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TAI JING, JIA MA, and YELP! INC.
(sued herein as YELP.COM)
7

8
9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF SANTA CLARA
11 UNLIMITED JURISDICTION

12 YVONNE WONG,

13 Plaintiff,

14 vs.

15 TAI JING, JIA MA, YELP.COM, and
DOES 1 through 20, inclusive,

16 Defendants.

Case No. 1-08-CV-129971

MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF SPECIAL
MOTION TO STRIKE THE COMPLAINT AS
A MERITLESS SLAPP, FILED BY
DEFENDANTS TAI JING, JIA MA, AND
YELP! INC. (SUED HEREIN AS YELP.COM)
(C.C.P. § 425.16)

17 Complaint Filed: December 11, 2008
18 Date: March 17, 2009
19 Time: 9:00 a.m.
Department: 5
20 Judge: Hon. Mary Jo Levinger

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1 **INTRODUCTION.**

2 Plaintiff has sued defendant Yelp! Inc. and two parents based on a single post to the
3 Yelp.com website (a consumer information forum) containing comments about the services of
4 plaintiff, a dentist, and dental care for children. The post is protected by the California anti-
5 SLAPP (Strategic Lawsuit Against Public Participation) law because it contains statements made
6 in a public forum regarding issues of public interest. Plaintiff will not be able to show a
7 probability of prevailing on her claims. Therefore, defendants' anti-SLAPP motion must be
8 granted.

9
10 **I. FACTUAL AND PROCEDURAL BACKGROUND.**

11 **A. Plaintiff Yvonne Wong.**

12 Plaintiff Yvonne Wong (plaintiff or Wong) is a pediatric dentist practicing in Foster City.
13 (Clifford Decl., ¶ 2, Exhibit A.) She maintains a website promoting her practice that states,
14 inter alia, "our staff is dedicated to help make your children's dental experience pleasant and
15 fun." (*Ibid.*)

16 **B. Defendant Yelp! Inc. Runs a Consumer Information Website/Forum.**

17 Defendant Yelp! Inc. owns and operates Yelp.com, a website that describes itself as "the
18 fun and easy way to find, review and talk about what's great – and not so great – in your world."
19 (Stoppelman Decl., ¶ 3; Clifford Decl., ¶ 3, Exhibit B.) "You already know that asking friends is
20 the best way to find restaurants, dentists, [etc.] . . . Yelp makes it fast and easy by collecting
21 and organizing your friends' recommendations in one convenient place." (Clifford Decl., ¶ 4,
22 Exhibit C.) Yelp.com users can find information by using Yelp.com's search function, browsing
23 by topic, or soliciting information by posting inquiries to the website's message boards.
24 (Stoppelman Decl., ¶ 6.) Yelp.com users can post a review of any business. (Stoppelman Decl.,
25 ¶¶ 4-5; Clifford Decl., ¶ 3, Exhibit B.) They can also view another user's profile and read his or
26 her reviews (as well as detailed statistics about his or her reviews, such as the number of positive
27 or negative reviews written) in order to gauge the credibility and similarity of the tastes of the
28 other user. (Stoppelman Decl., ¶ 7.)

1 “Yelp was born out of a belief that the best source for information about a local
2 community is from the community members themselves, and that, prior to Yelp.com, it was all
3 but impossible to broadly tap into the knowledge of the local community.” (Stoppelman Decl., ¶
4 8.) Fortune magazine has reported:

5 Employing the same user-generated content model that powers YouTube or Craigslist,
6 Yelp can reach into a city’s every nook to reveal hidden car washes, dentists, plumbers –
7 the sorts of unsexy but necessary services that make up our daily lives. When we
8 discover something wonderful (or horrible), we love to tell our friends about it. We also
9 turn to people we trust when we need a good recommendation. Yelp is enabling those
10 conversations to happen on a massive scale.

11 (Clifford Decl., ¶ 5, Exhibit D.)

