

1 Peter Rukin (SBN 178336)
2 RUKIN HYLAND DORIA & TINDALL LLP
3 100 Pine Street, Suite 2150
4 San Francisco, CA 94111
5 Telephone: (415) 421-1800
6 Facsimile: (415) 421-1700
7 E-mail: peterrukin@rhdtdlaw.com

8 Rosa Vigil-Gallenberg (SBN 251872)
9 GALLEMBERG PC
10 9701 Wilshire Blvd. Suite 1000
11 Beverly Hills, CA 90071
12 Telephone: (310) 295-1654
13 Facsimile: (310) 733-5654
14 Email: rosa@gallenberglaw.com

15 Ian McLoughlin
16 Tom Urmey
17 SHAPIRO HABER & URMY LLP
18 53 State Street 13th Floor
19 Boston, MA 02109
20 Telephone: (617) 439-3939
21 Facsimile: (617) 439-0134
22 E-mail: theyman@shulaw.com

23 Attorneys for Representative Plaintiffs

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25 UNITED STATES DISTRICT COURT
26
27 NORTHERN DISTRICT OF CALIFORNIA
28
29 SAN FRANCISCO DIVISION

30 JUSTIN LARKIN, ANTHONY TIJERINO, and
31 AHMAD DEANES, on behalf of themselves and
32 all others similarly situated,

33 Plaintiffs,

34 v.

35 YELP! INC.,

36 Defendant.

Case No. 3:11-cv-01503-EMC

**PLAINTIFFS' REPORT ON OBJECTIONS
AND STATUS OF CLAIMS**

Date: November 30, 2012
Time: 2:30 p.m.
Courtroom: 5 -17th Floor
Judge: Hon. Edward M. Chen

1 Plaintiffs' hereby respectfully submit this report on the status of objections and claims in
2 this matter.

3 **OBJECTIONS**

4 There are no current objections to the settlement at this time.¹

5 **CLAIMS**

6 On October 19, 2012, Plaintiffs filed a Motion for Final Approval of Settlement informing
7 this Court that the parties were in the midst of meeting and conferring on whether or not some late/
8 deficient and/or outstanding claims would be honored and that an updated report on this issue
9 would be provided to this Court. Docket ("Dkt.") 48 at 2, Fn. 2. Below is an update on these
10 issues.

11 As of November 2, 2012, there are nine class members who had submitted late claim forms
12 and three class members who had submitted deficient claim forms. Dkt. 48 at 8 Ln. 21-23. There
13 were also three additional individuals not included in the original class list who contend they are
14 entitled to settlement payments ("Self-Identifying Class Members"). *Id.* Defense counsel has
15 confirmed that all three Self-Identifying Class Members are actually Class Members entitled to
16 receive settlement payments should they submit a claim form.

17 On October 16, Counsel for the parties directed the Settlement Administrator to mail a
18 letter to the eleven individuals who had submitted late or deficient claims as of that date ("Cure
19 Letter"). Dkt. 48 at 8 Ln. 24-27. Four of the eight class members who had submitted late claims
20 responded to the Cure Letter. One of the three individuals who had deficient claim forms cured the
21 deficient claim.

22 Yelp has agreed to honor five late claims. Plaintiff's position is that the remaining four late
23 claims should also be honored, particularly in the event that they eventually provide good cause for
24 the late submission.

25

¹ A class member who submitted a late claim did express his intent to object to the Settlement in
26 the event his claim was not honored. Yelp has agreed to honor his claim (which was formally
27 tendered on October 29, 2012, along with a letter explaining the reason for its tardiness), and the
28 class member has expressed his satisfaction with that result.

1 Based on five late claims being honored, one deficient claim cured, and three self-
2 identifying Class Members participating, the current gross settlement to be paid by Yelp will be
3 \$805,924.02.² Should all nine late claims be honored, the gross settlement payment would be
4 \$809,367.07.

5 An updated claims report from the settlement administrator is attached as Exhibit A.
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13 Dated: November 2, 2012

Respectfully submitted,

14 GALLENGER PC

15 By: /s/ Rosa Vigil-Gallenberg

16 Rosa Vigil-Gallenberg
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25 _____
26 ² The \$845,000 estimate provided in the Motion for Final Approval was incorrect and the result of
27 a mathematical error in the application of the settlement formula (in particular, in the allocation of
28 unsought attorneys' fees). Application of the formulas described in paragraphs 1.22, 1.23, 1.24
and 2.8.1 of the Settlement Agreement (Dkt. 48, Exhibit 1 to Rukin Declaration), will result in the
payments described above.