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6 Attorneys for Defendant
 7 YELP! INC.

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

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

13 Plaintiff,

14 v.

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

16 Defendants.

No. CV 10-01321 MHP

**DEFENDANT YELP! INC.'S ADMINISTRATIVE
 MOTION FOR RELIEF FROM CIVIL LOCAL RULE
 16-10(a)**

Date: July 19, 2010
 Time: 2:00 p.m.
 Judge: Hon. Marilyn Hall Patel
 Trial Date: Not Yet Set

18 CATS AND DOGS ANIMAL
 19 HOSPITAL, INC., et al., on behalf of
 20 itself and all others similarly situated,

21 Plaintiffs,

22 v.

23 YELP! INC.,

24 Defendant.

No. CV 10-02351 MHP

1 Per Civil Local Rules 7-11 and 7-12, Cooley LLP (“Cooley”), counsel for Defendant
2 Yelp! Inc. (“Yelp”), hereby moves for relief from Civil Local Rule 16-10(a) regarding the
3 requirement that “lead trial counsel for each party must attend the initial Case Management
4 Conference.” See L.R. 16-10(a). On July 8, 2010, this Court issued an order setting the initial
5 Case Management Conference in the related cases of *Boris Y. Levitt v. Yelp! Inc.*, No. CV 10-
6 01321 MHP (“*Levitt*”) and *Cats and Dogs Animal Hospital, Inc. v. Yelp! Inc.*, No. CV 10-02351
7 (“*Cats and Dogs*”) for July 19, 2010. (*Levitt*, Docket No. 25, and *Cats and Dogs*, Docket No.
8 76.)¹

9 Yelp’s lead trial counsel, Michael Rhodes, is also trial counsel in another action before
10 the United States District Court for the District of Delaware, which is entitled *Leader Techs.,*
11 *Inc. v. Facebook, Inc.*, No. 1:08-cv-08-862-JJF (D. Del.) (“*Leader Technologies*”). (See Ex. A,
12 Docket for *Leader Techs.*, Docket No. 362 and May 3, 2010 Order.) Trial for the *Leader*
13 *Technologies* matter is scheduled to begin on July 19, the same day as the Case Management
14 Conference here. (Ex. A, Docket No. 522.) Mr. Rhodes is scheduled to attend a pretrial
15 conference on July 16 and to participate in the trial from July 19 through its completion in
16 Delaware. (Ex. A, Docket No. 562.)

17 As such, Yelp and Cooley hereby move for an order excusing the attendance of Michael
18 Rhodes and allowing Matthew D. Brown, to represent Yelp at the July 19 Case Management
19 Conference instead. Mr. Brown is also a partner at Cooley and he has an active role in this case.
20 Mr. Brown will be fully prepared to address all issues with authority from Yelp.

21 Yelp has conferred with counsel for Plaintiffs and they do not object to this request.
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27 ¹ Prior to the Court’s July 8, 2010 “Order re CMCs and Discovery”, the case management
28 conferences in both of the above-captioned cases were scheduled for August 23, 2010. (*Levitt*,
Docket No. 12; and *Cats and Dogs*, Docket No. 63.)

1 Respectfully submitted,

2 Dated: July 12, 2010

COOLEY LLP

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4 /s/ Matthew D. Brown

5 Matthew D. Brown (196972)

6 Attorneys for Defendant Yelp! Inc.
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