

CANADA

PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL

(Class Action Division)  
SUPERIOR COURT

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No.: 500-06-001066-204

TRACY PATTERSON

*Plaintiff*

v.

TICKETMASTER CANADA HOLDINGS  
ULC

-and-

TICKETMASTER CANADA ULC

-and-

TICKETMASTER CANADA LP

-and-

TICKETMASTER LLC

-and-

LIVE NATION CANADA INC.

-and-

LIVE NATION ENTERTAINMENT INC.

-and-

LIVE NATION WORLDWIDE INC.

*Defendants*

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**APPLICATION FOR APPROVAL OF NOTICES TO CLASS MEMBERS OF A CLASS  
ACTION AUTHORIZATION AND OF A SETTLEMENT APPROVAL HEARING, AND  
TO APPOINT A SETTLEMENT ADMINISTRATOR**  
(Articles 101, 576, 579, 580 and 590 C.C.P.)

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**TO THE HONOURABLE JUSTICE PIERRE NOLLET OF THE SUPERIOR COURT OF  
QUÉBEC, DISTRICT OF MONTRÉAL, DESIGNATED TO PRESIDE OVER THE  
PRESENT CLASS ACTION, THE PLAINTIFF RESPECTFULLY SUBMITS THE  
FOLLOWING:**

**I. NATURE OF THE APPLICATION**

1. On March 8, 2023, before the publication of the notices of class action authorization, Plaintiff entered into a settlement with Defendants (hereinafter collectively

“**Ticketmaster**”) regarding the Settlement Class<sup>1</sup>, as appears more fully from a copy of the Settlement Agreement, including its schedules, (the “**Settlement Agreement**”) and French translation, communicated herewith as **Exhibit R-1**.

2. Pursuant to paragraph 6 of the Settlement Agreement, the purpose of this application (the “**Application**”, or the “**Pre-Approval Application**”) is to ask this Honourable Court to:
  - a) establish how Class Members wishing to be excluded from the Class Action may opt out of the Class Action;
  - b) approve the form and means by which the Pre-Approval Notice will be disseminated, in accordance with the Settlement Agreement;
  - c) appoint the Settlement Administrator;
  - d) order the Defendants to provide to the Settlement Administrator personal information regarding the Notification Class Members and the Settlement Class Members as is necessary to implement the Settlement Agreement;
  - e) approve the procedure and deadline for commenting on or raising an objection to this Settlement pursuant to paragraph 24 of the Settlement Agreement; and
  - f) set the date of the hearing on the Settlement Approval Application.

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<sup>1</sup> Except to the extent they are modified by this Application, the definitions set out in the Settlement Agreement apply and are incorporated herein

## II. BACKGROUND

3. On July 10, 2020, Plaintiff filed its *Amended Application for Authorization to Institute a Class Action* against multiple defendants, including Ticketmaster, before the Superior Court of Québec, District of Montréal, on behalf of the following proposed class:

All persons in Canada, who purchased before March 11, 2020 one or more tickets from one of the Defendants for an event scheduled to take place after March 11, 2020, which event was subsequently either postponed, rescheduled or cancelled, without a full refund being timely provided by Defendants, or any other Group(s) or Sub-Group(s) to be determined by the Court;

4. The Class Action deals with the refunds by multiple primary and secondary market event ticket providers to consumers after the Covid-19 pandemic was declared in March 2020, regarding events which were either cancelled, rescheduled or postponed due to the Covid-19 restrictions.
5. The Class Action against all other defendants has since been settled, as appears from the Court record.
6. On May 31, 2022, the Superior Court of Québec authorized the bringing of the class action seeking compensation on behalf of the following class of persons:

All persons present on the territory of Québec at the time of purchase of a ticket (regardless of the location where the event is to take place) between May 12, 2017, and March 11, 2020, for an event to take place on March 11, 2020, or after this date, subsequently postponed, rescheduled or cancelled, without a full refund to said persons within 15 days of the request for refund.<sup>2</sup>

7. After long arms-length negotiations, the Parties agreed to fully settle the Class Action as concerning the Settlement Class, as appears from the Settlement Agreement.

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<sup>2</sup> See [Patterson v. Ticketmaster Canada Holdings](#), 2021 QCCS 4866.