12 Yelp’s CEO and co-founder states, “It is my belief that a consumer is better served by
13 being exposed to the experiences of millions of other consumers rather than relying on more
14 traditional sources of consumer information, such as a telephone directory. As such, Yelp.com
15 serves as a consumer information website that helps consumers make more informed choices
16 about the businesses they patronize.” (Stoppelman Decl., ¶ 8.) The user-generated reviews on
17 Yelp.com, as opposed to reviews undertaken only periodically by paid professionals (such as
18 those that appear in traditional print media), provide a wealth of consumer information that
19 would not otherwise be readily available to the public. Additionally, the fact that businesses
20 have no way of knowing which of their customers will end up writing a Yelp review may
21 motivate business owners to provide a superior level of service across the board. This plays a
22 particularly important role for consumer protection where health and personal care services are
23 concerned. Since professional reviews of dentist offices and the like do not exist, customer
24 reviews are the primary means consumers have of informing themselves about what to expect
25 when selecting a new service provider. To this end, Yelp.com also features a forum where
26 people can ask for recommendations regarding good service providers, including dentists.

27 (Clifford Decl., ¶ 6, Exhibit E.)

28 The Yelp.com website indicates that it covers at least 23 major metropolitan areas in the
United States, including San Francisco. (Clifford Decl., ¶¶ 3-4, Exhibits B-C.) According to the
San Francisco Chronicle, “Founded in 2004 in San Francisco, Yelp . . . now reaches 11.5 million

1 people a month. More than 3 million reviews appear on the site.” (Clifford Decl., ¶ 7, Exhibit
2 F.) According to the New York Times, Yelp has become “one of the richest repositories of
3 local reviews on the Web.” (Clifford Decl., ¶ 8, Exhibit G, p. 2.) Since the Chronicle and New
4 York Times articles were published, Yelp.com use has continued to grow. Now, more than 17
5 million people visit Yelp.com every month and 4.5 million reviews have been posted by its
6 users. (Stoppelman Decl., ¶ 9.)

7 **C. The Review of Plaintiff on Yelp.com.**

8 On or about September 10, 2008, a reviewer using the screen name “TJ” posted a review
9 of plaintiff (the Post) that is the basis for this lawsuit, which read as follows:

10 1 star rating 09/10/2008

11 Let me first say I wish there is “0” star in Yelp rating. Avoid her like a disease!

12 My son went there for two years. She treated two cavities plus the usual cleaning. She
13 was fast, I mean really fast. I won’t necessarily say that is a bad thing, but my son was
14 light headed for several hours after the filling. So we decided to try another dentist after
15 half a year.

16 I wish I had gone there earlier. First, the new dentist discovered seven cavities. All right
17 all of those appeared during the last half year. Second, he would never use the laughing
18 gas on kids, which was the cause for my son’s dizziness. To apply laughing gas is the
19 easiest to the dentist. There is no waiting, no needles. But it is general anesthetic, not
20 local. And general anesthetic harms a kid’s nerve system. Heck, it harms mine too. Third,
21 the filling Yvonne Wong used is metallic silver color. The new dentist would only use the
22 newer, white color filling. Why does the color matter? Here is the part that made me
23 really, really angry. The color tells the material being used. The metallic filling, called
24 silver amalgame, has a small trace of mercury in it. The newer composite filling, while
25 costing the dentist more, does not. In addition, it uses a newer technology to embed
26 fluoride to clean the teeth for you.

27 I regret ever going to her office.

28 P.S. Just want to add one more thing. Dr. Chui, who shares the same office with Yvonne
Wong, is actually decent.

(Complaint, ¶ 8 and Exhibit A.) The above review has since been modified by “TJ.” It now
reads:

1 star rating 9/10/2008

Dr. Chui, who shares the same office with Dr Yvonne Wong, is very nice.

(Clifford Decl., ¶ 9, Exhibit H.)

1 **D. The Internet Is an Important Source for Consumer Information.**

2 According to the Pew Internet & American Life Project of the Graduate School of Library
3 and Information Science at the University of Illinois at Urbana-Champaign:

4 As more Americans use the internet for entertainment, for building personal relationships,
5 and as a tool for conducting business, online rating systems have become a significant
6 element of internet use. The Pew Internet & American Life Project has found that 26% of
7 adult internet users in the U.S., more than 33 million people, have rated a product,
8 service, or person using an online rating system. These systems, also referred to as
9 ‘reputation systems,’ are online applications that allow users to express their opinions and
10 read opinions posted by other participants. . . . At its best, the use of reputation systems
11 builds community, adds knowledge to groups, and elevates accountability of the
12 institutions and people who are being rated. Online reputation systems can enable people
13 in making decisions about which users to trust, or compare their opinions to others’.

