

NATIONAL REGISTERED AGENTS, INC

SERVICE OF PROCESS SUMMARY TRANSMITTAL FORM

To: LAURENCE WILSON
YELP! INC.
140 NEW MONTGOMERY ST
9
SAN FRANCISCO, CA 94105-3705

SOP Transmittal # **526048907**

800-592-9023 - Telephone

Entity Served: YELP INC. (Domestic State: DELAWARE)

Enclosed herewith are legal documents received on behalf of the above captioned entity by National Registered Agents, Inc or its Affiliate in the State of DELAWARE on this 10 day of November, 2014. The following is a summary of the document(s) received:

1. **Title of Action:** Jeremy Wages and The Rhodes Team, Pltfs. vs. Lin L, Dft. // To: Yelp Inc.
2. **Document(s) Served:** Other: SUBPOENA DUCES TECUM/EXHIBIT(S)/PROOF OF SERVICE/REPLY ENVELOPE/ORIGINAL PETITION/ATTACHMENT/LETTER
3. **Court of Jurisdiction/Case Number:** 219th Judicial District Court, Collin County, Texas, TX
Case # 219044832014
4. **Amount Claimed, if any:** N/A
5. **Method of Service:**
 Personally served by: Process Server Deputy Sheriff U. S Marshall
 Delivered Via: Certified Mail Regular Mail Facsimile
 Other (Explain):
6. **Date of Receipt:** 11/10/2014
7. **Appearance/Answer Date:** On or before 12/04/2014 (Document(s) may contain additional answer dates)
8. **Received From:** Robert D. Wilson
Law Office of Robert D. Wilson
18111 Preston Road, Suite 150
Dallas, TX 75252
214-637-8866
9. **Federal Express Airbill #** 771815551870
10. **Call Made to:** Not required
11. **Special Comments:**
SOP Papers with Transmittal, via Fed Ex 2 Day
Image SOP
Email Notification, LAURA MEES LCMEES@YELP.COM
Email Notification, LAURENCE WILSON LWILSON@YELP.COM

NATIONAL REGISTERED AGENTS, INC

CopiesTo:

Transmitted by Amy McLaren

The information contained in this Summary Transmittal Form is provided by National Registered Agents, Inc for informational purposes only and should not be considered a legal opinion. It is the responsibility of the parties receiving this form to review the legal documents forwarded and to take appropriate action.

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ZIP 75252
041L13813231

The Law Offices of
Robert D. Wilson, P.C.

18111 Preston Road
Suite 150 – Preston One
Dallas, Texas 75252

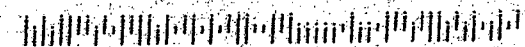
To:

YELP Inc.

c/o NATIONAL REGISTERED AGENTS, INC.

160 Greentree Dr. STE 101

Dover, DE 19904



CAUSE NO. 219-04483-2014

PLAINTIFF: § IN THE DISTRICT COURT
JEREMY WAGES and
THE RHODES TEAM

VS. § 219th JUDICIAL DISTRICT

DEFENDANT: § COLLIN COUNTY, TEXAS
LIN L

To: YELP INC.
Through their Registered Agent
NATIONAL REGISTERED AGENTS, INC.
160 Greentree Dr. STE 101
Dover, Delaware 19904

by and through its Custodian of Records.

YOU ARE HEREBY COMMANDED TO PRODUCE all records and documents in your possession, custody and control pertaining to LIN L, including but not limited to:

FULL DISCLOSURE of "Lin L" review on the link of:

<http://www.yelp.com/biz/the-rhodes-team-flower-mound>

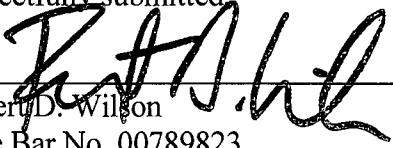
Completed and returned (via email preferred) to the undersigned **on or before December 4, 2014, 2014.**

HEREIN FAIL NOT, and make due return hereof, showing how you have executed the same.

WITNESS my official signature, at Collin County, Texas, this the 7th day of November, 2014.

