

C A N A D A

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

NO: 500-06-001066-204

(Class Action)
SUPERIOR COURT

TRACY PATTERSON

Representative Plaintiff

v.

TICKETMASTER CANADA LP
and
TICKETMASTER CANADA HOLDINGS ULC
and
TICKETMASTER CANADA ULC
and
TICKETMASTER LLC
and
LIVE NATION CANADA INC.
and
LIVE NATION ENTERTAINMENT INC.
and
LIVE NATION WORLDWIDE INC.

Defendants

DEFENDANTS' APPLICATION FOR A CLOSING JUDGMENT

(Article 590 of the *Code of Civil Procedure*, and section 122 of the *Directives of the Superior Court – Montréal Division*)

**TO THE HONOURABLE PIERRE NOLLET OF THE SUPERIOR COURT OF QUÉBEC,
DESIGNATED JUDGE IN THE PRESENT CASE, THE DEFENDANTS SUBMIT THE
FOLLOWING:**

I. INTRODUCTION

1. By this application, the Defendants seek a judgment declaring the present class action proceedings closed.

II. CONTEXT

2. On May 12, 2020, the former representative plaintiff filed an *Application for Authorization to Institute a Class Action* against, *inter alia*, the Defendants (the “**Application for Authorization**”);
3. On July 10, 2020, the Application for Authorization was amended notably to replace the former representative plaintiff by Tracy Patterson (the “**Plaintiff**”);
4. On May 31, 2022, the Honourable Pierre-C. Gagnon, J.S.C., authorized the Plaintiff to bring a class action, as appears from the Court file (the “**Class Action**”);
5. On or around March 9, 2023, prior to the dissemination of the authorization notices to the class members, the Parties entered into a settlement agreement to fully settle the Class Action, a copy of which is communicated herewith as **Exhibit R-1** (the “**Settlement Agreement**”), which provided, *inter alia*:
 - a) for the distribution to each Settlement Class Member¹ of a \$15 credit in the form of an electronic gift card voucher (the “**Credits**”); and
 - b) that Velvet Payments Inc. (now Concilia Services Inc.), as proposed Settlement Administrator (the “**Administrator**”), would send the Credits to the email address used for the Settlement Class Members’ most recent transaction with the Defendants, without the need to present a claim.
6. On August 3, 2023, the Honourable Pierre Nollet, J.S.C., rendered certain pre-approval orders, including the approval of the dissemination plan for the notices of authorization and of the settlement approval hearing (the “**Notices**”), and confirmed the mandate of the Administrator (the “**Pre-Approval Judgment**”);
7. On August 21, 2023, the Notices were disseminated by the Administrator by an email sent to the appropriate group of purchasers identified in the Pre-Approval Judgment as an appropriate notification class to ensure reasonable notice to the Class Members, as appears from a copy of the report “Email Notice and Mailing Report” dated September 18, 2023, communicated herewith as **Exhibit R-2**;
8. On October 26, 2023, the Settlement was approved by the Honourable Pierre Nollet, J.S.C, as appears from the Court file (the “**Approval Judgment**”);
9. Pursuant to the Approval Judgment, the Parties were ordered, *inter alia*, to comply with the Settlement Agreement and to render account of the execution of the Approval Judgment “at the latest 4 months after the Effective Date”;
10. The Approval Judgment also declared that there was no levy payable to the *Fonds d’aide aux actions collectives* (the “**FAAC**”), except for the refunds paid to Settlement

¹ All capitalized terms that are not defined herein have the meaning ascribed thereto in the Settlement Agreement.

Class Members during the Additional Refund Window, corresponding to a percentage of 2%² of such refunds (the “**Fonds Levy**”);

11. On December 13, 2023, the Defendants transmitted a cheque of \$323.79 to the FAAC, corresponding to the Fonds Levy, which reception was confirmed by the FAAC on December 21, 2023, as appears from emails from the FAAC, communicated *en liasse* herewith as **Exhibit R-3**;
12. Following the payment of the Fonds Levy and distribution of the Credits by the Administrator, the Defendants are hereby seeking a closing judgment for this Class Action from this Court;

III. REPORT OF THE ADMINISTRATOR

13. On December 14, 2023, the Credits were distributed to the Settlement Class Members by the Administrator, as appears from a copy of the report “Gift Card Distribution Report” dated February 27, 2024, communicated herewith as **Exhibit R-4** (the “**Report**”);
14. As appears from the Report, a total of 33,397 emails containing a Credit were sent, of which:
 - a) 32,813 were successfully delivered (98.25% of the emails sent); and,
 - b) 584 bounced-back, i.e., were not delivered (1.75%).
15. The Credits sent correspond to a total value of **\$500,955** for the Settlement Class.

IV. CLOSING JUDGMENT

16. As provided in the Settlement Agreement, the Credits have no expiration date, which will allow Settlement Class Members to use them at their convenience;
17. There is no remaining balance to be distributed and there is no levy payable to the FAAC, except for the Fonds Levy, which was paid by the Defendants, as declared in the Approval Judgment;
18. The payment of the Fonds Levy and the distribution of the Credits by the Administrator completed the implementation and administration of the Settlement Agreement and the Approval Judgment;
19. As provided in the Settlement Agreement and the Approval Judgment, the Defendants have paid total amounts of:

² In application of s. 1 (3) (a) of the *Regulation respecting the percentage withheld by the Fonds d'aide aux actions collectives*, RLRQ, [c. F-3.2.0.1.1, r. 2](#).

- a) **\$323.79** to the FAAC as Fonds Levy; and
 - b) **\$264,442.50** to Class Counsel as fees and disbursements; and
 - c) **\$53,929.03** to the Settlement Administrator as fees for their services.
20. In these circumstances, the Defendants request a closing judgment ending the Class Action proceedings at Court;
21. The present application is well founded in fact and in law.

FOR THESE REASONS, MAY IT PLEASE THIS HONOURABLE COURT TO :

GRANT the present *Defendants' Application for a Closing Judgment*;

DECLARE that the Parties have satisfied their obligations pursuant to the Settlement Agreement entered into with the Representative Plaintiff on March 9, 2023, and the Approval Judgment rendered on October 26, 2023;

DECLARE the closure of the present Class Action proceedings;

THE WHOLE without legal costs.

MONTRÉAL, March 5, 2024

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Our reference: 30808-2025

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JUDGMENT**

COPY

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