

# **Exhibit A**

## **To Declaration Of Matthew D. Brown**

1 COOLEY GODWARD KRONISH LLP  
2 MICHAEL G. RHODES (116127)  
(rhodesmg@cooley.com)  
3 101 California Street  
5th Floor  
4 San Francisco, CA 94111-5800  
Telephone: (415) 693-2000  
Facsimile: (415) 693-2222

5 COOLEY GODWARD KRONISH LLP  
6 SARAH R. BOOT (253658)  
(sboot@cooley.com)  
7 4401 Eastgate Mall  
San Diego, CA 92121-1909  
8 Telephone: (858) 550-6000  
Facsimile: (858) 550-6420

9 Attorneys for Defendant  
10 YELP! INC.

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13

14 CATS AND DOGS ANIMAL  
15 HOSPITAL, INC., on behalf of itself  
and all others similarly situated,

16 Plaintiffs,

17 v.

18 YELP! INC.,

19 Defendant.  
20

Case No. 2:10-cv-01340 VBF-SS

**STIPULATION TO EXTEND TIME TO  
RESPOND TO INITIAL COMPLAINT  
BY NOT MORE THAN 30 DAYS  
(L.R. 8-3)**

Complaint Served: February 25, 2010  
Current Response Date: March 18, 2010  
New Response Date: April 1, 2010

21 Plaintiff Cats and Dogs Animal Hospital, Inc. ("Plaintiff") and Defendant  
22 Yelp! Inc. ("Yelp!") (Plaintiff and Yelp! collectively "the Parties"), by and through  
23 their respective counsel, stipulate and agree as follows:

24 WHEREAS, Plaintiff served the Initial Complaint on Yelp! on February 25,  
25 2010;

26 WHEREAS, the current deadline for Yelp! to respond to the Initial  
27 Complaint is March 18, 2010; and

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WHEREAS, under Local Rule 8-3, the parties to an action may stipulate to extend the time within which to answer or otherwise respond to the initial complaint in an action by not more than thirty (30) days without approval from the Court, but shall file the stipulation;

NOW, THEREFORE, the Parties hereby stipulate and agree to extend Yelp!'s deadline to respond to the Initial Complaint for an additional 14 days, and, therefore, Yelp!'s new deadline to respond to the Initial Complaint is on or before Thursday, April 1, 2010.

**IT IS SO STIPULATED.**

Dated: March 12, 2010

COOLEY GODWARD KRONISH LLP

*Michael G. Rhodes / BK*

Michael G. Rhodes (116127)  
Attorneys for Defendant  
YELP! INC.

Dated: March 12, 2010

THE WESTON FIRM

*Greg Weston*

Gregory S. Weston (239944)  
Attorneys for Plaintiff  
Cats and Dogs Animal Hospital, Inc.

# **Exhibit B**

**To Declaration Of Matthew D. Brown**

1 COOLEY GODWARD KRONISH LLP  
MICHAEL G. RHODES (116127) (rhodesmg@cooley.com)  
2 MATTHEW D. BROWN (196972) (brownmd@cooley.com)  
BENJAMIN KLEINE (257225) (bkleine@cooley.com)  
3 101 California Street  
5th Floor  
4 San Francisco, CA 94111-5800  
Telephone: (415) 693-2000  
5 Facsimile: (415) 693-2222

6 COOLEY GODWARD KRONISH LLP  
SARAH R. BOOT (253658) (sboot@cooley.com)  
7 4401 Eastgate Mall  
San Diego, CA 92121-1909  
8 Telephone: (858) 550-6000  
Facsimile: (858) 550-6420

9 Attorneys for Defendant  
10 YELP! INC.

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13

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

16 Plaintiffs,

17 v.

18 YELP! INC.,

19 Defendant.

Case No. CV 10-01578 VBF(SSx)

**STIPULATION OF PLAINTIFF  
CHRISTINE LAPAUSKY AND  
DEFENDANT YELP! INC. TO  
CONSOLIDATE RELATED CASES FOR  
ALL PURPOSES AND TO SET DATES  
FOR CONSOLIDATED AMENDED  
COMPLAINT, RESPONSIVE  
PLEADING, AND JOINT SCHEDULING  
CONFERENCE**

Date: N/A

Time: N/A

Judge: Hon. Valerie Baker Fairbank

23 CATS AND DOGS ANIMAL  
24 HOSPITAL, INC., et al., on behalf of  
itself and all others similarly situated,

25 Plaintiffs,

26 v.