#### A. OPTING OUT OF THE CLASS ACTION AND OBJECTIONS

8. The Parties have agreed that the Opt Out Period shall be thirty (30) days from the date of the Pre-Approval Notice (para. 1 [s] of the Settlement Agreement).
9. The Settlement Agreement provides, at paragraphs 15-20 and 24, the procedure for Settlement Class Members to opt out of the Class Action and/or object to the Settlement Agreement.
10. The Settlement Agreement and its schedules further provide that any Class Member who wishes to opt out of the Class Action or not be bound by the terms of the Settlement Agreement must do so by sending a duly completed Opt Out Form to the clerk of the Superior Court, so that it is received during the Opt Out Period. The Opt Out Form is attached to the Settlement Agreement as Schedule A, in both French and English, and is communicated herewith as **Exhibit R-2** to this Application.
11. The Settlement Agreement provides that Class Members who wish to comment or object to the Settlement Agreement are required to inform Class Counsel in writing of the grounds for their objection or their comments at least fifteen (15) days before the hearing on the Settlement Approval Application, by communicating a document containing the required information detailed at paragraph 24 of the Settlement Agreement.

#### B. PRE-APPROVAL NOTICE

12. The Parties herein have agreed on the form, content and dissemination plan of the Pre-Approval Notices (see paras. 11-14 of the Settlement Agreement). Said Pre-Approval Notices will advise Class Members of the Court's authorization of the Class Action, the basic terms of the Settlement Agreement and their right to participate in the hearing on the Settlement Approval Application. The Pre-Approval Notice is attached to the Settlement Agreement as Schedule B, in both French and English, and is communicated herewith as **Exhibit R-3** to this Application.

13. The Parties have identified that the proper Notification Class should be comprised of all persons who purchased one or more Tickets to an Event during the Class Period, and who either (i) used a billing address in the Province of Québec, or (ii) purchased a Ticket to an Event to be held in the Province of Québec (para. 1 [q] of the Settlement Agreement).
14. The Parties have agreed to the publication and the dissemination of the Pre-Approval Notice (para. 11 of the Settlement Agreement) as follows:
- a) the Settlement Administrator will deliver a bilingual email (French and English) containing a link to the Pre-Approval Notice to every Notification Class Member, using the email address that each such person used for their most recent transaction (as well as to potential Notification Class Members having previously contacted Class Counsel and as communicated to the Settlement Administrator). With respect to Settlement Class Members only, should the Settlement Administrator receive a bounce-back to the email sent (email returned as unsent or undeliverable), the Settlement Administrator will mail the Pre-Approval Notice (in both French and English) to the last postal address associated with the Settlement Class Members' account, which postal address shall be provided to the Settlement Administrator by the Defendants (if in their possession), or to the postal address provided by Class Counsel where applicable;
  - b) the Settlement Administrator will post the Authorization Judgment, the Settlement Agreement, the Pre-Approval Order(s), and the French and

English versions of the Pre-Approval Notice on the Settlement Website. Such Settlement Website will be created in both English and French by the Settlement Administrator, will display content agreed upon by Class Counsel and the Defendants, and will be maintained for a period of thirty (30) days following the filing of the Settlement Administrator's final report (para. 42 of the Settlement Agreement);

- c) Class Counsel will post the Settlement Agreement, the Pre-Approval Order(s), and the French and English versions of the Pre-Approval Notice for a period of at least sixty (60) days following Pre-Approval Order, on its firm website;
- d) Class Counsel will post the Settlement Agreement and the French and English versions of the Pre-Approval Notice on the class action registry of the Superior Court of Québec.

### **C. THE SETTLEMENT ADMINISTRATOR**

- 15. The Parties herein seek the appointment of Velvet Payments Inc. ("**Velvet**") to serve as Settlement Administrator.
- 16. The Settlement Agreement (para. 1 [y]) stipulates that the Parties agree that Velvet shall serve as Settlement Administrator, subject to approval by the Court, and that Ticketmaster will pay the costs of notice and administration regardless of whether the Settlement Agreement is ultimately approved.
- 17. The Parties' attorneys are aware of the resources and abilities of Velvet generally.

18. Velvet has also served as notice and/or claims administrator in the context of other consumer protection class actions in Québec, including cases involving event ticketing companies, such as in the case *Abihsira v. Ticketmaster Canada LP, et al.* (500-06-001153-218), and in the present matter regarding the settlements reached with the other defendants.
19. The Parties recommend to the Court that Velvet be appointed as Settlement Administrator.