14 (Clifford Decl., ¶ 10, Exhibit I, pages 1-2.) The Pew Project has also found that “as more and
15 more Americans come online, so too do more Americans rely on the internet for important health
16 information. . . . [A] December 2005 survey found that one in five (20%) online Americans said
17 the internet has greatly improved the way they get information about health care.” (Clifford
18 Decl., ¶ 11, Exhibit J, page 1.) The Pew Project has also reported that “The internet is a go-to
19 source. In general, more people turn to the internet (at home, work, libraries and other places)
20 than any other source of information and support, including experts and family members.”

21 (Clifford Decl., ¶ 12, Exhibit K, page 2 [iii].) The Project further reported that 46% of
22 Americans who dealt with health problems used the Internet to find information or assistance.
23 (Clifford Decl., ¶ 12, Exhibit K, page 8 [15].)

24 **E. The Complaint.**

25 Plaintiff filed her Complaint on December 11, 2008, alleging four causes of action. The
26 first cause of action, for “liable [sic] per se,” is against all defendants; the second cause of action
27 for intentional infliction of emotional distress is against defendants Jing and Ma, the third cause
28 of action for negligent infliction of emotional distress is against defendants Yelp! Inc. and Jing;
and the fourth cause of action for specific performance/injunctive relief is against all of the
defendants. All of plaintiff’s causes of action are based upon the Post. (Complaint, ¶¶ 5, 8-11,
15, 18.)

1 **II. PLAINTIFF’S CLAIM IS COVERED BY THE ANTI-SLAPP LAW.**

2 **A. The California Anti-SLAPP Law Was Enacted to Protect the Fundamental**
3 **Constitutional Rights of Petition and Speech and Is to Be Construed Broadly.**

4 SLAPPs have been defined as “civil lawsuits . . . aimed at preventing citizens from
5 exercising their political rights or punishing those who have done so.” (*Monterey Plaza Hotel v.*
6 *Hotel Employees & Restaurant Employees Local 483* (1999) 69 Cal.App.4th 1057, 1063.) In
7 1992, in response to the “disturbing increase” in meritless lawsuits brought “to chill the valid
8 exercise of the constitutional rights of freedom of speech and petition for the redress of
9 grievances,” the Legislature overwhelmingly enacted Code of Civil Procedure section 425.16,¹
10 California’s anti-SLAPP law. (Stats. 1992, ch. 726, § 2.) In 1997, the Legislature unanimously
11 amended the statute to expressly state that it “shall be construed broadly.” (Stats. 1997, ch. 271,
12 § 1; amending § 425.16(a).) Subdivision (a) of section 425.16 provides:

13 The Legislature finds and declares that there has been a disturbing increase in lawsuits
14 brought primarily to chill the valid exercise of the constitutional rights of freedom of
15 speech. The Legislature finds and declares that it is in the public interest to encourage
continued participation in matters of public significance, and this participation should not
be chilled through abuse of the judicial process. *To this end, this section shall be
construed broadly.*

16 (Emphasis added.)

17 In 1999, the California Supreme Court underscored this requirement of broad
18 construction, directing that courts, “whenever possible, should interpret the First Amendment
19 and section 425.16 in a manner ‘favorable to the exercise of freedom of speech, not to its
20 curtailment.’” (*Briggs v. Eden Council for Hope and Opportunity* (1999) 19 Cal.4th 1106, 1119,
21 quoting *Bradbury v. Superior Court* (1996) 49 Cal.App.4th 1170, 1176.)

22 **1. Section 425.16 Sets Forth a Two-Step Analysis.**

23 Section 425.16 sets forth a two-step process for evaluating a special motion to strike.
24 First, the defendants must make a prima facie showing that the plaintiff’s cause of action arises
25 from an act of the defendants in furtherance of the right of petition and/or the right of free speech
26 in connection with a public issue. (§ 425.16, subd. (b)(1); *Navellier v. Sletten* (2002) 29 Cal.4th
27

28 ¹ Statutory section references herein are to this Code, unless otherwise indicated.

1 82, 88; *Wilbanks v. Wolk* (2004) 121 Cal.App.4th 883, 894.) Once the defendants make this
2 showing, the burden shifts to the plaintiff to establish a probability of prevailing on her claims,
3 by establishing that “the complaint is both legally sufficient and supported by a sufficient prima
4 facie showing of facts to sustain a favorable judgment.” (*Wilson v. Parker, Covert & Chidester*
5 (2003) 28 Cal.4th 811, 821 [citations and internal punctuation omitted].) If the plaintiff does not
6 meet this burden, the defendants’ motion must be granted. (*Varian Medical Systems, Inc. v.*
7 *Delfino* (2005) 35 Cal.4th 180, 192.)

