

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

8 JACK FITZGERALD (257370)  
 9 2811 Sykes Court  
 10 Santa Clara, CA 95051  
 11 Telephone: (408) 459-0305  
 12 jack@westonfirm.com

13 **BECK & LEE BUSINESS TRIAL LAWYERS**

14 JARED H. BECK (233743)  
 15 ELIZABETH LEE BECK (233742)  
 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 jared@beckandlee.com  
 22 elizabeth@beckandlee.com

23 **Attorneys for Plaintiffs and the Proposed Classes**

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

26 CATS AND DOGS ANIMAL HOSPITAL,  
 27 INC.; ASTRO APPLIANCE SERVICE;  
 BLEEDING HEART, LLC; CALIFORNIA  
 FURNISHINGS, INC.; CELIBRÉ, INC.; J.L.  
 FERRI ENTERTAINMENT, INC.; LE  
 PETITE RETREAT DAY SPA, LLC; SAN  
 FRANCISCO BAY BOAT CRUISES, LLC;  
 WAG MY TAIL, INC.; and ZODIAC  
 RESTAURANT GROUP, INC., on behalf of  
 themselves and all others similarly situated,

Plaintiffs,

v.

YELP! INC.,

Defendant.

Case No. 3:10-cv-02351 MHP  
 Pleading Type: Class Action  
 Action Filed: February 23, 2010

**DECLARATION OF JARED H. BECK IN  
 SUPPORT OF PLAINTIFFS’  
 OPPOSITION AND CROSS-MOTION**

Judge: The Hon. Marilyn Hall Patel

Date: July 19, 2010  
 Time: 2:00 p.m.

1 I, Jared Beck, declare:

2 1. I am a member in good standing of the State Bars of California and Florida, and  
3 admitted to practice before this Court. I have personal knowledge of the facts stated herein, and,  
4 if called on to do so, could and would testify competently thereto. I make this declaration in  
5 support of Plaintiffs' Opposition to Yelp's Motion for Consolidation (Dkt. No. 64) and Cross-  
6 Motion for:

7 (a1) Designation of *Cats and Dogs* as lead action and stay of *Levitt* action or, in the  
8 alternative, (a2) Consolidation of *Cats and Dogs* and *Levitt* actions, deeming the *Cats*  
9 *and Dogs* First Amended Complaint as the operative complaint;

10 (b) Appointment of The Weston Firm and Beck & Lee Business Trial Lawyers as  
11 interim class counsel; and

12 (c) Submission of fully-briefed Motion to Dismiss for hearing.

13 2. I am a founding partner of the law firm Beck & Lee, P.A. ("Beck & Lee"). Beck  
14 & Lee is a business and commercial litigation law firm based in Miami, Florida. The firm and its  
15 principals are experienced in commercial class action litigation, including on behalf of  
16 consumers.

17 3. I am experienced in and have represented both plaintiffs and defendants in class  
18 action litigation, including on behalf of consumers. My representation of plaintiffs includes the  
19 following class action litigation: *Park et al. v. Carlyle/Galaxy San Pedro, L.P. et al.*, Case No.  
20 09-cv-00793 MMM AJW (C.D. Cal.) (class action on behalf of real estate buyers where class  
21 was conditionally certified); *In re LTL Shipping Services Antitrust Litigation*, MDL Docket No.  
22 1895 (N.D. Ga.) (pending antitrust litigation in the less-than-truckload shipping industry); *In re*  
23 *Korean Air Lines Co., Ltd. Antitrust Litigation*, MDL Docket No. 1891 (C.D. Cal.) (pending  
24 antitrust litigation in the airline industry); *Katz et al. v. Fifield Realty Corp. et al.*, Case No. 07-  
25 61626-CIV-SEITZ/MCALILEY (S.D. Fla.) (pending litigation under the federal Interstate Land  
26 Sales Full Disclosure Act); *Trilogy Properties LLC et al. v. SB Hotel Associates LLC et al.*, Case  
27 No. 09-21406-CIV-JORDAN/MCALILEY (S.D. Fla.) (pending litigation under the federal

1 Interstate Land Sales Full Disclosure Act); *DA Air LLC v. Diamond Aircraft Industries Inc.*, No.  
2 09-60157-CIV-UNGARO/SIMONTON (S.D. Fla.) (litigation under federal Magnuson-Moss  
3 Warranty Act); *Becker et al. v. TRG Columbus Dev., Ltd.*, No. 08-05068-CA-09 (Fla. Cir. Ct.)  
4 (litigation under Florida deceptive and unfair trade practices statute); and at least nine other  
5 consumer class actions brought under California’s Unfair Competition Law, False Advertising  
6 Law and Consumer Legal Remedies Act. Beck & Lee was appointed interim class counsel in  
7 *Katz*.