27 YELP! INC.,

28 Defendant.

Case No. CV 10-01340 VBF (SSx)

**STIPULATION TO CONSOLIDATE CASES  
CASE NOS. CV 10-01340 & 01578 VBF (SSX)**

1 Plaintiff Christine LaPausky d/b/a D'ames Day Spa ("Plaintiff LaPausky")  
2 and Defendant Yelp! Inc. ("Yelp") (Plaintiff LaPausky and Yelp collectively "the  
3 Parties"), by and through their respective counsel, stipulate and agree as follows:

4 WHEREAS, the above-captioned cases, *Christine LaPausky d/b/a D'ames*  
5 *Day Spa v. Yelp! Inc.*, Case No. CV 10-01578 VBF (SSx) and *Cats and Dogs*  
6 *Animal Hospital, Inc. et al. v. Yelp! Inc.*, Case No. CV 10-01340 VBF (SSx) have  
7 been designated as related cases and assigned to the same judge;

8 WHEREAS, prior to filing its Motion to Consolidate Related Cases For All  
9 Purposes And To Set Deadlines For Consolidated Amended Complaint, Responsive  
10 Pleading, And Joint Scheduling Conference ("Yelp's Motion"), counsel for Yelp  
11 contacted counsel for Plaintiff LaPausky to discuss the contemplated motion  
12 pursuant to Local Rule 7-3;

13 WHEREAS, the above-captioned related cases should be consolidated  
14 because they involve common questions of law and fact and because consolidation  
15 would advance the interests of judicial economy and efficiency;

16 NOW, THEREFORE, the Parties hereby stipulate and agree as follows:

- 17 1. Pursuant to Federal Rule of Civil Procedure 42(a), *Cats and Dogs* and  
18 *LaPausky* should be consolidated for all purposes and a consolidated  
19 amended complaint should be filed.
- 20 2. Pending the outcome of Yelp's Motion, Yelp should be relieved of its  
21 obligation to respond to the complaints currently on file.
- 22 3. In light of Yelp's Motion, the Scheduling Conference currently set for  
23 April 26, 2010 at 8:30 a.m. should be taken off calendar and, pending  
24 the outcome of Yelp's Motion, the Parties should be relieved of their  
25 obligations in connection with the April 26 Scheduling Conference,  
26 including preparation of the Rule 26(f) Report.
- 27 4. If the Court grants consolidation, the Parties agree to the following  
28 schedule:

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- a. Plaintiffs to file a consolidated amended complaint 30 days after the Court enters its order granting consolidation; and
  - b. Yelp to be relieved of the obligation of filing separate responses to the complaint (answer, motion to dismiss, or other responsive pleading) in each case and instead Yelp to file a single responsive pleading to the consolidated amended complaint 30 days after it is filed.
5. If the Court were to deny consolidation, the Parties agree that Yelp shall file its response to the complaint in each case within 30 days after entry of the Court's order.
  6. Regardless of the Court's ruling on Yelp's Motion, the joint Scheduling Conference should be scheduled for a new date, at least 30 days after Yelp files its responsive pleading(s).

**IT IS SO STIPULATED.**

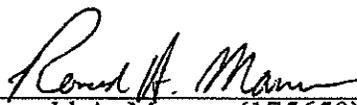
Dated: March 22, 2010 COOLEY GODWARD KRONISH LLP



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Matthew D. Brown (196972)  
Attorneys for Defendant  
YELP! INC.

Dated: March 22, 2010 LAW OFFICES OF RONALD A. MARRON, APLC



---

Ronald A. Marron (175650)  
Attorneys for Plaintiff  
Christine LaPausky d/b/a D'ames Day Spa

# **Exhibit C**

**To Declaration Of Matthew D. Brown**

1 COOLEY GODWARD KRONISH LLP  
2 MICHAEL G. RHODES (116127) (rhodesmg@cooley.com)  
3 MATTHEW D. BROWN (196972) (brownmd@cooley.com)  
4 BENJAMIN KLEINE (257225) (bkleine@cooley.com)  
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11 Facsimile: (858) 550-6420

12 Attorneys for Defendant  
13 YELP! INC.

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13

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

17 Plaintiffs,

18 v.

