#### **CANADA**

## PROVINCE OF QUEBEC DISTRICT OF MONTREAL

No.: 500-06-001066-204

# (Class Action Division) SUPERIOR COURT

TRACY PATTERSON

**Plaintiff** 

٧.

STUBHUB INC.

-AND-

STUBHUB CANADA LTD.

Settling Defendants

APPLICATION TO AUTHORIZE A CLASS ACTION FOR SETTLEMENT PURPOSES ONLY, FOR APPROVAL OF NOTICE TO CLASS MEMBERS OF A SETTLEMENT APPROVAL HEARING AND TO APPOINT A CLAIMS ADMINISTRATOR

(Sections 101, 575, 576, 579, 580, 581, and 590 C.C.P.)

TO THE HONORABLE JUSTICE PIERRE-C. GAGNON OF THE SUPERIOR COURT OF QUEBEC, DISTRICT OF MONTREAL, DESIGNATED TO PRESIDE OVER THE PRESENT CLASS ACTION, THE PLAINTIFF RESPECTFULLY SUBMITS THE FOLLOWING:

#### I. NATURE OF THE APPLICATION

1. On April 6, 2022, Plaintiff entered into a settlement in principle with Defendants StubHub Inc. and StubHub CANADA Ltd. (hereinafter collectively "StubHub") regarding all persons in Quebec who purchased before March 11, 2020 at least one or more Tickets from StubHub to at least one or more events scheduled to take place after March 11, 2020, which events were subsequently either cancelled, postponed or rescheduled. The settling parties continued their negotiations thereafter, ultimately arriving at a formal settlement agreement on May 6, 2022, the whole as appears more fully from a copy of the Settlement Agreement, communicated herewith as



**Exhibit R-1**, together with its schedules and French translation (the "**Settlement** Agreement" or the "**Transaction**").

- 2. This Application is for an order authorizing the bringing of a class action for settlement purposes only, approving the notices to class members for the settlement approval hearing and opt out and appointing the Notice Administrator.
- Pursuant to paragraphs 27 and 28 of the Settlement Agreement, the Parties jointly request to obtain the Court's authorization of the class action for the Settlement Class as defined below.
- 4. 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

On July 10, 2020, Plaintiff filed its Amended Application for Authorization to Institute
 a Class Action against multiple Defendants including StubHub, before the Superior
 Court of Québec, District of Montreal, 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;

- 6. This action arises from the refusal by multiple first and second market event ticket providers to provide refunds to consumers shortly after the March 2020 Covid-19 pandemic was declared, regarding events which were either cancelled, rescheduled or postponed due to the Covid-19 restrictions.
- This Settlement Agreement concerns StubHub only, and only relates to events which
  were cancelled, postponed or rescheduled without a refund being provided by
  StubHub.



8. After negotiations, the Parties have now reached a complete Settlement Agreement.

#### III. AUTHORIZATION FOR SETTLEMENT PURPOSES ONLY

 StubHub consents to the authorization of the bringing of a class action on behalf of the following amended <u>Quebec only class</u>, solely for settlement purposes and without any admission (the "Settlement Class Member"):

All persons in <u>Quebec</u>, who purchased before March 11, 2020 one or more tickets from StubHub for an event scheduled to take place after March 11, 2020, which event was subsequently either cancelled, postponed <u>or</u> rescheduled [...], without a full refund being [...] provided by <u>StubHub [...]</u>;

10. In this regard, and considering StubHub's policy to offer to users holding Tickets to events that were cancelled (as opposed to postponed or rescheduled) a refund in cash or a 120% credit, at their discretion, the definition of Eligible Members under the settlement is more fully described at Section II. (s) of the Settlement Agreement.

# 1- The Claims of the Settlement Class Members Raise Identical, Similar or Related Issues of Law or Fact

- 11. The Parties propose that the bringing of the class action be authorized for settlement purposes only, without any admission on the part of StubHub, on the basis of the following issue of law and fact which is identical, similar or related to the situation of all Settlement Class members:
  - a) Did StubHub's alleged conduct violate s. 54.9.1 of the Consumer Protection Act, and, if so, what is the appropriate remedy?
- a) La conduite alléguée de StubHub at-elle violé l'article 54.9.1 de la Loi sur la protection du consommateur et, dans l'affirmative, quel est le remède approprié?