Respectfully submitted

By:


Robert D. Wilson
State Bar No. 00789823
Law Office of Robert D. Wilson
A Professional Corporation
18111 Preston Road Suite 150
Dallas, Texas 75252
(214) 637-8866 Telephone
(214) 637-2702 Facsimile

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of November 2014, in compliance with the Texas Rules of Civil Procedure, a true and correct copy of the foregoing document has been forwarded to all of attorneys of record.

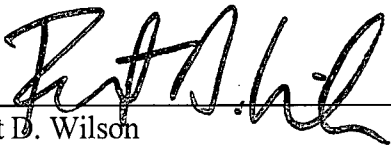

Robert D. Wilson
Attorney for Movant

Exhibit "A"

1. Have you been served with a subpoena duces tecum for the production of all records and other documents relating to **LIN L**?

ANSWER:

2. Do you understand the subpoena requests all the records and documents in your possession pertaining to **LIN L**, to include documents or statements of any kind, including but not limited to: **Any party in this lawsuit**
TIME PERIOD: INCEPTION OF THE POST ON YELP.COM FROM JUNE 3, 2013 UNTIL PRESENT received by or made by your office.

ANSWER:

3. Do the records you tendered include documents or statements of any kind received from any other outside source, correspondence not prepared by your company?

ANSWER:

Have you tendered all documents as requested in the preceding question including but not limited to:

- a. full name, gender, birth date and email address of LIN L
- b. if LIN L purchased anything through the YELP website, they must provide credit card information, which YELP will store
- d. YELP track of LIN L each location and stores the user's activities
- e. YELP information about LIN L use of Facebook or Twitter

of **LIN L**? If not, then please explain which records are not included and the reason why they are not included.

ANSWER:

4. Has your office or a representative of the office made or caused to be made any memorandum, report, or data compilation, in any form relating to **LIN L**?

ANSWER:

5. Are you the custodian of records of YELP?

ANSWER:

6. Please hand exact duplicates of the records pertaining to **LIN L** or the originals thereof for photocopying to the Notary Public. Have you done as requested? If not, why?

ANSWER:

Witness (Custodian of Records)

CERTIFICATE OF SERVICE

BEFORE ME, the undersigned notary public, on this day personally appeared _____, Custodian of Records for **YELP INC.**, known to me to be the person whose name is subscribed to the foregoing instruments in the capacity therein stated and being duly sworn, acknowledged to me that the answers to the foregoing questions are true as stated. I further certify that the records attached hereto are exact duplicates of the original records.

SWORN TO and SUBSCRIBED before me by _____ this the _____ day of _____ 2014, to certify which witness my hand and seal of office.

Notary Public

My Commission Expires:

PROOF OF SERVICE

I, the Custodian of Records/Registered Agent for **YELP INC.**, certify that on _____, 2014 I was served with the attached subpoena and that I agree to comply with its terms as required.

DATED: _____

Received by: _____

I, _____, certify I am over the age of eighteen years and not a party to the above referenced action. I certify that a true and correct copy of the attached subpoena was served on _____, by _____ on November _____, 2014 at _____ .m. I further certify that all witness fees required by law were tendered at the time of service.

Dated: _____

Served by: _____

Law Offices of
ROBERT D. WILSON
A Professional Corporation
18111 Preston Road
Suite 150 ♦ Preston One
Dallas, Texas 75252

LAW OFFICES OF ROBERT D. WILSON PC
18111 PRESTON RD., STE. 150
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ZIP 75252
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CAUSE NO. 219-04483-2014

PLAINTIFF:
JEREMY WAGES and
THE RHODES TEAM

§ IN THE DISTRICT COURT

VS.

§ 219th JUDICIAL DISTRICT

DEFENDANT:
LIN L

§ COLLIN COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, JEREMY WAGES and THE RHODES TEAM (hereinafter "Plaintiffs"), complaining of LIN L (hereinafter "Defendant") and for cause of action would respectfully show the Court as follows:

I.