19 YELP! INC.,

20 Defendant.

Case No. CV 10-01578 VBF (SSx)

**STIPULATION TO EXTEND TIME TO  
RESPOND TO INITIAL COMPLAINT  
BY NOT MORE THAN 30 DAYS  
(L.R. 8-3)**

**Complaint Served:** March 5, 2010  
**Current Response Date:** March 26, 2010  
**New Response Date:** April 26, 2010

21  
22 Plaintiff Christine LaPausky d/b/a D'Ames Day Spa ("Plaintiff") and  
23 Defendant Yelp! Inc. ("Yelp") (Plaintiff and Yelp collectively "the Parties"), by  
24 and through their respective counsel, stipulate and agree as follows:

25 WHEREAS, Plaintiff served the Initial Complaint on Yelp on March 5,  
26 2010;

27 WHEREAS, the current deadline for Yelp to respond to the Initial Complaint  
28 is March 26, 2010; and

1 WHEREAS, under Local Rule 8-3, the parties to an action may stipulate to  
2 extend the time within which to answer or otherwise respond to the initial  
3 complaint in an action by not more than thirty (30) days without approval from the  
4 Court, but shall file the stipulation;

5 WHEREAS, counting thirty (30) days from the initial due date of March 26,  
6 2010 the stipulated due date falls on Sunday, April 25, 2010;

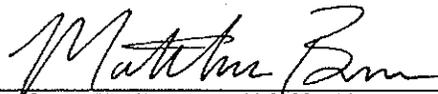
7 WHEREAS, pursuant to Federal Rule of Civil Procedure 6(a)(1), when the  
8 last day of a time period falls on a Sunday, the time period continues to run until the  
9 last day is not a Sunday or a holiday;

10 NOW, THEREFORE, the Parties hereby stipulate and agree to extend Yelp's  
11 deadline to respond to the Initial Complaint for an additional 30 days, and,  
12 therefore, Yelp's new deadline to respond to the Initial Complaint is on or before  
13 Monday, April 26, 2010.

14 **IT IS SO STIPULATED.**

15 Dated: March 19, 2010

COOLEY GODWARD KRONISH LLP



Matthew D. Brown (196972)  
Attorneys for Defendant  
YELP! INC.

21 Dated: March 19, 2010

LAW OFFICES OF RONALD A.  
MARRON, APLC



Ronald A. Marron (175650)  
Attorneys for Plaintiff  
Christine LaPausky d/b/a D'Ames Day Spa

# **Exhibit D**

**To Declaration Of Matthew D. Brown**

## Boot, Sarah

---

**From:** Brown, Matthew D.  
**Sent:** Monday, March 22, 2010 12:01 PM  
**To:** greg@westonfirm.com; Elizabeth Lee Beck; 'Jared Beck'  
**Cc:** Brown, Matthew D.  
**Subject:** Cats and Dogs v. Yelp

Counsel,

As you know, we are planning to file a motion to consolidate the *Cats and Dogs* and *LaPausky* cases. I told you last week, on Thursday, March 18<sup>th</sup>, that on Monday or Tuesday of this week (today or tomorrow), we would be filing a motion for an order consolidating the cases and requiring the filing of a consolidated amended complaint, along with an ex parte application to relieve Yelp of its obligation to respond to the currently filed complaints pending the outcome of the motion. I told you that Plaintiff LaPausky was stipulating to the foregoing. I recognized that you had told me back on our call on March 10<sup>th</sup> that you opposed consolidation but I asked whether you would reconsider and would now stipulate to consolidation, the filing of a consolidated amended complaint, and relief from our obligation to respond to the currently filed complaints pending ruling on the motion, or whether you would continue to oppose. You said that you would get back to me with an answer.

Please let me know your position by 5:00 Pacific time today on both the motion to consolidate and the ex parte application. If I don't hear from you by then, I will assume that you oppose both of them.

