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 24 YELP! INC.

25 UNITED STATES DISTRICT COURT
 26 NORTHERN DISTRICT OF CALIFORNIA
 27 SAN FRANCISCO DIVISION

28 BORIS Y. LEVITT D/B/A RENAISSANCE
 RESTORATION, CATS AND DOGS ANIMAL
 HOSPITAL, INC., TRACY CHAN D/B/A
 MARINA DENTAL CARE and
 PROFESSIONAL CONSTRUCTION GROUP,
 INC. D/B/A PAVER PRO; on behalf of
 themselves and all others similarly situated,

Plaintiff,

v.

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

Defendants.

Case No. CV 10-01321 MHP
 Consolidated with CV 10-02351 MHP

CLASS ACTION

**[PROPOSED] ORDER GRANTING
 DEFENDANT YELP! INC.'S MOTION TO
 DISMISS SECOND AMENDED CLASS
 ACTION COMPLAINT AND TO DISMISS
 OR STRIKE CLASS ACTION
 ALLEGATIONS**

Date: February 7, 2011
 Time: 2:00 p.m.
 Place: Courtroom 15, 18th Floor
 450 Golden Gate Avenue
 San Francisco, California
 Judge: The Honorable Marilyn H. Patel

1 Defendant Yelp! Inc.'s ("Yelp") Motion to Dismiss Plaintiffs' Second Amended Class Action
2 Complaint and Motion to Strike Class Action Allegations was heard on February 7, 2011 at 2:00 p.m.
3 by this Court. Having considered all papers filed in support of and in opposition to the Motions, oral
4 arguments of counsel, and all other pleadings and papers on file herein, the Court finds as follows:

5 1. Plaintiffs lack standing under Article III of the United States Constitution or the
6 California Unfair Competition ("UCL") law to pursue their claims.

7 2. Plaintiffs have failed to state a legally sufficient claim against Yelp for violations of
8 the UCL.

9 3. Plaintiffs have failed to plead an ascertainable or manageable class as required by Rule
10 23 of the Federal Rules of Civil Procedure and have failed to allege specific commonality and
11 typicality among the proposed class members.

12 Good cause appearing therefor, **IT IS HEREBY ORDERED THAT:**

13 1. Yelp's Motion to Dismiss Plaintiffs' Second Amended Complaint is **GRANTED**;

14 2. Yelps' Motion to Dismiss or Strike Plaintiffs' Class Action Allegations is **GRANTED**;

15 and

16 3. All claims for relief against Yelp are hereby **DISMISSED** with prejudice without leave to
17 amend.

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19
20 Dated: _____, 2011

The Honorable Marilyn H. Patel
United States District Judge

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