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6 Attorneys for Defendant
 7 YELP! INC.

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

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

13 Plaintiff,

14 v.

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

17 Defendants.

No. CV 10-01321 MHP

**DEFENDANT YELP! INC.'S NOTICE OF
 PENDENCY OF OTHER ACTIONS OR
 PROCEEDINGS (CIVIL L.R. 3-13)**

Courtroom: 15
 Judge: Honorable Marilyn Hall Patel
 Trial Date: None Set

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

21 Plaintiffs,

22 v.

23 YELP! INC.,

24 Defendant.

No. CV 10-02351 MHP

1 Defendant Yelp! Inc. (“Yelp”), by and through its undersigned counsel of record, hereby
2 notifies the Court and all opposing parties pursuant to Civil Local Rule 3-13 that the two instant
3 actions, *Levitt v. Yelp! Inc.*, No. CV 10-01321 MHP (“*Levitt*”), and *Cats and Dogs Animal*
4 *Hospital, Inc. v. Yelp! Inc.*, No. CV 10-02351 MHP (“*Cats and Dogs*”), involve overlapping
5 subject matter and the same defendant as another pending action. The other action, entitled
6 *Gelareh Rahbar and Rahbar Dentistry, PC v. Yelp! Inc.*, No. CGC 10 499227 (“*Rahbar*”), is
7 pending in the Superior Court of the State of California, County of San Francisco.

8 **The Rahbar Action**

9 Yelp operates a popular website, www.yelp.com (the “Yelp Website”), which allows Yelp
10 users (known as “Yelpers”) to write reviews of local businesses and allows anyone to read these
11 reviews. Since 2004, Yelpers have written millions of reviews about every kind of local
12 business—from restaurants and cafes to mechanics and dentists. Yelpers rate these businesses on
13 a scale of one to five stars. Like many websites, Yelp sells advertisements to local businesses,
14 which can appear on the Yelp Website as “Sponsored Results” (clearly labeled as such) in
15 response to certain searches.

16 Per their allegations, the plaintiffs in *Rahbar* (the “Rahbar Plaintiffs”) are a dentist and her
17 professional corporation, which advertised on Yelp’s website beginning in 2008. The Rahbar
18 Plaintiffs allege that after they began advertising on Yelp, two false and defamatory reviews of
19 their business were posted by third parties on Yelp’s website, causing a loss in revenue. After the
20 negative reviews were posted, the Rahbar Plaintiffs allege that Yelp demanded more money from
21 them, or the negative and false reviews would become more prominent. Yelp denies these
22 allegations. Yelp terminated its advertising relationship with Plaintiffs after learning that
23 Plaintiffs had sued the third-party users who posted the negative reviews of their business.

24 **Relationship of the Rahbar Action to the Levitt and Cats and Dogs Actions**

25 The *Rahbar* action involves overlapping subject matter and claims with the *Levitt* and
26 *Cats and Dogs* actions. The *Rahbar* action focuses its factual allegations on allegedly defamatory
27 statements posted by certain, specific Yelpers—allegations that do not form the basis of the *Levitt*
28 and *Cats and Dogs* actions. However, *Rahbar* does involve—like *Levitt* and *Cats and Dogs*—

1 allegations that, based on whether a business chooses to advertise with Yelp or not, the display of
2 reviews of such business on the Yelp Website is either positively or negatively affected.

3 Plaintiffs in all three actions assert claims for violation of California's Unfair Competition
4 Law, Business and Professions Code Section 17200 *et seq.* The Rahbar Plaintiffs also include
5 claims for (a) violation of Cal. Penal Code §§ 518-19 (extortion), (b) violation of Cal. Penal Code
6 § 524 (attempted extortion), (c) intentional interference with prospective economic advantage, (d)
7 unauthorized commercial use of name, (e) conspiracy to injure in trade, and (f) interference with
8 contract. Plaintiffs in the *Cats and Dogs* action include additional claims for (a) violation of Cal.
9 Penal Code §§ 518-19 (extortion), (b) violation of Cal. Penal Code § 524 (attempted extortion),
10 and (c) intentional interference with prospective economic advantage. Plaintiff in the *Levitt*
11 action includes additional claims for (a) violation of California Business and Professions Code
12 Section 17500, (b) negligent misrepresentation, and (c) intentional misrepresentation. Unlike the
13 *Levitt* and *Cats and Dogs* actions, the *Rahbar* action is not styled as a class action.

14 **Yelp Has Moved to Stay the *Rahbar* Action Under California-State-Law Principles**
15 **Applicable When Related Federal Actions Are Pending**

16 On June 11, 2010, Yelp moved to stay the *Rahbar* action pending resolution of the *Levitt*
17 and *Cats and Dogs* actions, to avoid conflicts, conserve resources, and promote an efficient
18 determination of the actions. Under California state law, a state court has discretion to stay a
19 state-court action when there is a pending federal-court action that covers the same subject matter.
20 *Caiafa Prof'l Law Corp. v. State Farm Fire & Cas. Co.*, 15 Cal. App. 4th 800, 804 (1993).
21 Concurrent with the motion to stay, Yelp also filed a demurrer to the Complaint in the *Rahbar*
22 action.

23 Dated: July 16, 2010

COOLEY LLP

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25 /s/ Matthew D. Brown
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26 Attorneys for Defendant Yelp! Inc.

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