#### 2- The Facts Alleged Appear to Justify the Conclusions Sought

- 12. In its Amended Application for Authorization to Institute a Class Action, Plaintiff alleges that Defendant committed a fault, violated the Consumer Protection Act, and engaged in illegal conduct by modifying its "StubHub Marketplace Global User Agreement" and by failing to fully reimburse Quebec residents for all amounts paid before March 11, 2020 for event tickets, which events were subsequently either cancelled, postponed or rescheduled after March 11, 2020.
- 13. Plaintiff alleges notably that Defendant violated the *Consumer Protection Act*, as well as the Civil Code of Quebec.
  - 3- The Composition of the Settlement Class Makes It Difficult or Impracticable to Apply the Rules for Mandates to Take Part in Judicial Proceedings on Behalf of Others
- 14. The Settlement Class as provided in the Settlement Agreement consists of all persons in Quebec who purchased before March 11, 2020 one or more tickets from StubHub for an event scheduled to take place after March 11, 2020, which event was subsequently either cancelled, postponed or rescheduled, without a full refund being provided by StubHub.
- 15. As more fully described in the Settlement Agreement, to be included in the Settlement class, a person should not have already used the ticket to attend the event(s) or received a full refund or have used a credit in its entirety or in part for such Ticket(s).

## 4- Plaintiff Patterson is in a Position to Properly Represent the Settlement Class Members

- 16. Plaintiff Tracy Patterson:
  - (a) is a consumer who purchased concert tickets and parking from one of the Defendants to these proceedings (Ticketmaster) for a May 23, 2020 concert event that never occurred;
  - (b) gave the mandate to his attorneys to sue many members of the event tickets industry, including StubHub, who modified their practices and/or refused to provide timely refunds to consumers who purchased event ticket(s) and



- other related purchases before March 11, 2020, for event(s) which were either cancelled, postponed or rescheduled because of the Covid-19 pandemic.
- (c) understands the nature of the action and has the capacity and interest to fairly and adequately protect and represent the interests of the Class Members;
- (d) is available to dedicate the time necessary for the present action before the Courts of Quebec and to collaborate with Class Counsel in this regard:
- (e) is ready and available to manage and direct the present action in the interest of the Class Members and is determined to lead the present file until a final resolution of the matter, regarding all named Defendants, the whole for the benefit of the Class Members;
- (f) does not have interests that are antagonistic to those of other Class Members:
- (g) has given the mandate to the undersigned attorneys to obtain all relevant information to the present action and intends to keep informed of all developments;
- (h) has given the mandate to the undersigned attorneys to post the present matter on their firm website in order to keep the Class Members informed of the progress of these proceedings and in order to more easily be contacted or consulted by said Class Members;
- (i) is, with the assistance of the undersigned attorneys, ready and available to dedicate the time necessary for this action and to collaborate with other Class Members and to keep them informed;

#### OPTING OUT OF THE SETTLEMENT CLASS AND OBJECTIONS

17. The Parties have agreed that the opt-out period shall be thirty (30) days after the Notice of Approval Hearing and Opt Out is first sent directly to the Settlement Class Members by email and published on the Settlement Website and on Class Counsel website (the "Opt Out Deadline") and to request that no Settlement Class Member be permitted to opt out of this class action after the Opt Out Deadline.



- 18. The Settlement Agreement provides at paragraphs 36 and 43 the procedure for Settlement Class Members to opt out of the Settlement Class and/or object to the Settlement Agreement.
- 19. The Settlement Agreement further provides that any Settlement Class Member who wishes to opt out of to the Settlement Agreement and the Class Action must do so by sending a personally signed written letter which includes the required information and documentation (detailed in the Settlement Agreement) by registered or certified mail to the Clerk of the Superior Court with a copy to Class Counsel so that it is received on or before the Opt-Out Deadline.
- 20. The Settlement Agreement provides that Settlement Class Members who wish to object to the Settlement Agreement are required to inform Class Counsel in writing of the reasons for their Objection at least five (5) Days before the Approval Hearing, by communicating a document containing the required information (detailed in the Settlement Agreement).

