

Exhibit A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
BEFORE THE HONORABLE MARILYN HALL PATEL

BORIS LEVITT,)	
)	
Plaintiff,)	
)	
VS.)	No. C 10-1321 MHP
)	
YELP! INC.,)	
)	
Defendant.)	
<hr/>		
)	
CATS AND DOGS ANIMAL HOSPITAL,)	
INC., et al.,)	
)	
Plaintiffs,)	
)	
VS.)	No. C 10-2351 MHP
)	
YELP! INC.,)	
)	San Francisco, California
Defendant.)	Monday
<hr/>		
)	July 19, 2010

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

For Plaintiff	ONGARO BURTT
Levitt:	595 Market Street, Suite 610
	San Francisco, California 94105
BY:	DAVID R. ONGARO, ESQUIRE
	AMELIA D. WINCHESTER, ESQUIRE

(Appearances continued on next page)

Reported By: *Katherine Powell Sullivan, CSR #5812, RPR, CRR*
Official Reporter - U.S. District Court

APPEARANCES (CONTINUED):

**For Plaintiffs
Cats and Dogs,
et al.:**

BECK & LEE
28 West Flagler Street, Suite 555
Miami, Florida 33130

**BY: ELIZABETH LEE BECK, ESQUIRE
JARED H. BECK, ESQUIRE**

THE WESTON FIRM
2811 Sykes Court
Santa Clara, California 95051

BY: JACK FITZGERALD, ESQUIRE

For Defendant:

Cooley Godward
101 California Street, 5th Floor
San Francisco, California 94111-5800

**BY: MATTHEW D. BROWN, ESQUIRE
BENJAMIN H. KLEINE, ESQUIRE**

1 **MR. ONGARO:** Thank you, Your Honor.

2 **MR. FITZGERALD:** Thank you.

3 **MS. LEE BECK:** Thank you, Your Honor.

4 **MR. BROWN:** Thank you.

5 **THE COURT:** Thank you.

6 (Break in proceedings.)

7 **THE CLERK:** Recalling Civil 10-1321, 10-2351, Boris
8 Levitt versus Yelp!

9 **MS. LEE BECK:** Good afternoon, Your Honor.

10 **THE COURT:** Yes. Good afternoon.

11 **MS. LEE BECK:** We were hoping to have a schedule in
12 place, but we've reached sort of an impasse. Counsel for
13 Mr. Levitt and counsel for Yelp! wish to have a prolonged
14 discovery, prolonged trial schedule. Counsel for Cats and Dogs
15 and the other plaintiffs wish for a more abbreviated one.

16 I feel that further talking about this will result in
17 an agreement, but they wish to -- they wanted -- they
18 terminated the conversation and came here.

19 **MR. ONGARO:** Well, Your Honor, what actually happened
20 was, when we went to sit down, Ms. Beck Lee became agitated,
21 was screaming at me, pointing her finger at me. Literally, her
22 finger was this close (indicating). I asked her to please sit
23 down and stop pointing her finger. It was a scene I have never
24 seen in 19 years of practicing law.

25 We then got her calmed down, to sit down. We then

1 started to go through -- and we had previously, in the
2 scheduling order that we had put together, as the Court's
3 ordered with the Cooley attorneys, had sat down and kind of
4 scoped out what we planned for discovery.

5 The first thing they disagreed with. Again, they
6 yelled at me, saying I'm in cahoots with them and I shouldn't
7 be on this case. Every single item we went to became very
8 contentious. And I just -- it was counter- -- let me finish.
9 It was counterproductive.

10 And I think -- we've already sat down and figured out
11 kind of how we think it should go. Happy to sit down with
12 them. But Ms. Beck Lee, it's difficult to work with her under
13 these circumstances.

14 And Mr. Brown can certainly attest to what happened.
15 He's the neutral party here.

16 **MR. BROWN:** Far be it from me to be in the position
17 of umpire here, but I have not had a conference quite like the
18 one I experienced, in my years of practice here either. It was
19 not productive.

20 We, with counsel for Levitt, had come up with a chart
21 that we put in a joint case management statement that was all
22 pegged off the assumption that there wouldn't be discovery
23 until the motion to dismiss was resolved, which it sounded like
24 Your Honor wanted us to do.

25 And so we started going through or attempting to go

1 through each of those line items with counsel for the Cats and
2 Dogs Hospital. We got, probably, three items in. And it took
3 us ten minutes to get that far.

4 And there's, apparently, something going on here that
5 I'm not privy to, where there's a lot of atmospherics around
6 something, but it has nothing to do with the merits of the
7 discovery schedule. And it truly was a breakdown within ten
8 minutes, and so we decided to come back and report to Your
9 Honor and take it from there.

10 **MR. ONGARO:** Given that, Your Honor, perhaps we just
11 submit the separate schedules you requested. I think that
12 probably makes the most sense. We have submitted a schedule
13 with our prior briefing.

14 **THE COURT:** Mr. Fitzgerald, from your firm, who is
15 going to take the laboring oar on the discovery, the class
16 certification motion, responding to the motion to dismiss?

17 I know that's a compound, complex question. But you
18 can take them apart, if you want, or answer it all in one.

19 **MR. FITZGERALD:** Your Honor, it's difficult for me to
20 say now because it depends on what's going on in our other
21 cases, as well.

22 But, you know, I would say I tend to do most of the
23 writing. So as far as, like, the motion to dismiss I would be
24 the one taking the laboring oar.

25 But that being said, I'm just speaking about within