THE PARTIES

1. JEREMY WAGES, Plaintiff, is an individual residing in Collin County Dallas, Texas.
2. THE RHODES TEAM is a professional real estate company located in Collin county and licensed to do business in the State of Texas.
3. LIN L, Defendant, is an unknown individual or entity whose whereabouts are unknown. Defendant has falsely represented themselves to the public as customers of Jeremy Wages and the The Rhodes Team through a website known as www.yelp.com.

4. Yelp! Inc. ("Yelp") is a Delaware corporation with its principal place of business in California. Yelp operates www.yelp.com, a social networking, user review and local search web site, with approximately 80 million unique visitors

II.

VENUE

4. Venue is proper in Collin County, Texas pursuant to TEXAS CIVIL PRACTICE AND REMEDIES CODE ANN.

III.

NATURE OF THE CASE

5. YELP allows any person with internet access to www.yelp.com as "the user" to view and file reports of alleged consumers regarding their experience with a particular business. That report filed by the user is then disseminated to all internet users who access the YELP website and search for information about that particular business.

6. As of November 1, 2014, YELP maintained one file that relates to Plaintiffs WAGES and THE RHODES TEAM on www.yelp.com. Filed June 6, 2013. A true and correct copy of the search for WAGES and THE RHODES TEAM is attached as **Exhibit**

A.

6. Plaintiffs WAGES and THE RHODES TEAM advised YELP that LIN L was fictitious and the post should be removed. **Exhibit B**

7. YELP has refused to remove the post or provide the identity of LIN L.

8. Plaintiffs WAGES and THE RHODES TEAM has completed an independent investigation to attempt to match the negative review of LIN L with clients in their

database. NO SUCH RECORD EXISTS and the negative review was never a client of Plaintiffs WAGES and THE RHODES TEAM.

9. YELP's privacy policy states that ALL users must submit the following:
 - a. full name, gender, birth date and email address
 - b. the user's reviews will appear to the public
 - c. if users purchase anything through the YELP website, they must provide credit card information, which YELP will store
 - d. YELP track's each user's location and stores the user's activities
 - e. YELP will place tracking devices known as "cookies" on a user's computers
 - f. YELP will collect information about a users use of Facebook or Twitter
 - g. YELP will retain user information for 5 years
 - h. YELP will provide user data to comply with legal process served on YELP
10. The negative review of Plaintiffs WAGES and THE RHODES TEAM are false and defamatory. LIN L states" I would never use the Rhodes team again", "Jeremy Wages is deceitful and money greedy sales agent", "He failed to represent us as clients, never explained our contracts to us", "we lost so much and he sold our home in two weeks because our home was extremely underpriced" and "we had the worst experience and would not want anyone else to go through the same."
11. Not only were Plaintiffs WAGES and THE RHODES TEAM unable to find ANY evidence of a client known as "LIN L" but the review is a fraud.

IV.

COUNT 1 DEFAMATION

12. Upon information and belief, Lin L has falsely represented himself or herself as a client of Plaintiffs WAGES and THE RHODES TEAM in order to write a negative review on www.yelp.com.

- a. The negative review was published by YELP
- b. The negative review was shown to the general public
- c. The negative review is NOT an opinion because defendant LIN L misrepresented himself or herself as a client of Plaintiffs, when in fact, they were not. Moreover, they represented that they received poor service, when in fact, they NEVER received any.
- d. The defendant Lin L's made the statement knowingly and knowingly false
- e. The negative review proximately caused damages to Plaintiffs WAGES and THE RHODES TEAM

COUNT II CIVIL CONSPIRACY

13. Upon information and belief, Lin L has conspired with two or more persons by falsely represented himself or herself as a client of Plaintiffs WAGES and THE RHODES TEAM in order to write a negative review on www.yelp.com.

- a. The defendant Lin L was a member of a combination of 2 or more persons
- b. The objective of the combination of persons was to publish false negative reviews on YELP
- b. The negative review was shown to the general public
- c. The persons committed an unlawful, overt act to further negative reviews against Plaintiffs

COUNT III EXEMPLARY DAMAGES

14. In the underlying cause of action as set forth in paragraphs 5-13, defendant LIN L's actions of hatred and ill-will toward the Plaintiffs WAGES and THE RHODES TEAM with a desire to oppress the Plaintiffs and their business was done intentionally and recklessly to harm Plaintiffs.