8 2. **The Scope of Acts Covered by Section 425.16.**

9 Subdivision (e) of the anti-SLAPP statute provides four illustrations of the types of acts
10 covered by the statute:

11 (1) any written or oral statement or writing made before a legislative, executive, or
12 judicial proceeding, or any other official proceeding authorized by law; (2) any written or
13 oral statement or writing made in connection with an issue under consideration or review
14 by a legislative, executive, or judicial body, or any other official proceeding authorized by
15 law; (3) any written or oral statement or writing made in a place open to the public or a
16 public forum in connection with an issue of public interest; (4) or any other conduct in
17 furtherance of the exercise of the constitutional right of petition or the constitutional right
18 of free speech in connection with a public issue or an issue of public interest.

19 **B. Plaintiff’s Claims Are Subject to Subdivisions (e)(3) of the Anti-SLAPP Law, 20 Because They Arise from Statements Made in a Public Forum Regarding 21 Issues of Public Interest.**

22 The Post, the subject of this lawsuit, is clearly a “writing made in a place open to the
23 public or a public forum in connection with . . . an issue of public interest. . . .”

24 (§ 425.16, subd. (e)(3).) Thus, plaintiff’s Complaint is subject to the anti-SLAPP law, pursuant
25 to subdivision (e)(3). Subdivision (e)(3)’s requirement that the defendants’ challenged activity
26 be “‘in connection with an issue of public interest’ . . . is to be ‘construed broadly’ so as to
27 encourage participation by all segments of our society in vigorous public debate related to issues
28 of public interest.” (*Seelig v. Infinity Broadcasting Corp.* (2002) 97 Cal.App.4th 798, 808.)

 The Complaint alleges: “On Yelp.com, as well as other sites, Defendants Jing and Ma
registered slanderous complaints against the plaintiff . . .” (Complaint, ¶ 5) and “Defendants Jing
and Ma had made several libelous statements on the website Yelp.com. . . .” (Complaint, ¶ 9.)
It also alleges: “Defendant Yelp.com [sic] re-published the libelous statements, and after

1 Plaintiff notified said defendant of her objections, it refused to retract the libelous entry.”
2 (*Ibid.*) And “Defendant Yelp.com re-published the slander . . .” (Complaint, ¶ 16). Additionally,
3 attached as Exhibit A to the Complaint is a post from the Yelp.com website. Internet message
4 boards and discussion groups are public fora. (*ComputerXpress v. Jackson* (2001) 93
5 Cal.App.4th 993, 1006-07; *Wilbanks v. Wolk, supra*, 121 Cal.App.4th at pp. 895-97.)

6 Here, defendant’s statements in the Post regarding plaintiff’s dental services and the
7 quality thereof, in a forum on Yelp.com, involve issues of public interest – the quality of dental
8 care and the use of amalgam fillings. This constitutes consumer protection information that is
9 protected by subdivision (e)(3). (See *Wilbanks v. Wolk, supra*, 121 Cal.App.4th at pp. 898-900
10 [“[The] statements were a warning not to use plaintiffs’ services. In the context of information
11 ostensibly provided to aid consumers choosing among brokers, the statements, therefore, were
12 directly connected to an issue of public concern,” even though the brokers’ business practices
13 “do not affect a large number of people. . .”].)

14 According to the National Women’s Health Information Center of the U.S. Department of
15 Health and Human Services, “Lacking healthy teeth and gums has an effect on how we look, but
16 it also affects the health of our bodies.” (Clifford Decl., ¶ 13, Exhibit L, page 1.) In its “Healthy
17 People 2010” report, the Centers for Disease Control states:

18 Oral health is an essential and integral component of health throughout life. No one can
19 be truly healthy unless he or she is free from the burden of oral and craniofacial diseases
20 and conditions. Millions of people in the United States experience dental caries,
21 periodontal diseases, and cleft lip and cleft palate, resulting in needless pain and
22 suffering; difficulty in speaking, chewing and swallowing; increased costs of care; loss of
23 self-esteem; decreased economic productivity through lost work and school days; and, in
24 extreme cases, death. . . . [¶] Poor oral health and untreated oral diseases can have a
25 significant impact on quality of life.