<b>POUR CES MOTIFS, PLAISE AU TRIBUNAL DE:</b>	<b>FOR THESE REASONS, MAY IT PLEASE THE COURT TO:</b>
<b>ACCUEILLIR</b> la <i>Demande pour obtenir l'approbation des Avis préalables à l'approbation aux Membres du Groupe quant à l'autorisation de l'Action Collective et de l'audition pour approuver le Règlement, et pour nommer un Administrateur du Règlement;</i>	<b>GRANT</b> the <i>Application for Approval of the Notices to Class Members of a Class Action Authorization and of a Settlement Approval Hearing, and to Appoint a Settlement Administrator;</i>
<b>DÉCLARER</b> qu'aux fins du présent jugement, les définitions énoncées dans l'Entente de règlement s'appliquent et sont intégrées au présent jugement;	<b>DECLARE</b> that for the purposes of the present judgment, the definitions in the Settlement Agreement apply and are integrated in the present judgment;
<b>ORDONNER</b> que le présent jugement sera déclaré nul et sans effet si l'Entente de règlement est résiliée conformément à ses dispositions ou n'est pas approuvée par le Tribunal;	<b>ORDER</b> that the present judgment be declared null and without effect if the Settlement Agreement is terminated pursuant to its provisions or it is not approved by the Court;
<b>APPROUVER</b> la forme, le contenu et le mode de publication de l'Avis préalable à l'approbation (pièce R-3), dans sa version française et anglaise;	<b>APPROVE</b> the form, content and mode of dissemination of the Pre-Approval Notice (Exhibit R-3), in its French and English version;
<b>DÉSIGNER</b> Velvet Payments inc. à titre d'Administrateur du règlement afin de s'acquitter des tâches qui lui incombent en vertu du présent jugement et de l'Entente de règlement;	<b>APPOINT</b> Velvet Payments Inc. as the Settlement Administrator for the purposes of accomplishing the tasks that devolve to it pursuant to the present judgement and the Settlement Agreement;

<p><b>ORDONNER</b> aux Parties et l'Administrateur du Règlement de diffuser l'Avis préalable à l'approbation (pièce R-3) conformément au plan de publication prévu au par. 11 de l'Entente de règlement, dans les vingt-et-un (21) jours suivant le jugement qui sera rendu par les présentes;</p>	<p><b>ORDER</b> the Parties and the Settlement Administrator to disseminate the Pre-Approval Notice (Exhibit R-3) pursuant to the publication plan provided for at para. 11 of the Settlement Agreement, within twenty-one (21) days of the judgment to be rendered herein;</p>
<p><b>ORDONNER</b> à l'Administrateur du Règlement de faire rapport écrit, au moins une semaine avant la tenue de l'audience sur la Demande d'approbation du Règlement de l'exécution du plan de publication;</p>	<p><b>ORDER</b> that the Settlement Administrator file, at least one week before the hearing on the Settlement Approval Application, a written report of having performed the publication plan;</p>
<p><b>ORDONNER</b> que les Défenderesses divulguent à l'Administrateur du Règlement la liste des Membres du Groupe de l'avis que les Défenderesses détiennent, ainsi que leur dernière adresse de courriel connue, afin de :</p> <p>(a) faciliter la distribution des avis approuvés par le Tribunal aux Membres du Groupe de l'avis les informant du présent jugement ainsi que de la date et des informations relatives à la Demande d'approbation du Règlement ; et</p> <p>(b) faciliter l'éventuel processus de distribution découlant de tout jugement ultérieur approuvant l'Entente de règlement.</p>	<p><b>ORDER</b> that the Defendants disclose to the Settlement Administrator the list of Notification Class Members that the Defendants hold, as well as their last known email address, in order to:</p> <p>(a) facilitate the distribution of Court-approved notices to Notification Class Members advising them of this Judgment and the date and information relating to the Settlement Approval Application; and</p> <p>(b) facilitate the process for the eventual distribution arising from any later judgment approving the Settlement Agreement.</p>
<p><b>ORDONNER</b> à l'Administrateur du Règlement de maintenir la confidentialité des informations fournies conformément au présent jugement et ne pas les partager avec toute autre personne, sauf si cela est strictement nécessaire pour exécuter le plan de publication des avis et/ou faciliter le processus de distribution conformément à l'Entente de règlement;</p>	<p><b>ORDER</b> that the Settlement Administrator shall maintain confidentiality over and shall not share the information provided pursuant to this judgment with any other person, unless doing so is strictly necessary for executing the notice plan and/or facilitating the distribution process in accordance with the Settlement Agreement;</p>
<p><b>ORDONNER</b> que l'Administrateur du Règlement utilisera les informations qui lui sont fournies, en vertu du présent jugement,</p>	<p><b>ORDER</b> that the Settlement Administrator use the information provided to it, pursuant to this judgment, for the sole purpose of</p>