V.

15. As a result of Defendants' conduct, Plaintiffs were forced to employ the services of Robert D. Wilson, a licensed Texas attorney, to protect their interests in this matter. Plaintiff is, therefore, entitled to recover attorney's fees, including all costs of appeal.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs prays that the Defendant be cited to appear and answer and that, on final trial, Plaintiff have:

1. judgment against the Defendant and or others as alleged, jointly and severally, for the sum in excess of the jurisdictional limits of the Court;
2. exemplary damages against Defendant and or others;
3. interest before and after judgment at the highest legal rate until paid;
4. reasonable attorney's fee;
5. costs of suit; and
6. such other and further relief to which Plaintiffs may be justly entitled.

Respectfully submitted,

By /s/ Robert D. Wilson

Robert D. Wilson
State Bar No. 00789823
LAW OFFICES OF ROBERT D. WILSON, PC
18111 Preston Road
Suite 150
Dallas, Texas 75252
(214)637-8866
(214)637-2702 Facsimile
rwilson@wilsonlawtexas.com
Attorneys for PLAINTIFFS



Lin L.
Dallas, TX
0 friends
1 review

     6/3/2013

I would never use the Rhodes team again. Jeremy Wages is by far the worst deceitful and money greedy sales agent you would ever deal with. He failed to represent us as clients, never explained our contracts to us and not once did he ever ask us what we wanted to keep or take in our home. We lost so much and he sold our home in two weeks because our house was extremely under priced. He was more concerned with making money than taking our needs into consideration. They don't work for you. They are just in it for the money and getting the highest number of sales. As long as they get their cut that's all that matters. He does not update you with information and is terrible at keeping in touch. You have to hunt him down and make the effort to call him if you want any information. We had the worst experience and would not want anyone else to go through the same. It's just not worth it. His sales pitch is bogus because he will sell your home for way less than what you purchased it for.

Was this review ...?

 Useful 5

 Funny 1

 Cool 1



Law offices of
ROBERT D. WILSON
A Professional Corporation
18111 Preston Road
Suite 150
Dallas, Texas 75252
Telephone (214) 637-8866
Facsimile (214) 637-2702
Email: rwilson@wilsonlawtexas.com

August 15, 2014

Consumer Reviews Attorney
YELP
706 Mission Street
San Francisco, CA 94103

Sent Certified & US Mail
Phone no. (415)908-3801

Re: ***Our Client:*** *Jeremy Wages d/b/a Russell Rhodes Team
Keller Williams Realty*
FALSE ID Report: *"Lin L"*
Demand for ID: *Lin L*
Demand for Removal: *False review, fraudulent ID*

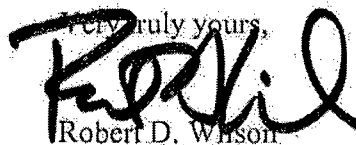
Dear Ladies & Gentlemen:

Our firm has been retained by the above client to seek enforcement of their lawful remedies for the FULL DISCLOSURE of "Lin L" review on the link of:

<http://www.yelp.com/biz/the-rhodes-team-flower-mound>

This "review" by "Lin L" on your site is "false, never occurred, nor was Lin L EVER a client of the Rhodes Team Keller Williams. Demand is made IMMEDIATELY to remove this review AND DISCLOSE THE FULL IDENTITY of this individual as is my clients' legal right in recent cases against your company."

Your failure to comply with the above request within (14) days of this letter will force me to file a civil lawsuit, recover similar damages against your company as in past lawsuits related to this same issue AND recover attorneys fees and court costs. I am hopeful this will not be necessary and you will comply in good faith. Please direct all future correspondence to the address and phone number above. Should you have any questions or comments please do not hesitate to contact me.

Sincerely yours,

Robert D. Wilson

RDW/mm

cc: Client copy via email