26 (Clifford Decl., ¶ 14, Exhibit M, page 1 [2 of 38] [footnotes omitted].)

27 The Centers for Disease Control also states that there are approximately 500 million visits
28 to dentists in the United States on an annual basis. (Clifford Decl., ¶ 15, Exhibit N, page 4.)
According to the United States Census Bureau, there were over 118,000 dental establishments in
the United States in 2002, bringing in revenues of \$71.1 billion. (Clifford Decl., ¶ 16, Exhibit
O.) Also according to the Census Bureau, in 2007, the dental profession brought in revenues of

1 \$87 billion. (Clifford Decl., ¶ 17, Exhibit P.) In 1995, there were 26,000 licensed dentists in the
2 State of California, according to the State Employment Development Department. (Clifford
3 Decl., ¶ 18, Exhibit Q.)

4 The California Legislature has expressed its intent that health professionals, including
5 dentists, should be supervised and regulated by the State to protect the public. “Protection of the
6 public shall be the highest priority for the Dental Board of California in exercising its licensing,
7 regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent
8 with other interests sought to be promoted, the protection of the public shall be paramount.”

9 (Business and Professions Code § 1601.2.) The State regulatory boards, including the Dental
10 Board, have been

11 established for the purpose of ensuring that those private businesses and professions
12 deemed to engage in activities which have the potential impact upon the public health,
13 safety and welfare are adequately regulated in order to protect the people of California.
14 [¶] To this end, they establish minimum qualifications and levels of competency and
15 license persons desiring to engage in the occupations they regulate upon determining that
such persons possess the requisite skills and qualifications necessary to provide safe and
effective services to the public. . . . They provide a means for redress of grievances by
investigating allegations of unprofessional conduct, incompetence, fraudulent action, or
unlawful activity brought to their attention by members of the public. . . .

16 (Business and Professions Code, § 101.6.) Thus, the Legislature has made clear that the quality
17 of care provided by dentists is of serious concern to Californians.

18 The American Dental Association’s top tip for finding a dentist is to “Ask family, friends
19 or co-workers for recommendations.” (Clifford Decl., ¶ 19, Exhibit R, page 2.) The Academy
20 of General Dentistry also advises people to “ask for recommendations. Family, friends,
21 neighbors or co-workers can be excellent sources, and can refer you to a dentist they feel
22 comfortable visiting.” (Clifford Decl., ¶ 20, Exhibit S.) WebMD gives the same advice.

23 (Clifford Decl., ¶ 21, Exhibit T.) In this regard, Yelp indicates that there are 11631 forum
24 listings on its site for dentists in the San Francisco area and 480 dentists in the Foster City area.
25 (Clifford Decl., ¶ 22, Exhibit U.)

26 The use of amalgam fillings containing mercury is also a topic of wide discussion on the
27 Internet. (Clifford Decl., ¶¶ 23-26, 29-32, Exhibits V-Y, AA-EE.) In an article on its website,
28 the United States Food and Drug Administration (“FDA”) acknowledges that the use of

1 amalgam fillings is the subject of much discussion. According to the FDA, “Dental amalgams
2 contain mercury, which may have neurotoxic effects on the nervous systems of developing
3 children and fetuses.” The FDA also provides information about alternatives to amalgam
4 fillings, indicating that it is currently reviewing its rules regarding labeling of amalgam fillings
5 and “evidence about safe use [of amalgam fillings].” The FDA states, “You may want to weigh
6 these advantages against the possibility that dental amalgam could pose a health risk, until
7 further information is conveyed through the rulemaking . . . or otherwise.” The FDA has also
8 requested public comment regarding the use of amalgam fillings and regulations related thereto.
9 (Clifford Decl., ¶ 23, Exhibit V.) According to ABC News, mercury is a major component of
10 amalgam fillings and is a known neurotoxin, and although studies have been done indicating the
11 use of such fillings is safe, others believe more studies should be done. ABC News also reports
12 that an estimated 70 million amalgam fillings are done in the United States each year, despite the
13 availability of alternative composite fillings. (Clifford Decl., ¶ 24, Exhibit W.) U.S. News &
14 World Report has reported similarly. (Clifford Decl., ¶ 25, Exhibit X.) According to the Times
15 of Trenton, the threat of amalgam fillings to the environment caused New Jersey to enact a
16 regulation requiring dentists to install special equipment to prevent mercury from amalgam
17 fillings from entering New Jersey’s water supply. (Clifford Decl., ¶ 26, Exhibit Y.)