Here is what we currently intend to request in the motion to consolidate and the ex parte application:

In the motion to consolidate, an order providing the following:

1. The *Cats and Dogs* and *LaPausky* cases are consolidated for all purposes;
2. Plaintiffs shall file a consolidated amended complaint 30 days after the date of the Court's order;
3. Yelp shall file a single, responsive pleading to the consolidated amended complaint 30 days after it is filed (Yelp shall not be obligated to respond to the complaints currently on file in the two respective cases); and
4. A joint Scheduling Conference shall be scheduled for a new date, at least 30 days after the date on which Yelp files its responsive pleading to the consolidated amended complaint.

In the ex parte application, an order providing the following:

1. Pending the outcome of Yelp's Motion to Consolidate, Yelp shall be relieved of its obligation to respond to the complaints currently on file.
2. In light of Yelp's Motion, the Scheduling Conference currently set for April 26, 2010 at 8:30 a.m. shall be taken off calendar and, pending the outcome of Yelp's Motion, the Parties shall be relieved of their obligations in connection with the April 26 Scheduling Conference, including preparation of the Rule 26(f) Report.
3. If the Court grants consolidation:
  - a. Plaintiffs shall file a consolidated amended complaint 30 days after the Court enters its order granting consolidation; and
  - b. Yelp shall be relieved of the obligation of filing separate responsive pleadings to the complaint in each case and instead Yelp shall file a single responsive pleading to the consolidated amended complaint 30 days after it is filed.
4. If the Court denies consolidation, Yelp shall file its response to the complaint in each case within 30 days after entry of the Court's order.
5. Regardless of the Court's ruling on Yelp's Motion, the joint Scheduling Conference shall be

scheduled for a new date, at least 30 days after Yelp files its responsive pleading(s).

Pursuant to Judge Fairbank's Standing Order, I must inform you that you will have 24 hours following the service of our ex parte application to oppose it. Typically, ex parte applications in the Central District are considered on the papers and we do not intend to request a hearing on this matter. Let us know if you wish to request a hearing.

Thanks,  
Matt

**Matthew D. Brown**

Litigation Partner

Cooley Godward Kronish LLP

101 California Street, 5th Floor

San Francisco, CA 94111-5800

Main: 415-693-2000

Direct: 415-693-2188

Fax: 415-693-2222

Email: [brownmd@cooley.com](mailto:brownmd@cooley.com)

Bio: <http://www.cooley.com/brownmd>

# **Exhibit E**

**To Declaration Of Matthew D. Brown**

**Boot, Sarah**

---

**From:** Gregory S. Weston [greg@westonfirm.com]  
**Sent:** Monday, March 22, 2010 2:13 PM  
**To:** Brown, Matthew D.  
**Cc:** 'Jared H. Beck'; 'Elizabeth Lee Beck'  
**Subject:** Cats and Dogs v. Yelp

Matt, Plaintiffs agree that the actions should be consolidated and will stipulate to such. Further, we have conferred with Ron Marron, counsel in the LaPausky action, and he also has agreed to stipulate to consolidation. Do you want to take first crack at a stipulation to consolidate?

Whether, following consolidation, plaintiffs choose to deem an existing complaint the consolidated complaint or file a new complaint is a matter Yelp, as defendant in this action, has no right to decide. Both *Cats and Dogs* counsel and counsel for *LaPausky* favor deeming the Cats and Dogs amended complaint the consolidated complaint and I will shortly be conferring with Mr. Marron on this issue.

Therefore Plaintiffs advise you to be prepared to respond at the time you already stipulated to: April 1st.

Sincerely,  
Greg Weston

THE WESTON FIRM  
GREGORY S. WESTON  
888 Turquoise St  
San Diego, CA 92109  
858.488.1672 (Phone) | 480.247.4553 (Fax)  
[GREG@WESTONFIRM.COM](mailto:GREG@WESTONFIRM.COM) | [WWW.WESTONFIRM.COM](http://WWW.WESTONFIRM.COM)

# **Exhibit F**

**To Declaration Of Matthew D. Brown**

**Boot, Sarah**

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**From:** Brown, Matthew D.  
**Sent:** Monday, March 22, 2010 5:34 PM  
**To:** greg@westonfirm.com  
**Cc:** Elizabeth Lee Beck; 'Jared Beck'; ronald marron  
**Subject:** RE: Cats and Dogs v. Yelp

