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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

**AMENDED NOTICE OF MOTION TO  
 COMPEL 30(B)(6) DEPOSITION AND  
 FOR SANCTIONS**

Judge: The Hon. Marilyn Hall Patel

Date: Monday, July 26, 2010

Time: 2:00 p.m.

Location: Courtroom 15, 18th Floor

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT:

3 A. Plaintiffs hereby withdraw that portion of their Motion (Dkt. No. 66) seeking to  
4 compel Yelp to produce a witness for deposition pursuant to Fed. R. Civ. P. 30(b)(6) on June 21,  
5 2010. That motion was based on emergency circumstances, which are no longer present. Since  
6 the June 21st date has now passed with Yelp failing to produce its corporate representative for  
7 deposition as duly noticed, Plaintiffs will move on Monday, July 26, 2010, at 2:00 p.m., or as  
8 soon thereafter as the Motion may be heard, for an Order compelling Yelp to comply with the  
9 deposition notice on a date certain.

10 B. In addition to seeking the foregoing relief, Plaintiffs will move, on Monday, July  
11 26, 2010, at 2:00 p.m., or as soon thereafter as the Motion may be heard, in accordance with  
12 Federal Rule of Civil Procedure 37(d)(1)(A)(i) and Local Rule 37-1(a), for sanctions related to  
13 Yelp's last-minute cancellation of a noticed deposition in the amount of \$5,119.80, representing  
14 the costs incurred by Plaintiffs because of the cancellation (\$954.80) and the fees associated in  
15 bringing the Motion (\$4,165). This Motion is based on Plaintiffs Notice of Motion and Motion,  
16 filed on June 16, 2010 and the Declarations submitted in support thereof (Dkt. No. 66); Yelp's  
17 Memorandum in Opposition to the Motion and the Declaration submitted in support thereof,  
18 filed on June 21, 2010 (Dkt. Nos. 67-68); and Plaintiffs' Reply Memorandum in Support of  
19 Motion submitted on June 22, 2010 and the Declaration submitted in support thereof (Dkt. No.  
20 70).

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1 Respectfully Submitted,

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3 /s/ Jack Fitzgerald  
4 Jack Fitzgerald

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