18 A recent Google search for the term “oral health” returned over 4 million results.
19 (Clifford Decl., ¶ 27, Exhibit Z.) A recent Google search for the term “pediatric dentistry”
20 returned over 1 million results. (Clifford Decl., ¶ 28, Exhibit AA.) Searches for the terms
21 “mercury fillings” and “amalgam fillings” returned approximately 90,000 and 160,00 results
22 respectively. (Clifford Decl., ¶¶ 29-30, Exhibits BB and CC.)

23 Thus, it is clear that dental care, including the quality thereof and patients’ informed
24 access to it, and the use of amalgam fillings, are issues of widespread public interest. The
25 subject statements in the Yelp.com Post in a discussion about the quality of plaintiff’s services
26 relate to the quality of plaintiff’s services, as well as alternatives to amalgam fillings, and are
27 statements in connection with issues of public interest.

28 Statements of no greater public significance have been held to be protected under section

1 425.16. (*Seelig v. Infinity Broadcasting Corporation, supra*, 97 Cal.App.4th at pp. 807-8 [radio
2 “shock jock” commentary about plaintiff’s decision to appear on *Who Wants to Marry a*
3 *Multimillionaire?* television show was made in connection with an issue of public interest and is
4 covered under § 425.16]; *Ingels v. Westwood One Broadcasting Services, Inc.* (2005) 129
5 Cal.App.4th 1050, 1062-64 [interchange on radio call-in talk show regarding whether caller was
6 too old to participate in the show involves a matter of public interest and is covered by §
7 425.16]; *Dowling v. Zimmerman* (2001) 85 Cal.App.4th 1400, 1420, 406 [statement that
8 someone had entered the tenants’ locked garage and turned the dial of their water heater off was
9 protected under section 425.16 as conduct that “arguably involved public issues of nuisance and
10 safety,” even though it directly affected only two tenants]; see also *Dora v. Frontline Video*
11 (1993) 15 Cal.App.4th 536, 540-44 [documentary about Malibu surfers of the 1950’s involved a
12 matter of public interest (not a § 425.16 case)].) Therefore, defendant’s statements are covered
13 under subdivision (e)(3) of the anti-SLAPP law.

14
15 **III. PLAINTIFF CANNOT ESTABLISH A PROBABILITY OF PREVAILING ON**
16 **HER CLAIMS.**

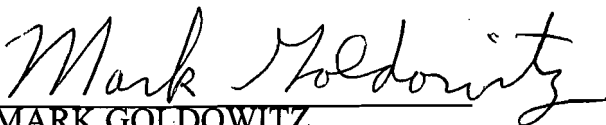
17 Once a defendant shows that a plaintiff’s Complaint arises from defendant’s speech
18 activity protected under section 425.16, as defendants have done here, the burden shifts to
19 plaintiff to establish a probability of prevailing on her claims, by establishing that “the complaint
20 is both legally sufficient and supported by a sufficient prima facie showing of facts to sustain a
21 favorable judgment.” (*Wilson v. Parker, Covert & Chidester, supra*, 28 Cal.4th at p. 821.)
22 Plaintiff must meet this burden with “competent, admissible evidence.” (*Ludwig v. Superior*
23 *Court* (1995) 37 Cal.App.4th 8, 15-16, 21 fn.16, 25.) Here, plaintiff will not be able to do so and
24 defendants’ special motion to strike the Complaint as a meritless SLAPP should be granted.

25 **CONCLUSION.**

26 The Yelp post at issue herein is speech that is protected under the anti-SLAPP law
27 because the comments contained therein are about matters of public interest and were made in a
28 forum open to the public. Further, plaintiff cannot establish a probability of prevailing on her

1 claims. Therefore, defendant's anti-SLAPP motion must be granted and the Complaint must be
2 dismissed with prejudice. Defendants also request that the Court find that they are entitled to an
3 award of attorneys' fees and costs pursuant to section 425.16, subdivision (c), in an amount to be
4 established by subsequent motion.

5
6 DATED: January 21, 2009


7 MARK GOLDOWITZ
8 CALIFORNIA ANTI-SLAPP PROJECT
Special Counsel for Defendants TAI JING, JIA MA,
and YELP! INC. (sued herein as YELP.COM)

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