Greg,

Thank you for agreeing to consolidation. There are still a few open issues. It is very common for plaintiffs to agree to, and the court to order, filing of a consolidated amended complaint. If you will not agree to do so, then it is important that we have a clear agreement, on behalf of all plaintiffs in both cases, that (a) the amended Cats and Dogs complaint will be treated as a consolidated complaint that supersedes the complaints in the two individual cases, and (b) Yelp's single response to the Cats and Dogs amended complaint will suffice post-consolidation, and Yelp has no obligation to respond to the LaPausky complaint currently on file. Your email below suggests that counsel for LaPausky, Ron Marron, agrees with this approach. But I talked to Mr. Marron late this afternoon, and he told me he is still considering his position. Well before the Cats and Dogs plaintiffs changed their position and agreed to consolidation (in your email below), LaPausky had agreed with Yelp that the court should not only order consolidation but also order that a consolidated amended complaint be filed. I am including Mr. Marron on this email string. I am glad that we now all agree that the cases should be consolidated, but as I said, I need a clear statement from counsel in each case of their position on the consolidated complaint. And if we can all agree on an approach, then obviously we will need to enter a stipulation and accompanying order which will be filed with the court.

If all parties agree to the approach you are advocating, as opposed to the filing of a consolidated amended complaint, then we ask that you stipulate to an additional week of time, to April 8<sup>th</sup>, for Yelp to respond. We had originally asked you to stipulate to a 30-day extension to respond to the initial Cats and Dogs complaint; you refused, and gave us 14 days. Rather than spending time preparing our responsive pleading, we have now consumed far too much time researching consolidation issues and preparing a motion to consolidate and related papers (which we intended to file today or tomorrow), all of which could have been avoided if you had agreed to consolidation when we asked back on March 10<sup>th</sup>, or again when I asked you to reconsider your opposition to consolidation on March 18<sup>th</sup>, instead of waiting until today.

Thanks,  
Matt

**Matthew D. Brown**

Litigation Partner  
Cooley Godward Kronish LLP  
101 California Street, 5th Floor  
San Francisco, CA 94111-5800  
Main: 415-693-2000  
Direct: 415-693-2188  
Fax: 415-693-2222  
Email: [brownmd@cooley.com](mailto:brownmd@cooley.com)  
Bio: <http://www.cooley.com/brownmd>

**From:** Gregory S. Weston [mailto:greg@westonfirm.com]  
**Sent:** Monday, March 22, 2010 2:13 PM  
**To:** Brown, Matthew D.  
**Cc:** 'Jared H. Beck'; 'Elizabeth Lee Beck'  
**Subject:** Cats and Dogs v. Yelp

Matt, Plaintiffs agree that the actions should be consolidated and will stipulate to such. Further, we have conferred with Ron Marron, counsel in the LaPausky action, and he also has agreed to stipulate to consolidation. Do you want to take first crack at a stipulation to consolidate?

Whether, following consolidation, plaintiffs choose to deem an existing complaint the consolidated complaint or file a new complaint is a matter Yelp, as defendant in this action, has no right to decide. Both *Cats and Dogs* counsel and counsel for *LaPausky* favor deeming the Cats and Dogs amended complaint the consolidated complaint and I will shortly be conferring with Mr. Marron on this issue.

Therefore Plaintiffs advise you to be prepared to respond at the time you already stipulated to: April 1st.

Sincerely,  
Greg Weston

THE WESTON FIRM  
GREGORY S. WESTON  
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San Diego, CA 92109  
858.488.1672 (Phone) | 480.247.4553 (Fax)  
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# **Exhibit G**

**To Declaration Of Matthew D. Brown**

**Boot, Sarah**

---

**From:** Gregory S. Weston [greg@westonfirm.com]  
**Sent:** Monday, March 22, 2010 7:07 PM  
**To:** Brown, Matthew D.  
**Cc:** 'Elizabeth Lee Beck'; 'Jared Beck'  
**Subject:** RE: Cats and Dogs v. Yelp

Dear Matt,

Plaintiffs agree to everything you proposed in your last e-mail, including an extension to April 8.