8 4. I have also served as defense counsel in the following class action litigation: *In re*  
9 *Peregrine Systems, Inc. Securities Litigation*, No. 3:02cv870 (S.D. Cal.) (securities litigation); *In*  
10 *re MERSCORP Inc., et al.*, No. 2:2007md01810 (S.D. Tex.) (litigation under the Real Estate  
11 Settlement Procedures Act); *Trent et al. v. Mortgage Electronic Registration Systems, Inc.*, No.  
12 3:2006cv00374 (M.D. Fla.) (litigation under the Florida consumer protection statute); *Martin et*  
13 *al. v. Snapple Beverage Corp.*, No. B174847 (L.A. Cty. Sup. Ct.) (litigation under California  
14 consumer protection statutes); and *Ibanez v. Peoples Choice Home Loan Inc. et al.*, No.  
15 05CC03159 (Orange Cty. Sup. Ct.) (federal and California wage and hour litigation).

16 5. I received a B.A., M.A., and J.D. from Harvard University, and served as an  
17 editor of the Harvard Law Review. Prior to founding Beck & Lee, I practiced at Quinn Emanuel  
18 Urquhart Oliver & Hedges, LLP in Los Angeles, and at Morgan Lewis & Bockius in Miami.

19 6. Following our filing on February 23, 2010 of the first Complaint against Yelp, my  
20 firm and The Weston Firm have been contacted by more than 200 other small business owners  
21 with stories similar to Dr. Perrault’s, of Plaintiff Cats and Dogs Animal Hospital, Inc. The firms  
22 continue to receive numerous inquiries each day. Of these small businesses, 60 have retained  
23 Beck & Lee and The Weston Firm to pursue claims against Yelp and serve as class  
24 representatives alongside Cats and Dogs Animal Hospital, Inc.

25 7. Our firm and The Weston Firm spent substantial time interviewing these small  
26 business owners, and preparing the First Amended Class Action Complaint (“Amended  
27 Complaint”), which was filed on March 16. The Amended Complaint added a great amount of

1 detail concerning Yelp’s unlawful business practices, included several more claims for relief, and  
2 named nine additional small business representative plaintiffs.

3 8. Since February, when the Proposed Interim Class Counsel filed the First  
4 Complaint, counsel have, among other things:

- 5 • Filed a detailed 39-page Amended Complaint;
- 6 • Conferred with defendant’s counsel, including in person in San Francisco on  
7 March 18, 2010, on case management issues;
- 8 • Held our action’s 26(f) discovery conference on April 8, 2010;
- 9 • Conferred with defendant’s counsel on class certification, proposed injunctive  
10 relief, and electronic discovery;
- 11 • Served Rule 26 disclosures;
- 12 • Fully briefed Yelp’s Motion to Dismiss, which was on calendar for hearing on  
13 May 24, 2010 before Judge Fairbank in the Central District of California,  
14 before the action was transferred to this Court (Judge Fairbank declined to  
15 consider the motion upon ordering the action transferred);
- 16 • Served and obtained first sets of interrogatories and requests for production,  
17 including serving 120 and 510 responses and objections, respectfully;
- 18 • Begun collecting and reviewing documents for production to Yelp; and
- 19 • Scheduled a deposition.

20 9. As a result of our efforts in prosecuting the *Cats and Dogs* lawsuit, Yelp has  
21 already made substantial policy changes. Yelp now allows its users and business owners to  
22 access “filtered” reviews—reviews that were previously completely hidden. Moreover, Yelp no  
23 longer allows businesses to pay a monthly fee in order to keep a favorite review listed at the top  
24 of their Yelp pages.

25 10. Yelp announced these changes on March 1, 2010—nearly two weeks before  
26 Levitt filed his copycat Complaint.

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

Executed on June 14, 2010 in Miami, Florida.

s/ Jared H. Beck  
Jared H. Beck

1 Respectfully Submitted,

2

3 /s/ Jack Fitzgerald  
4 Jack Fitzgerald

5

6 **THE WESTON FIRM**  
7 GREGORY S. WESTON  
8 888 Turquoise Street  
9 San Diego, CA 92109  
10 Telephone: (858) 488-1672  
11 Facsimile: (480) 247-4553  
12 greg@westonfirm.com

13

14 JACK FITZGERALD  
15 2811 Sykes Court  
16 Santa Clara, CA 95051  
17 Telephone: (408) 459-0305  
18 jack@westonfirm.com

19

20 **BECK & LEE BUSINESS TRIAL LAWYERS**

21

22 JARED H. BECK  
23 ELIZABETH LEE BECK  
24 Courthouse Plaza Building  
25 28 West Flagler Street, Suite 555  
26 Miami, FL 33130  
27 Telephone: (305) 789-0072  
Facsimile: (786) 664-3334  
jared@beckandlee.com  
elizabeth@beckandlee.com

28

29 **Attorneys for Plaintiffs and the Proposed Classes**

30

31

32

33

34

35

36

37

38