<p>dans le seul but d'exécuter le plan de publication des avis et de faciliter le processus de distribution conformément à l'Entente de règlement, et à aucune autre fin;</p>	<p>executing the notice plan and facilitating the distribution process in accordance with the Settlement Agreement, and for no other purpose;</p>
<p><b>ORDONNER</b> à l'Administrateur du Règlement de reproduire intégralement sur le Site Internet du Règlement l'Entente de règlement dans sa version originale anglaise et sa traduction officielle en français;</p>	<p><b>ORDER</b> that the Settlement Administrator publish at length on the Settlement Website the official English version of the Settlement Agreement and its unofficial French translation;</p>
<p><b>ORDONNER ET DÉCLARER</b> que le présent jugement constitue un jugement contraignant la production des informations par les Défenderesses au sens des lois applicables en matière de vie privée;</p>	<p><b>ORDER AND DECLARE</b> that this judgment constitutes a judgment compelling the production of the information by the Defendants within the meaning of applicable privacy laws;</p>
<p><b>DÉCLARER</b> que toute personne qui souhaite entreprendre une action ou une procédure contre l'Administrateur du Règlement ou l'un de ses employés, agents, partenaires, associés, représentants, successeurs ou ayants droit, en lien avec l'Entente de règlement, son administration, ou la mise en exécution du présent jugement, ne peut le faire qu'avec l'autorisation du Tribunal;</p>	<p><b>DECLARE</b> that that any person who wishes to institute an action against the Settlement Administrator or one of its employees, agents, partners, associates, representatives, successors or beneficiaries concerning the Settlement Agreement, its administration or its execution of the present judgment, cannot do so unless they have the authorization of this Court;</p>
<p><b>DÉCLARER</b> que les Membres du Groupe désirant s'objecter à l'approbation par le Tribunal de l'Entente de règlement devront procéder de la manière prévue dans l'Avis préalable à l'approbation (pièce R-3), au plus tard le ●;</p>	<p><b>DECLARE</b> that Class Members who wish to object to Court approval of the Settlement Agreement must do so in the manner provided for in the Pre-Approval Notice (Exhibit R-3), on or before ●;</p>
<p><b>DÉCLARER</b> que les Membres du Groupe désirant s'exclure de l'action collective et de l'exécution de l'Entente de règlement devront transmettre un avis écrit conforme au Formulaire d'exclusion (pièce R-2) confirmant leur intention de s'exclure de l'Action collective de la manière prévue</p>	<p><b>DECLARE</b> that Class Members who wish to opt out from the class action and the Settlement Agreement thereof may do so by delivering a written notice consistent with the Opt Out Form (Exhibit R-2) confirming their intention to opt out of the Class Action, in the manner provided for in the Pre-</p>

dans l'Avis préalable à l'approbation (pièce R-3), au plus tard le ●;	Approval Notice (Exhibit R-3), on or before ●;
<b>DÉCLARER</b> que les Membres du Groupe qui n'auront pas requis leur exclusion du Groupe seront liés par tout jugement à être rendu quant à l'Action collective conformément à la loi;	<b>DECLARE</b> that all Class Members who have not opted out be bound by any judgment to be rendered on the Class action in the manner provided for by the law;
<b>FIXER</b> la présentation de la Demande d'approbation du Règlement et de la Demande relative aux Honoraires des Avocats du Groupe au ●, 2023, à 9h30 en salle ● du Palais de Justice de Montréal ou via un lien TEAMS qui sera affiché d'ici là sur le Site Internet du Règlement ( <a href="http://www.remboursementticketquebec.ca">www.remboursementticketquebec.ca</a> );	<b>SCHEDULE</b> the presentation of the Settlement Approval Application and the Class Counsel Fees Application on ●, 2023, at 9:30 a.m., in room ● of the Montréal courthouse or via a TEAMS link that will be posted before that date on the Settlement Website ( <a href="http://www.refundticketquebec.ca">www.refundticketquebec.ca</a> );
<b>ORDONNER</b> que la date et l'heure pour la tenue de l'audience sur la Demande d'approbation du Règlement soient indiquées dans l'Avis préalable à l'approbation (pièce R-3), bien qu'elle puisse être reportée par le Tribunal sans autre avis aux Membres du Groupe autre que l'avis qui sera affiché sur le Site Internet du Règlement ( <a href="http://www.remboursementticketquebec.ca">www.remboursementticketquebec.ca</a> );	<b>ORDER</b> that the date and time of the hearing on the Settlement Approval Application shall be set forth in the Pre-Approval Notice (Exhibit R-3), but may be subject to adjournment by the Court without further publication of notice to the Class Members, other than such notice which will be posted on the Settlement Website ( <a href="http://www.refundticketquebec.ca">www.refundticketquebec.ca</a> );
<b>LE TOUT</b> , sans frais de justice.	<b>THE WHOLE</b> , without legal costs.