Plaintiffs were not able to get Mr. Marron, despite the fact that he seemed initially on board, to agree to so stipulate.

Therefore we will be filing an ex parte motion noting that Plaintiffs and Yelp came to an agreement on these issues but a stipulation could not be obtained from Mr. Marron, and proposing everything in your previous e-mail (consolidation of LaPausky and any future copycats; an order that Yelp need not respond to LaPausky and any future related actions, only to Cats and Dogs; and an additional extension of 7 days.)

We will also be seeking appointment as interim class counsel. I appreciate the difficulty and annoyance of having to deal with competing complaints and plaintiffs' counsel. Such appointment will end it.

I will strive to describe Yelp's position on these issues in the ex parte application well enough that you will not feel the need to file an additional statement, and I thank you for your patience in working towards a resolution.

Best,

Greg

---

**From:** Brown, Matthew D. [mailto:BROWNMD@cooley.com]  
**Sent:** Monday, March 22, 2010 5:34 PM  
**To:** greg@westonfirm.com  
**Cc:** Elizabeth Lee Beck; 'Jared Beck'; ronald marron  
**Subject:** RE: Cats and Dogs v. Yelp

Greg,

Thank you for agreeing to consolidation. There are still a few open issues. It is very common for plaintiffs to agree to, and the court to order, filing of a consolidated amended complaint. If you will not agree to do so, then it is important that we have a clear agreement, on behalf of all plaintiffs in both cases, that (a) the amended Cats and Dogs complaint will be treated as a consolidated complaint that supersedes the complaints in the two individual cases, and (b) Yelp's single response to the Cats and Dogs amended complaint will suffice post-consolidation, and Yelp has no obligation to respond to the LaPausky complaint currently on file. Your email below suggests that counsel for LaPausky, Ron Marron, agrees with this approach. But I talked to Mr. Marron late this afternoon, and he told me he is still considering his position. Well before the Cats and Dogs plaintiffs changed their position and agreed to consolidation (in your email below), LaPausky had agreed with Yelp that the court should not only order consolidation but also order that a consolidated amended complaint be filed. I am including Mr. Marron on this email string. I am glad that we now all agree that the cases should be consolidated, but as I said, I need a clear statement from counsel in each case of their position on the consolidated complaint. And if we can all agree on an approach, then obviously we will need to enter a stipulation and accompanying order which will be filed with the court.

If all parties agree to the approach you are advocating, as opposed to the filing of a consolidated amended complaint, then we ask that you stipulate to an additional week of time, to April 8<sup>th</sup>, for Yelp to respond. We had originally asked you to stipulate to a 30-day extension to respond to the initial Cats and Dogs complaint; you refused, and gave us 14 days. Rather than spending time preparing our responsive pleading, we have now consumed far too much time researching consolidation issues and preparing a motion to consolidate and related papers (which we intended to file today or tomorrow), all of which could have been avoided if you had agreed to consolidation when we asked back on March 10<sup>th</sup>, or again when I asked you to reconsider your opposition to consolidation on March 18<sup>th</sup>, instead of waiting until today.

Thanks,  
Matt

**Matthew D. Brown**

Litigation Partner

Cooley Godward Kronish LLP

101 California Street, 5th Floor

San Francisco, CA 94111-5800

Main: 415-693-2000

Direct: 415-693-2188

Fax: 415-693-2222

Email: [brownmd@cooley.com](mailto:brownmd@cooley.com)

Bio: <http://www.cooley.com/brownmd>

# **Exhibit H**

**To Declaration Of Matthew D. Brown**

**Boot, Sarah**

---

**From:** Brown, Matthew D.  
**Sent:** Monday, March 22, 2010 10:53 PM  
**To:** Gregory S. Weston  
**Cc:** 'Elizabeth Lee Beck'; 'Jared Beck'  
**Subject:** RE: Cats and Dogs v. Yelp