#### NOTICE OF APPROVAL HEARING

21. The Parties herein have agreed on the form and content of the Notice of Approval Hearing and Opt Out and Short Form Notice of Approval Hearing. Said notices will advise Settlement Class Members of the basic terms of the Settlement Agreement and their right to participate in the settlement approval hearing. The Notice of Approval Hearing and Opt Out and Short Form Notice of Approval Hearing are attached to the Settlement Agreement as Schedules A and B respectively, in both French and English, and are communicated herewith as **Exhibits R-2 and R-3** to this Application.



- 1- Publication and dissemination of the Notice of the Approval Hearing and Opt Out
- 22. As provided by the Settlement Agreement, the Parties herein have agreed to the publication and the dissemination of the Notice of the Approval Hearing and Opt Out.
- 23. The Settlement Agreement provides that within fifteen (15) days following the Judgment Authorizing the Class Action, the Claims Administrator will send the Notice of the Approval Hearing (in both French and English) to all Group Members to the email address associated with the Group Members' Account using the Detailed List provided by StubHub. Should the Claims Administrator receive a Bounce Back, the Claims Administrator will mail the Short Form Notice of the Approval Hearing (in both French and English) to the last postal address associated with the Group Member's Account.
- 24. Furthermore, within twelve (12) Days following the Judgment Authorizing the Class Action the Claims Administrator will create a bilingual Settlement Website containing an electronic version of the Transaction and all relevant schedules and orders.
- 25. Within fifteen (15) Days following the Judgment Authorizing the Class Action, a hyperlink to the Settlement Website will be available on Class Counsel's website (lexgroup.ca).
- 26. In addition to the dissemination of the Notice of the Approval Hearing, copies of the French and English versions of the Notice of the Approval Hearing will also be posted by Class Counsel on the Class Action Registry of the Superior Court of Québec.



#### 2- Settlement Website

- 27. As mentioned above, the Settlement Agreement provides that a fully bilingual Settlement Website will be available to Settlement Class Members twelve (12) days following the Judgment Authorizing the Class Action.
- 28. As stated in the Settlement Agreement, the functionality of the Settlement Website will include, but not be limited, to posting French and English copies of the Settlement Agreement and of the Notice of the Approval Hearing, the relevant deadlines applicable, a toll-free telephone number and addresses to contact the Claims Administrator by email and mail.

#### THE CLAIMS ADMINISTRATOR

- 29. The Parties herein seek the appointment of Velvet Payments Inc. ("Velvet") to serve as Claims Administrator.
- 30. The Settlement Agreement stipulates that the Parties agree that Velvet shall serve as Claims Administrator, subject to approval by the Court, and that StubHub will pay the costs of notice and administration regardless of whether the Settlement Agreement is ultimately approved.
- 31. The parties' attorneys are aware of the resources and abilities of Velvet generally.
- 32. Velvet has also served as notices and/or claims administrator in the context of other consumer protection class actions in Quebec, including cases involving events ticketing companies, namely in the case Abihsira v. StubHub inc. et al. (500-06-000754-156).
- 33. The Parties recommend to the Court that Velvet Payments Inc. be appointed Claims Administrator.



POUR CES MOTIFS, PLAISE AU TRIBUNAL DE:	WHEREFORE, MAY IT PLEASE THE COURT TO:		
l'autorisation d'exercer une action collective aux fins de règlement seulement, la publication des avis aux membres et pour	GRANT the Application to Authorize a Class Action for Settlement Purposes Only, for Approval of Notice to Class Members of a Settlement Approval Hearing and to Appoint a Claims Administrator,		
<b>DÉCLARER</b> qu'aux fins du présent jugement, les définitions énoncées dans la Convention de transaction s'appliquent et sont intégrées au présent jugement;	1.		
de règlement avec les défenderesses StubHub inc. et StubHub Canada Ltée, de modifier comme suit la description du	Representative Plaintiff":		
Groupe:  Toutes les personnes au Québec qui ont acheté avant le 11 mars 2020 un ou plusieurs billets auprès de StubHub pour un événement devant avoir lieu après le 11 mars 2020, lequel événement a ensuite été soit annulé, soit reporté soit reprogrammé, sans qu'un remboursement complet soit fourni par StubHub;	take place after March 11, 2020, which event was subsequently either cancelled, postponed or rescheduled, without a full refund being provided by StubHub;"		
AUTORISER l'exercice de l'action collective contre les défenderesses StubHub inc. et StubHub Canada Ltée aux seules fins de règlement;	AUTHORIZE the bringing of a class action against the Defendants StubHub Inc. and StubHub Canada Ltd. for settlement purposes only;		
ATTRIBUER au demandeur Tracy Patterson le statut de représentant;	APPOINT the Applicant Tracy Patterson the status of Representative Plaintiff;		



