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September 21, 2012

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The Honorable Edward M. Chen
 U.S. District Court
 Northern District of California
 450 Golden Gate Ave., 16th Floor
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Re: *Justin Larkin, et al. v. Yelp! Inc.*
 Case No. CV 11-1503 EMC

Dear Judge Chen:

We represent Defendant in the above-referenced action. We have provided an advance copy of this letter to counsel for Plaintiffs, and they have authorized us to send this as a joint letter, *i.e.*, a letter on behalf of both Plaintiffs and Defendant.

On September 17, 2012, the Clerk of Court entered a notice changing the date of the hearing on the motion for final approval of the class action settlement in this matter from November 16, 2012 at 2:30 p.m. to November 15, 2012 at 2:30 p.m. Because this hearing is on the motion for final approval of the settlement, the class action notice already sent to the settlement class members advised them of the original hearing date and time. In other words, to the extent any settlement class members are planning to attend the hearing to raise objections or otherwise participate, the notice they received already told them that the hearing would be at the original time set forth in the preliminary approval order.

The Honorable Edward M. Chen

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In light of this, we respectfully submit that it would be appropriate to address this issue. Specifically, we respectfully submit that there are three ways to address the issue, all of which would be acceptable to the parties provided of course they are acceptable to the Court. **First**, and perhaps most simply, to the extent it is possible, the Court could simply move the hearing back to the original date and time. **Second**, the Court could move the hearing to the next available hearing date after November 16, 2012, and then the Clerk (with the assistance of counsel) could place a notice on the Court calendar outside the courtroom on November 16, 2012 stating that the hearing has been moved. **Third**, the Court could keep the current November 15 date on calendar, with the understanding that if anyone objects to the settlement prior to the October 23, 2012 deadline to do so, the parties will advise the objector(s) of the new hearing time.

We apologize for the need to raise this issue, but we trust Your Honor and staff understand why we felt obliged to do so.

Respectfully submitted,



Malcolm A. Heinicke

MAH:mp

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