

1 **THE WESTON FIRM**  
 2 GREGORY S. WESTON (239944)  
 3 JACK FITZGERALD (257370)  
 4 888 Turquoise Street  
 5 San Diego, CA 92109  
 6 Telephone: (858) 488-1672  
 7 Facsimile: (480) 247-4553  
 8 greg@westonfirm.com  
 9 jack@westonfirm.com

10 **BECK & LEE BUSINESS TRIAL LAWYERS**  
 11 JARED H. BECK (233743)  
 12 ELIZABETH LEE BECK (233742)  
 13 28 West Flagler Street, Suite 555  
 14 Miami, FL 33130  
 15 Telephone: (305) 789-0072  
 16 Facsimile: (786) 664-3334  
 17 jared@beckandlee.com  
 18 elizabeth@beckandlee.com

19 Counsel for Plaintiffs and the Proposed Class

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

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

26 Plaintiffs,

27 v.

28 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*  
 APPLICATION FOR LEAVE TO FILE  
 A BRIEF SURREPLY & NOTICE OF  
 SUPPLEMENTAL AUTHORITY IN  
 OPPOSITION TO DEFENDANT  
 YELP! INC.'S MOTION TO DISMISS  
 PLAINTIFFS' FIRST AMENDED  
 COMPLAINT**

Hearing Date: May 3, 2010  
 Hearing Time: 1:30 p.m.

Judge: Hon. Valerie Baker Fairbank

DECLARATION OF GREGORY S. WESTON IN SUPPORT OF PLAINTIFFS' *EX PARTE* APPLICATION FOR  
 LEAVE TO FILE A BRIEF SURREPLY & NOTICE OF SUPPLEMENTAL AUTHORITY IN OPPOSITION TO  
 DEFENDANT YELP! INC.'S MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT

1 I, Gregory S. Weston, declare:

2 1. I am an attorney licensed to practice before the courts of the state of  
3 California and admitted to practice before the United States District Court for the  
4 Central District of California. My firm represents Plaintiffs and the Proposed  
5 Classes in the above-captioned matter.

6 2. On April 20, 2010 notice of this *ex parte* Application was given to  
7 Matthew Brown, counsel for Defendant, who indicated Defendant opposed the  
8 application.

9 3. The proposed surreply is attached hereto as Exhibit A.

10

11 I declare under the penalty of perjury under the laws of the United States of  
12 America that the foregoing is true and correct.

13

Executed on April 21, 2010 in San Diego, California.

14

15

s/Gregory S. Weston  
Gregory S. Weston

16

17

18

19

20

21

22

23

24

25

26

27

28

1 DATED: April 21, 2010

Respectfully Submitted,

2  
3 /s/Gregory S. Weston

4 Gregory S. Weston

5 **THE WESTON FIRM**  
6 GREGORY S. WESTON  
7 JACK FITZGERALD  
8 888 Turquoise Street  
9 San Diego, California 92109  
10 Telephone: 858 488 1672  
11 Facsimile: 480 247 4553

12 **BECK & LEE BUSINESS TRIAL**  
13 **LAWYERS**  
14 JARED H. BECK  
15 ELIZABETH LEE BECK  
16 Courthouse Plaza Building  
17 28 West Flagler Street, Suite 555  
18 Miami, FL 33130  
19 Telephone: 305 789 0072  
20 Facsimile: 786 664 3334

21 **Counsel for Plaintiffs and the**  
22 **Proposed Class**