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Attorneys for Plaintiffs and the Proposed Classes

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

10 CATS AND DOGS ANIMAL HOSPITAL,
 11 INC.; ASTRO APPLIANCE SERVICE;
 12 BLEEDING HEART, LLC; CALIFORNIA
 13 FURNISHINGS, INC.; CELIBRÉ, INC.; J.L.
 14 FERRI ENTERTAINMENT, INC.; LE
 15 PETITE RETREAT DAY SPA, LLC; SAN
 16 FRANCISCO BAY BOAT CRUISES, LLC;
 17 WAG MY TAIL, INC.; and ZODIAC
 18 RESTAURANT GROUP, INC., on behalf of
 19 themselves and all others similarly situated,

Plaintiffs,

v.

YELP! INC.,

Defendant.

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

Plaintiff,

v.

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

Defendants.

Case No. 3:10-cv-02351 MHP

**PLAINTIFFS' NOTICE OF OPPOSITION
 TO YELP'S MOTION FOR
 CONSOLIDATION AND CROSS-
 MOTION FOR:**

**(A1) DESIGNATION OF *CATS AND DOGS*
 AS LEAD ACTION AND STAY OF
LEVITT ACT OR, IN THE
ALTERNATIVE, (A2) CONSOLIDATION
 OF ACTIONS, DEEMING *CATS AND*
DOGS FIRST AMENDED COMPLAINT
 AS THE OPERATIVE PLEADING;**

**(B) APPOINTMENT THE WESTON FIRM
 AND BECK & LEE AS INTERIM CLASS
 COUNSEL; AND**

**(C) SUBMISSION OF FULLY-BRIEFED
 MOTION TO DISMISS FOR HEARING.**

Case No. CV 10-01321 MHP

Judge: The Hon. Marilyn Hall Patel
 Hearing Date: July 19, 2010
 Hearing Time: 2:00 p.m.

1 **NOTICE OF OPPOSITION AND CROSS-MOTION & CROSS-MOTION**

2 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE
3 NOTICE that on Monday, July 19, 2010, at 2:00 p.m., or as soon thereafter as this Opposition
4 and Cross-Motion may be heard, Plaintiffs CATS AND DOGS ANIMAL HOSPITAL, INC.,
5 ASTRO APPLIANCE SERVICE, BLEEDING HEART, LLC, CALIFORNIA FURNISHINGS,
6 INC., CELIBRÉ, INC., J.L. FERRI ENTERTAINMENT, INC., LE PETITE RETREAT DAY
7 SPA, LLC, SAN FRANCISCO BAY BOAT CRUISES, LLC, WAG MY TAIL, INC., and
8 ZODIAC RESTAURANT GROUP, INC. (collectively “Plaintiffs”) will and hereby do:

9 (1) Oppose Defendant YELP! INC.’s Motion to Consolidate Related Cases For All
10 Purposes And To Set Dates For Consolidated Amended Complaint And Response
11 Thereto (Dkt. No. 64); and

12 (2) Cross-Move for an order providing:

13 a. The *Cats and Dogs* action, No. 10-cv-2351, is designated the lead action, and
14 the *Levitt* action, No. 10-cv-1321 is stayed pending resolution of the *Cats and*
15 *Dogs* action;¹

16 b. The Weston Firm and Beck & Lee Business Trial Lawyers are appointed
17 Interim Class Counsel; and

18 c. Yelp’s fully-briefed Motion to Dismiss (Dkt. Nos. 22-23, 27, 40, 51) is
19 submitted, and put on for hearing at the Court’s earliest convenience.

20 This Opposition and Cross-Motion is based on this Notice of Motion and Motion, the
21 accompanying Memorandum of Points and Authorities, the accompanying Declarations of
22 Gregory S. Weston (“Weston Decl.”), Jack Fitzgerald (“Fitzgerald Decl.”), Jared H. Beck (“J.
23 Beck Decl.”), and Elizabeth Lee Beck (“E. Beck Decl.”) and the exhibits thereto, all previous
24 papers and proceedings in this and the *Levitt* actions, oral argument, and such other materials and
25 argument as may be presented in connection with the hearing and Plaintiffs’ Opposition and
26 Cross-Motion.

27 _____
28 ¹ In the alternative to staying *Levitt*, the *Cats and Dogs* Plaintiffs move for an order consolidating
the *Cats and Dogs* and *Levitt* actions, and deeming the *Cats and Dogs* First Amended Complaint
the operative pleading in the consolidated action.

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DATED: June 14, 2010

Respectfully Submitted,
/s/ Jack Fitzgerald
Jack Fitzgerald

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