**MONTREAL, June 8, 2023**

*Lex Group Inc.*

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**LEX GROUP INC.**

PER: DAVID ASSOR  
ATTORNEYS FOR PLAINTIFF AND CLASS  
MEMBERS  
4101 SHERBROOKE STREET WEST  
WESTMOUNT (QUEBEC), H3Z 1A7  
TEL.: 514.451.5500, EXT. 321  
FAX: 514.940.1605

## SOLEMN DECLARATION

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I, the undersigned, **David Assor**, attorney, practicing law at the offices of Lex Group Inc., situated at 4101 Sherbrooke Street West, in the City of Westmount and District of Montréal, do hereby solemnly declare:

1. THAT I am one of the attorneys for the Plaintiff and the Class Members in the present case;
2. THAT all the facts alleged in the present Application for Approval of Notices to Class Members of a Class Action Authorization and of a Settlement approval hearing, and to Appoint a Settlement Administrator are true and accurate to my knowledge;

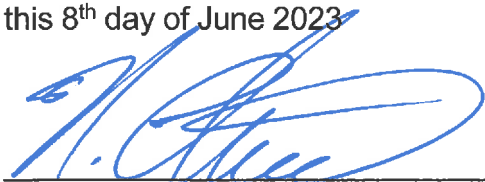
And I have signed:



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DAVID ASSOR

Solemnly affirmed before me  
at Westmount (Québec),  
this 8<sup>th</sup> day of June 2023



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Commissioner for oaths for  
the Province of Québec



## NOTICE OF PRESENTATION

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**TO :**

Me Christopher Richter  
Me Karl Boulanger  
**Torys Law Firm LLP**  
1, Place Ville Marie, Suite 2880  
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Live Nation Entertainment Inc., Live Nation  
Worldwide Inc.**

**AND:** Moran Solomon

**Velvet Payments Inc.**  
5900 Andover Ave., Suite 1  
Montréal, Québec H4T 1H5  
[info@velvetpayments.com](mailto:info@velvetpayments.com)

**Settlement Administrator**

**TAKE NOTICE** that the *Application for Approval of Notices to Class Members of a Class Action Authorization and of a Settlement approval hearing, and to Appoint a Settlement Administrator* will be presented before the Honourable Pierre Nollet, J.S.C. at the Montréal Courthouse located at 1 Notre-Dame Street East, Montréal, Québec, on a date and time (and in a Court room number) as this Honorable Court shall ultimately set down, or as soon thereafter as counsel can be heard.

**DO GOVERN YOURSELF ACCORDINGLY.**

**MONTRÉAL, June 8, 2023**

*Lex Group Inc.*

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**LEX GROUP INC.**  
PER: DAVID ASSOR  
ATTORNEYS FOR PLAINTIFF AND CLASS  
MEMBERS

N<sup>o</sup>.: 500-06-001066-204

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**(CLASS ACTIONS)  
SUPERIOR COURT**

**PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL**

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**TRACY PATTERSON**

*Plaintiff*

v.

**TICKETMASTER CANADA HOLDINGS ULC  
ET AL.**

*Defendants*

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TO CLASS MEMBERS OF A CLASS ACTION  
AUTHORIZATION AND OF A SETTLEMENT  
APPROVAL HEARING, AND TO APPOINT A  
SETTLEMENT ADMINISTRATOR**

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**ORIGINAL**

*Me David Assor*

  
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