**IDENTIFIER**, aux seules fins de règlement, comme suit la principale question de fait et the principal question of fact and law to be de droit qui sera traitée collectivement :

**IDENTIFY**, for settlement purposes only. treated collectively as the following:

a) La conduite alléguée de StubHub a-t-elle protection du consommateur et. dans l'affirmative. auel est le remède approprié?

violé l'article 54.9.1 de la Loi sur la a) Did StubHub's alleged conduct violate s. 54.9.1 of the Consumer Protection Act, and, if so, what is the appropriate remedy?

déclaré nul et sans effet si la Convention de declared null and without effect if the transaction est résiliée conformément à ses Settlement dispositions ou n'est pas approuvée par le pursuant to its provisions or it is not Tribunal:

ORDONNER que le présent jugement sera ORDER that the present judgment be Agreement is terminated approved by the Court;

APPROUVER la forme, le contenu et le APPROVE the form, content and mode of mode de publication de l'Avis d'audience et dissemination of the Notice of Approval d'exclusion (pièce R-2) et l'Avis abrégé de Hearing and Opt Out (Exhibit R-2) and the l'Audience d'approbation (pièce R-3), dans leurs versions française et anglaise;

Short Form Notice of Approval Hearing (Exhibit R-3), in their French and English versions:

d'Administrateur des réclamations afin de s'acquitter des tâches qui lui incombent en vertu de la Convention de transaction:

DÉSIGNER Velvet Payments Inc. à titre APPOINT Velvet Payments Inc. as the Claims Administrator for the purposes of accomplishing the tasks that devolve to it pursuant to the Settlement Agreement:

des réclamations de diffuser l'Avis abrégé de l'Audience d'approbation and Short Form Notice of Approval Hearing (pièce R-3) conformément au plan de (Exhibit R-3) pursuant to the publication publication prévu au paragraphe 31 de la plan provided for at paragraph 31 of the Convention de transaction, dans les 10 jours suivant le jugement qui sera rendu par judgment to be rendered herein: les présentes:

ORDONNER aux parties et l'Administrateur ORDER the parties and the Claims l'Avis Administrator to disseminate Notice of d'audience et d'exclusion (pièce R-2) et Approval Hearing and Opt Out (Exhibit R-2) Settlement Agreement, within 10 days of the

**ORDONNER** à l'Administrateur tard le 9 juin 2022, de l'exécution du plan performed the publication plan; de publication;

des ORDER that the Claims Administrator file by réclamations de faire rapport écrit, au plus June 9, 2022 a written report of having

ORDONNER que la défenderesse divulgue ORDER that the Defendant disclose to the à l'Administrateur des réclamations et aux Claims Administrator and Class Counsel the Avocats du Groupe la liste des Membres du



groupe que la défenderesse détient, afin list of Class Members that the Defendant de:

- (a) faciliter la distribution des avis (a) facilitate the distribution of Courtrelatives à la demande d'approbation du for Settlement Approval; and rèalement: et
- (b) faciliter le processus de réclamation éventuel découlant de tout jugement ultérieur approuvant la Convention de Transaction.

holds, in order to:

- approuvés par le Tribunal aux membres du approved notices to Class Members groupe les informant du présent jugement advising them of this Judgment and the date ainsi que de la date et des informations and information relating to the Application
  - (b) facilitate the process for the eventual distribution arising from any later judgment approving the Settlement Agreement.