Greg,

You have mischaracterized my email. I did not agree unequivocally that Yelp would consider the Cats and Dogs amended complaint to be the consolidated and superseding complaint. I said that if there was a clear agreement on that approach (which was your proposal, not mine) – on behalf of all parties in both cases – then we would need to enter a stipulation (between the three respective counsel for Cats and Dogs, et al., LaPausky, and Yelp) and file the stipulation and proposed order with the court. According to your last email, Mr. Marron (who you have removed from the email string) does not agree to this approach. Without such an agreement between all parties, our position is that a consolidated amended complaint should be filed. And if a consolidated amended complaint is filed, we will ask for time beyond April 8<sup>th</sup> to file our responsive pleading. I am concerned that Yelp's position will not be presented correctly or clearly to the court; if you go forward with an ex parte application, please attach to your declaration for the court's reference our entire email string (not all of which appears below) and my email of earlier today (which also does not appear below).

Matt

---

**From:** Gregory S. Weston [mailto:greg@westonfirm.com]  
**Sent:** Monday, March 22, 2010 7:07 PM  
**To:** Brown, Matthew D.  
**Cc:** 'Elizabeth Lee Beck'; 'Jared Beck'  
**Subject:** RE: Cats and Dogs v. Yelp

Dear Matt,

Plaintiffs agree to everything you proposed in your last e-mail, including an extension to April 8.

Plaintiffs were not able to get Mr. Marron, despite the fact that he seemed initially on board, to agree to so stipulate.

Therefore we will be filing an ex parte motion noting that Plaintiffs and Yelp came to an agreement on these issues but a stipulation could not be obtained from Mr. Marron, and proposing everything in your previous e-mail (consolidation of LaPausky and any future copycats; an order that Yelp need not respond to LaPausky and any future related actions, only to Cats and Dogs; and an additional extension of 7 days.)

We will also be seeking appointment as interim class counsel. I appreciate the difficulty and annoyance of having to deal with competing complaints and plaintiffs' counsel. Such appointment will end it.

I will strive to describe Yelp's position on these issues in the ex parte application well enough that you will not feel the need to file an additional statement, and I thank you for your patience in working towards a resolution.

Best,

Greg

**From:** Brown, Matthew D. [mailto:BROWNM@cooley.com]  
**Sent:** Monday, March 22, 2010 5:34 PM  
**To:** greg@westonfirm.com  
**Cc:** Elizabeth Lee Beck; 'Jared Beck'; ronald marron  
**Subject:** RE: Cats and Dogs v. Yelp

Greg,

Thank you for agreeing to consolidation. There are still a few open issues. It is very common for plaintiffs to agree to, and the court to order, filing of a consolidated amended complaint. If you will not agree to do so, then it is important that we have a clear agreement, on behalf of all plaintiffs in both cases, that (a) the amended Cats and Dogs complaint will be treated as a consolidated complaint that supersedes the complaints in the two individual cases, and (b) Yelp's single response to the Cats and Dogs amended complaint will suffice post-consolidation, and Yelp has no obligation to respond to the LaPausky complaint currently on file. Your email below suggests that counsel for LaPausky, Ron Marron, agrees with this approach. But I talked to Mr. Marron late this afternoon, and he told me he is still considering his position. Well before the Cats and Dogs plaintiffs changed their position and agreed to consolidation (in your email below), LaPausky had agreed with Yelp that the court should not only order consolidation but also order that a consolidated amended complaint be filed. I am including Mr. Marron on this email string. I am glad that we now all agree that the cases should be consolidated, but as I said, I need a clear statement from counsel in each case of their position on the consolidated complaint. And if we can all agree on an approach, then obviously we will need to enter a stipulation and accompanying order which will be filed with the court.

If all parties agree to the approach you are advocating, as opposed to the filing of a consolidated amended complaint, then we ask that you stipulate to an additional week of time, to April 8<sup>th</sup>, for Yelp to respond. We had originally asked you to stipulate to a 30-day extension to respond to the initial Cats and Dogs complaint; you refused, and gave us 14 days. Rather than spending time preparing our responsive pleading, we have now consumed far too much time researching consolidation issues and preparing a motion to consolidate and related papers (which we intended to file today or tomorrow), all of which could have been avoided if you had agreed to consolidation when we asked back on March 10<sup>th</sup>, or again when I asked you to reconsider your opposition to consolidation on March 18<sup>th</sup>, instead of waiting until today.

Thanks,  
Matt

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