

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

MIKE WILEY  
183 AQUEDUCT RD.  
CRANSTON, R.I. 02910

Complaint for a Civil Case

Case No. **CA 16-412**

**-against-**

YELP! INC.  
140 NEW MONTGOMERY  
SAN FRANCISCO, CA 94105

Jury Trial:  Yes  No

**I. The Parties to This Complaint**

**A. The Plaintiff(s)**

Name Mike Wiley  
Street Address 183 Aqueduct Rd.  
City and County Cranston – Providence County  
State and Zip Code Rhode Island 02910  
Telephone Number 401-490-0130 cell 702-877-9733  
E-mail Address mwiley@wileyinfonet.com

**B. The Defendant(s)**

Name YELP! INC.  
Employee Lawrence Wilson – General Counsel  
Street Address 140 New Montgomery St. 9<sup>th</sup> Floor  
City and County San Francisco, San Francisco County  
State and Zip Code CA 94105  
Telephone Number 415-908-3801  
Agent for Service of Process – National Registered Agents, Inc.  
Agent Address - 818 W. Seventh St. Ste 930  
Agent City, State, Zip: - Los Angeles, Ca 90017

**II. Basis for Jurisdiction**

What is the basis for federal court jurisdiction?

- Federal question  Diversity of citizenship

**If the Basis for Jurisdiction Is Diversity of Citizenship**

1. The Plaintiff

The plaintiff is an individual named Mike Wiley, who is a citizen of the State of Rhode Island and was formerly a citizen of the State of Nevada.

2. The Defendant

The Defendant, YELP! Inc., is incorporated under the laws of the State of Delaware, and has its principal place of business in the State of California.

3. The Amount in Controversy

The amount in controversy is more than \$75,000, not counting interest and costs of court, because:

Defendant employs a Deceptive Business Practice to intentionally harm those who accept the Defendant's offer to use their web service and entered into a business/customer contractual agreement where YELP! is expected to perform at its best efforts to help generate traffic and revenues for their web client.

**III. Statement of Claim**

On June 24, 2014, Jessica Cooper an employee or agent of YELP Inc. contacted our company via e-mail to inform us as to how much business we were getting from the Yelp webpage of the Business I had purchased.

Over a period of thirty days we discussed via e-mail and telephone potential advertising programs that Jessica Cooper of Yelp recommended, I purchase.

On July 30, 2014, when I gave her my decision over the phone not to change anything to what we were doing, she went into a huff and became unfriendly. Her next comment to me is what triggered in my mind the belief that she was trained to evaluate a form of

punishment to the client should they choose not to purchase advertising. Her immediate response was, "Well we have to do something" She stated that she was going to remove my Euro-Asian Motor web Page, which had six years of accumulated reviews.

We had been experiencing some \$8,000 to \$10,000 a month in Yelp repair revenues. As a BMW-Mercedes Repair Shop, that equates to an average of nine to ten customers a month.

Since the phone number on the web page rang to our business things were working just fine, even after we had changed operating locations. We had established a new Business Name called "At Your Service Auto Center" to widen the customer base and begin performing fleet service, that Euro-Asian Motors did not provide.

I asked her why she would suggest such a harmful action since it did not make any sense. She put me on hold to talk to a supervisor and when she returned she stated that they "Had to do something". Her next comment was that they would place a link at the top of the Euro-Asian webpage which would cause those on mobile phones to by-pass the ability to see the reviews and go directly to the New Business Webpage that had no reviews.

This action also made no sense because it would render six years of customer reviews unattainable for the potential phone customer to see and react to, but she was adamant about having to do something to punish us. This threat was designed to get me to change my mind and commit to an advertising program.

Within the next three days the link was placed on the Euro-Asian Page and our business dropped \$6,000 in the month of August and September of 2014, within two more months I had to shut the doors. The business was generating close to \$20,000 a month in revenue or approx. \$250,000/yr. One phone call from Yelp put me out of business.

At the age of 62 and still partially disabled from the recovery of open heart surgery for a Massive Aortic Aneurism, that I survived, I had no other method of income and was forced to sign up for Social Security three years early of normal retirement costing me approx.. \$1,000 a month in earned Social Security benefits. This alone cost me \$12,000 a year for a projected life span of twenty some odd years or \$240,000.

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**IV. Relief**

I had started this business with the hope of seeing it run for at least five years and then sell the business to retire. Due to Yelp's harm and totally dishonest deceptive business practices, I lost over \$1,500,000 in revenues when forecasting a nominal increase in business as would be appropriate to gage. Summary of trebled compensatory damages are:

- My personal five year loss of business proceeds is about \$500,000, trebled is \$1.5 million.
- The direct loss in business income for the four months of remaining operation in 2014 was \$32,323, trebled at \$96,969
- The loss of personal income from the closing of the business for the year of 2014 was \$41,432 as reported on my 2014 tax return. This trebled is \$124,926.
- The loss in the monthly income from Social Security of about \$1,000 a month over twenty years is \$240,000, trebled to \$720,000.

Considering that YELP has been accused so many times for committing harm to customers in one form or another who have spurned advertising sales pitches, I believe that their intent to harm me comes with a punitive damage of \$5 million.

**V. Certification and Closing**

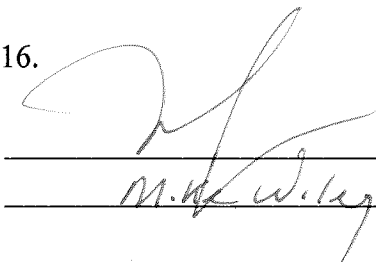
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.**

Date of signing: July 21, 2016.

Signature of Plaintiff

Printed Name of Plaintiff

  
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M. W. Wiley