engage in unfair competition, as defined in the California Unfair
3 Competition Law, California Business and Professions Code §17200, *et seq.*

4 38. As used in this Complaint and in Section 17200, “unfair competition” means (1) an
5 unlawful, unfair or fraudulent business act or practice, (2) unfair, deceptive, untrue or misleading
6 advertising; and/or (3) an act prohibited by Chapter 1 (commencing with Section 17200) of Part 3
7 of Division 7 of the Business and Professions Code. This conduct is actionable pursuant to UCS §§
8 17200, 17203.

9 39. An Unfair Competition Law civil action may be predicated on unfair, deceptive,
10 untrue or misleading advertising and/or any act prohibited by Ca. Bus. & Prof. Code § 17500-
11 17581.

12 40. Defendant had engaged in unfair, unlawful and fraudulent business practices, as
13 alleged herein and thereby deprived plaintiff and the class of rights and privileges and statutory
14 rights and protections. If not enjoined by this Court, plaintiff and the class will continue to suffer
15 irreparable harm as consequence of defendant’s actions.

16 41. As a direct and indirect result of defendant’s violations, plaintiff and the class have
17 been injured and suffered damages.

18 42. The advertising sales and employee reviewing practices of Yelp as alleged herein
19 constitute unfair business acts and practices because they are immoral, unscrupulous, and offend
20 public policy.

21 43. Defendant unlawful practices, committed through the acts and/or omissions alleged
22 above, include, among others,

23 a. Violation of California Penal Code Section 518 (extortion),
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- b. Violation of 18 United States Code Section 1961, *et seq.* (Racketeer Influenced and Corrupt Organizations Act), and
- c. Violations of, 18 United States Code Section 1030 *et seq.* (Computer Fraud and Abuse Act).

44. The practices of Yelp complained of herein had no countervailing benefit to consumers or competition when weighed against the harm caused by such practices.

45. Among other relief, plaintiff seeks to enjoin defendant from continuing to use the unfair and deceptive practices set forth herein. Plaintiff further seeks damages, plus interest and attorney's fees pursuant to the California Code of Civil Procedure Section 1021.5.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, on behalf of itself, all others similarly situated, and the general public, prays for judgment and relief against Yelp Inc. as follows:

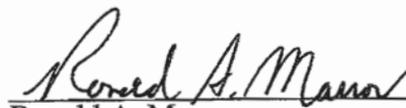
- A. Declaring this action to be a proper class action.
- B. An order permanently enjoining Yelp from engaging in the practices complained herein.
- C. An order compelling Yelp to disgorge all monies, revenues, and profits obtained by means of its wrongful acts and practices.
- D. An order requiring Yelp to pay restitution to restore all funds acquired by means of any act or practice declared by this Court to be unlawful, plus pre- and post-judgment interest thereon.
- E. Costs, expenses, and reasonable attorneys' fees.
- F. Any other and further relief the Court deems necessary, just, or proper.

JURY DEMAND

1 Plaintiff demands a trial by jury.

2
3 DATED: March 3, 2010

LAW OFFICES OF RONALD A. MARRON
RONALD A. MARRON, ESQ.

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6 Ronald A. Marron
7 Georgiy B. Lyudyno
8 Attorneys for Plaintiff
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Manuel Real and the assigned discovery Magistrate Judge is Charles Eick.

The case number on all documents filed with the Court should read as follows:

CV10- 1578 R (Ex)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

Unless otherwise ordered, the United States District Judge assigned to this case will hear and determine all discovery related motions.

=====
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:
YELP! INC.
706 Mission St., 7th Floor
San Francisco, CA 94103

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CHRISTINE LaPAUSKY d/b/a D'AMES DAY SPA,
on behalf of herself and all others similarly situated,

CASE NUMBER

PLAINTIFF(S)

CV10 1578 R (Ex)

v.

YELP! INC.,

SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S): YELP! INC.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint _____ amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Ronald A. Marron, whose address is 3636 Fourth Avenue, Ste. 202, San Diego, CA 92103. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

MAR - 3 2010

Dated: _____

CHRISTOPHER POWERS

By: _____

Deputy Clerk

SEAL

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) CHRISTINE LaPAUSKY d/b/a D'AMES DAY SPA on behalf of herself and all others similarly situated	DEFENDANTS YELPI INC.
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Law Offices of Ronald A. Marron, APLC, Ronald A. Marron, 3636 Fourth Ave., Ste. 202, San Diego, CA 92103, (619)696-9006	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify): _____
 6 Multi-District Litigation
 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: **JURY DEMAND:** Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Complaint for Violations of the Unfair Competition Law, Cal. Bus. & Prof. Code s 17200

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: _____

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AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): CV - 1340 VBF (SSx)

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	San Diego

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	San Francisco

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	San Diego

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Raven H. Ma

Date

3/3/10

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))