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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 JOHN
MERCURIO D/B/A WHEEL TECHNIQUES;
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 EMC
Consolidated with CV 10-02351 EMC

CLASS ACTION

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

Date: September 9, 2011
Time: 1:30 p.m.
Place: Courtroom 5, 17th Floor
450 Golden Gate Avenue
San Francisco, California
Judge: The Honorable Edward M. Chen

1 Defendant Yelp! Inc.'s ("Yelp") Motion to Dismiss Plaintiffs' Third Amended Class Action
2 Complaint and Motion to Strike Class Action Allegations was heard on September 9, 2011 at 1:30
3 p.m. by this Court. Having considered all papers filed in support of and in opposition to the Motions,
4 oral arguments of counsel, and all other pleadings and papers on file herein, the Court finds as
5 follows:

- 6 1. Plaintiffs have failed to state a legally sufficient claim against Yelp for violations of
7 the UCL.
- 8 2. Plaintiffs have failed to state a legally sufficient claim against Yelp for civil extortion
9 or attempted civil extortion.
- 10 3. Plaintiffs lack standing under Article III of the United States Constitution to pursue
11 their claims.
- 12 4. Plaintiffs have failed to plead an ascertainable or manageable class as required by Rule
13 23 of the Federal Rules of Civil Procedure and have failed to allege specific commonality and
14 typicality among the proposed class members.

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

- 16 1. Yelp's Motion to Dismiss Plaintiffs' Third Amended Complaint is **GRANTED**;
- 17 2. Yelps' Motion to Dismiss or Strike Plaintiffs' Class Action Allegations is **GRANTED**;
- 18 and
- 19 3. All claims for relief against Yelp are hereby **DISMISSED** with prejudice without leave to
20 amend.

21
22
23 Dated: _____, 2011

The Honorable Edward M. Chen
United States District Judge

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27 Proposed Order on Motion to Dismiss.doc