

Exhibit A

To Declaration of Matthew D. Brown

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

6
7 MURRAY & ASSOCIATES
LAWRENCE D. MURRAY (77536) (daydrmn@aol.com)
1781 Union St.
8 San Francisco, CA 94123
Telephone: (415) 673-0555
9 Fax: (415) 928-4048

10 ONGARO BURTT LLP
DAVID R. ONGARO (154698) (dongaro@ongaroburtt.com)
11 AMELIA D. WINCHESTER (257928) (awinchester@ongaroburtt.com)
595 Market St., Suite 601
12 San Francisco, CA 94105
Telephone: (415) 433-3900
13 Fax: (415) 433-3950
Attorneys for Plaintiff
14 BORIS Y. LEVITT

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17

18 BORIS Y. LEVITT, on behalf of himself
and all others similarly situated,

19 Plaintiff,

20 v.

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

22 Defendants.

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

25 Plaintiffs,

26 v.

27 YELP! INC.,

28 Defendant.

No. CV 10-01321 MHP

**STIPULATION OF PLAINTIFF BORIS Y. LEVITT
AND DEFENDANT YELP! INC. IN SUPPORT OF
YELP! INC.'S MOTION TO CONSOLIDATE
RELATED CASES FOR ALL PURPOSES AND TO
SET DATES FOR CONSOLIDATED AMENDED
COMPLAINT AND RESPONSE THERETO**

No. CV 10-02351 MHP

1 Plaintiff Boris Y. Levitt (“Levitt”) and Defendant Yelp! Inc. (“Yelp” and collectively with
2 Levitt, the “Parties”), by and through their respective counsel, stipulate and agree as follows:

3 WHEREAS, the above-captioned cases, *Levitt v. Yelp! Inc.*, Case No. CV 10-01321 MHP
4 (N.D. Cal.) (“*Levitt*”) and *Cats and Dogs Animal Hospital, Inc. et al. v. Yelp! Inc.*, Case No. CV
5 10-02351 MHP (N.D. Cal.) (“*Cats and Dogs*”) have been designated as related cases and
6 assigned to the same judge;

7 WHEREAS, Yelp will be filing a Motion to Consolidate Related Cases for All Purposes
8 and to Set Dates for Consolidated Amended Complaint and Response Thereto (the
9 “Consolidation Motion”) seeking to consolidate the *Levitt* and *Cats and Dogs* actions for all
10 purposes;

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

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

- 15 1. Pursuant to Federal Rule of Civil Procedure 42(a), *Cats and Dogs* and *Levitt*
16 should be consolidated for all purposes and a consolidated amended complaint
17 should be filed.
- 18 2. Pending the outcome of the Consolidation Motion, Yelp should be relieved of its
19 obligation to answer, move to dismiss, or otherwise respond to the complaints
20 currently on file.
- 21 3. If the Court grants the Consolidation Motion, the following would be appropriate:
 - 22 a. Plaintiffs in both *Levitt* and *Cats and Dogs* should file and serve a single,
23 superseding consolidated amended complaint within 30 days after the
24 Court enters its order granting consolidation; and
 - 25 b. Yelp should be relieved of the obligation of filing a response (answer,
26 motion to dismiss, or other response) to the complaints currently on file,
27 and Yelp should instead file a response (answer, motion to dismiss, or
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

other response) with respect to the consolidated amended complaint within 30 days after it is filed.

4. If the Court denies the Consolidation Motion, the Parties agree that Yelp will file its response (answer, motion to dismiss, or other response) to the *Levitt* Complaint within 30 days after entry of the Court's order or 30 days following the initial Case Management Conference, whichever is later.

IT IS SO STIPULATED.

Dated: June 9, 2010

COOLEY LLP

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

Dated: June 9, 2010

MURRAY & ASSOCIATES

/s/ Lawrence D. Murray
Lawrence D. Murray (77536)
Attorneys for Plaintiff BORIS Y. LEVITT

1 ATTESTATION PURSUANT TO GENERAL ORDER 45

2 I, Matthew D. Brown, attest that concurrence in the filing of this STIPULATION OF
3 PLAINTIFF BORIS Y. LEVITT AND DEFENDANT YELP! INC. IN SUPPORT OF YELP! INC.'S
4 MOTION TO CONSOLIDATE RELATED CASES FOR ALL PURPOSES AND TO SET DATES FOR
5 CONSOLIDATED AMENDED COMPLAINT AND RESPONSE THERETO has been obtained from each
6 of the other signatories. I declare under penalty of perjury under the laws of the United States of
7 America that the foregoing is true and correct. Executed this 9th day of June, 2010, at San
8 Francisco, California.

9 /s/ Matthew D. Brown
Matthew D. Brown

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28