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8 Counsel for Plaintiff and the Proposed Class

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

11 CATS AND DOGS ANIMAL  
12 HOSPITAL, INC.; ASTRO  
13 APPLIANCE SERVICE; BLEEDING  
14 HEART, LLC d/b/a BLEEDING  
15 HEART BAKERY; CALIFORNIA  
16 FURNISHINGS, INC. d/b/a SOFA  
17 OUTLET; CELIBRÉ, INC.; J.L.  
18 FERRI ENTERTAINMENT, INC.  
19 d/b/a ADULT SOCIALS; LE PETITE  
20 RETREAT DAY SPA, LLC; SAN  
21 FRANCISCO BAY BOAT CRUISES,  
22 LLC d/b/a MERMAIDS CRUISE;  
23 WAG MY TAIL, INC.; and ZODIAC  
24 RESTAURANT GROUP, INC. d/b/a  
25 SCION RESTAURANT, on behalf of  
26 themselves and all others similarly  
situated,

Plaintiff,

v.

YELP! INC.,

Defendant.

Case No.: 2:10-cv-01340 VBF SS  
Pleading Type: Class Action

**DECLARATION OF GREGORY S.  
WESTON IN SUPPORT OF  
PLAINTIFFS' EX PARTE MOTION  
FOR REASSIGNMENT,  
CONSOLIDATION, DESIGNATION  
OF LEAD CASE, AND  
APPOINTMENT OF INTERIM  
LEAD COUNSEL**

Judge: The Hon. Valerie Baker Fairbank

1 I, Gregory S. Weston, declare:

2 1. I am a member in good standing of the state bars of California and  
3 Florida, and the United States District Court for the Central, Southern and  
4 Northern Districts of California.

5 2. I was appointed sole Class Counsel by the Hon. Margaret M. Morrow  
6 to represent purchasers of approximately 145 condominiums in *Adachi et al v.*  
7 *Carlyle/Galaxy San Pedro L.P. et al.*, No. 09-793, which settled in 2009 on a class-  
8 wide all-cash basis for approximately \$1.35 million.

9 3. I am attorney of record for the indirect purchaser class in *In re:*  
10 *Korean Airlines Co. Ltd. Antitrust Litigation*, MDL No. 1891, a class action  
11 pending in the Central District of California.

12 4. I am a graduate of Ohio State University and Harvard Law School and  
13 have devoted substantially all of my practice to representing plaintiffs in class  
14 actions. Before founding The Weston Firm, I represented plaintiffs in the following  
15 class actions:

- 16 • *The Apple iPod iTunes Antitrust Litigation* (N.D. Cal)
- 17 • *Bruce v. Crompton Corp.* (Los Angeles Co. Sup. Ct.)
- 18 • *In re Carbon Black Antitrust Litigation* (D. Mass.)
- 19 • *In re Digital Music Antitrust Litigation* (S.D.N.Y.)
- 20 • *In re Graphics Processing Units Antitrust Litigation* (N.D.Cal.)
- 21 • *In re International Air Transportation Surcharge Antitrust*  
22 *Litigation* (N.D. Cal.)
- 23 • *In re Medical Waste Services Antitrust Litigation* (D. Utah)
- 24 • *Ross et al. v. Metropolitan Life Insurance Company* (W.D. Pa.)
- 25 • *Williams v. Interinsurance Exchange of the Automobile Club* (San  
26 Diego Co. Sup. Ct.)

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1           5.     On January 12, 2010, Dr. Gregory Perrault, the owner of Cats and  
2 Dogs Animal Hospital, contacted me and informed me that he felt the sales  
3 employees of website Yelp.com were attempting to extort him into purchasing and  
4 advertising package that would require him to spend \$3600 a year.

5           6.     Dr. Perrault knew of me because he was a member of the class  
6 described in ¶3. Together with my co-counsel Beck & Lee Business Trial lawyers,  
7 I spent the next six weeks investigating Dr. Perrault's claims and preparing the  
8 complaint, which was filed on February 23, 2010 and served on Defendant Yelp!  
9 Inc. the next day ("First Complaint").

10          7.     Subsequently, more than 150 other small business owners contacted  
11 me and my co-counsel with stories similar to the experience of Dr. Perrault, and  
12 our firms continue to receive numerous inquiries each day.

13          8.     I, along with my co-counsel, spent substantial further time  
14 interviewing these small business owners, and preparing the First Amended Class  
15 Action Complaint ("Amended Complaint"), which was filed on March 16, 2010.  
16 The Amended Complaint added a great amount of detail concerning Yelp's  
17 unlawful business practices, included several more claims for relief, and named  
18 nine additional small businesses representative plaintiffs. The Amended Complaint  
19 is attached hereto as Exhibit A.

20          9.     Since February when the complaint was filed, my co-counsel and I  
21 have also:

- 22           a.     Filed a detailed 39-page Amended Complaint;
- 23           b.     Conferred with defendant's counsel and stipulated to extend  
24                 defendant's time to respond;
- 25           c.     Conferred with defendant's counsel, including in person in San  
26                 Francisco on March 18, 2010, on case management issues;

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- d. Scheduled our action’s 26(f) discovery conference for April 8, 2010;
- e. Conferred with defendant’s counsel on class certification, proposed injunctive relief, and electronic discovery;
- f. Begun drafting Rule 26 disclosures.

10. Attached hereto as Exhibit B is the Complaint originally filed in this action on February 23, 2010.

11. Attached hereto as Exhibit C is the *LaPausky* Complaint, which copies nearly verbatim the February 23 *Cats and Dogs* Complaint.

12. Before filing this motion, Plaintiffs conferred with and gave notice to counsel for both Yelp and LaPausky on March 22, and again on March 23, but despite these efforts were unable to obtain a stipulation to the relief proposed herein. An email from Gregory S. Weston to Ron Marron, counsel for Christine LaPausky, is attached hereto as Exhibit D.

13. Attached hereto as Exhibit E is a Notice of Unavailability of Counsel served by Mr. Marron on March 22, 2010.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

Executed in San Diego, California on March 24, 2010.

/s/ Gregory S. Weston  
Gregory S. Weston

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DATED: March 24, 2010

Respectfully submitted,

s/Gregory S. Weston  
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Counsel for Plaintiffs