**ORDONNER** l'Administrateur à réclamations et les Avocats du Groupe de Class Counsel shall maintain confidentiality maintenir la confidentialité des informations over and shall not share the information fournies conformément au jugement et ne pas les partager avec toute other person, unless doing so is strictly autre personne, sauf si cela est strictement | necessary for executing the Notice Plan nécessaire pour exécuter le Plan de and/or facilitating the distribution process in publication des avis et/ou faciliter le accordance with the Settlement Agreement; processus de distribution conformément à la Convention de Transaction:

des ORDER that the Claims Administrator and présent provided pursuant to this judgment with any

ORDONNER que l'Administrateur des ORDER that the Claims Administrator and réclamations et les Avocats du Groupe Class Counsel shall use the information utiliseront les informations qui leur sont provided to it pursuant to this judgment for fournies en vertu du présent jugement dans the sole purpose of executing the Notice le seul but d'exécuter le Plan de publication | Plan and facilitating the distribution process des avis et de faciliter le processus de in distribution conformément à la Convention | Agreement, and for no other purpose; de Transaction, et à aucune autre fin;

accordance with the

ORDONNER à l'Administrateur réclamations de reproduire intégralement publish at length on the Settlement Website sur le Site Internet du règlement, la the official English version of the Settlement Convention de transaction dans sa version Agreement and its unofficial French originale anglaise et sa traduction officieuse translation; en français:

des ORDER that the Claims Administrator

présent jugement constitue un jugement constitutes a judgment compelling the contraignant la production des informations production of the information by the par la défenderesse au sens des lois Defendant within the meaning of applicable applicables en matière de vie privée, et que privacy laws, and that this judgment

ORDONNER ET DÉCLARER que le ORDER AND DECLARE that this judgment



ce jugement satisfait aux exigences de satisfies the requirements of all applicable toutes les lois applicables en matière de la privacy laws; protection de la vie privée:

LIBÈRER les Défenderesses de toute RELEASE the Defendants from any and all obligation en vertu des lois et règlements applicables en matière de protection de la vie privée en ce qui concerne communication de toute information personnelle et/ou privée à l'Administrateur des réclamations et aux Avocats du Groupe:

obligations pursuant to applicable privacy laws and regulations in relation to the communication of any personal and/or information private to the Claims Administrator and Class Counsel:

**DÉCLARER** que toute personne procédure contre l'Administrateur des réclamations ou l'un de ses employés, agents. partenaires. associés, représentants, successeurs ou ayants droit, en lien avec la Convention de transaction. Agreement. son administration, ou la mise en exécution du présent jugement, ne peut le faire qu'avec l'autorisation du tribunal:

qui DECLARE that that any person who wishes souhaite entreprendre une action ou une to institute an action against the Claims Administrator or one of its employees, agents, partners, associates. representatives. successors beneficiaries concerning the Settlement its administration execution of the present judgment, cannot do so unless they have the authorization of this Court:

**DECLARER** que les Membres du Groupe désirant s'objecter à l'approbation par le Tribunal de la Convention de transaction devront procéder de la manière prévue dans l'Avis d'audience et d'exclusion (pièce R-2), au plus tard le **12 juin 2022**;

**DECLARE** that Class Members who wish to object to Court approval of the Settlement Agreement must do so in the manner provided for in the Notice of Approval Hearing and Opt Out (Exhibit R-2), on or before June 12, 2022:

**DÉCLARER** que les Membres du Groupe désirant s'exclure de l'action collective et de opt-out from the class action and the l'exécution de la Convention de transaction devront transmettre un avis écrit confirmant delivering a written notice confirming their leur intention de s'exclure du Groupe de la manière prévue dans l'Avis d'audience d'exclusion (pièce R-2), au plus tard le 2 juillet 2022;

**DECLARE** that Class Members who wish to Settlement Agreement thereof may do so by intention to opt-out of this class action, in the manner provided for in the Notice of Approval Hearing and Opt Out (Exhibit R-2), on or before July 2, 2022:

**DECLARER** que les Membres du Groupe | **DECLARE** that all Class Members that qui n'auront pas requis leur exclusion du have not requested their exclusion be Groupe seront liés par tout jugement à être bound by any judgment to be rendered on rendu quant à la présente action collective conformément à la loi:

the class action in the manner provided for by the law:



FIXER la présentation de la Demande pour SCHEDULE the approbation de la Convention transaction et des Honoraires et Débours Agreement and of Class Counsel Fees on des Avocats du Groupe au 17 juin à 9h30 June 17, at 9:30 a.m., in room 16.02 of the en salle 16.02 du Palais de Justice de Montréal courthouse or via a TEAMS link Montréal ou via un lien TEAMS qui sera that will be posted before that date on the affiché d'ici là sur le Site Internet du Settlement règlement (www.reglementstubhub.ca);

presentation of de Application for Approval of the Settlement (www.stubhubsettlement.ca);

tenue de l'audience d'approbation du settlement approval hearing shall be set règlement soient indiquées dans l'Avis forth in the Notice of Approval Hearing and d'audience et d'exclusion (pièce R-2) (pièce | Opt Out (Exhibit R-2), but may be subject to R-2), bien qu'elles puissent être reportées adjournment by the Court without further par le Tribunal sans autre avis aux publication of notice to the Class Members. Membres du Groupe autre que l'avis qui other than such notice which will be posted sera affiché sur le Site Internet du règlement on (www.reglementstubhub.ca);

ORDONNER que la date et l'heure pour la ORDER that the date and time of the the Settlement Website (www.stubhubsettlement.ca);

LE TOUT, sans frais de justice.

THE WHOLE, without costs.

MONTREAL, May 6, 2022

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**

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 Montreal, do hereby solemnly declare:

- 1. THAT I am one of the attorneys for the Plaintiff in the present case;
- 2. THAT all the facts alleged in the present Application to Authorize a Class action for Settlement Purposes Only, for Approval of Notice to Class Members of a Settlement Approval Hearing and to Appoint a Claims administrator therein are true and accurate to my knowledge;

And I have signed:

DAVID ASSOR

Solemnly affirmed before me at Westmount (Quebec), this 6<sup>th</sup> day of May 2022

Commissioner for oaths for the Province of Québec





#### NOTICE OF PRESENTATION

TO: Me François-David Paré

Me Francesca Taddeo

Norton Rose Fulbright

Canada LLP

1, Place Ville Marie,

Bureau 2500,

Montréal, Québec, H3B

1R1

francois-

david.pare@nortonrosefulbright.com francesca.taddeo@nortonrosefulbrig

ht.com

Attorneys for StubHub Canada LTD., StubHub Inc.

AND: Me Christopher Richter

Me Se-Line Doung

**Torys LLP** 

1, Place Ville Marie,

bureau 2880

Montréal (Québec) H3B 4R4 Ouest, bureau 2100

crichter@torys.com

sdoung@torys.com

Me Éric Préfontaine Me Jessica Harding

Osler, Hoskin & Harcourt, S.E.N.C.R.L./s.r.l.

1000 rue de la Gauchetière West, suite 4100

Montréal, Québec,

4W5

eprefontaine@osler.com iharding@osler.com

Me Yves Martineau Me Jean-François Forget STIKEMAN ELLIOTT LLP

1155 René-Lévesque Blvd.

Montréal, Québec, H3B 3V2

H3B ymartineau@stikeman.com jff

orget@stikeman.com

Attorneys for SeatGeek, Inc.

Attorneys for Ticketmaster Canada Holdings ULC. Ticketmaster Canada ULC, Ticketmaster Canada LP, Ticketmaster LLC. Live Nation Canada Inc., Live Nation Entertainment inc.. Live nation worldwide inc.,

AND: Me Kristian Brabander

Me Amanda Gravel

McCarthy Tétrault LLP

1000. rue De La

Gauchetière Ouest

Bureau 2500

Montréal QC H3B 0A2

kbrabander@mccarthy.ca

agravel@mccarthy.ca

Attorneys for Vivid Seats

LLC

Attorneys for Internet Referral Services LLC.



AND: Moran Solomon Velvet Payment

5900 Andover Ave. Suite 1 Montreal, Québec H4T 1H5 info@velvetpayments.com

#### Claims Administrator

**TAKE NOTICE** that the Application to Authorize a Class Action for Settlement Purposes Only, for Approval of Notice to Class Members of a Settlement Approval Hearing and to Appoint a Claims administrator will be presented for adjudication on **June 17**, **2022**, before the Honourable Pierre-C. Gagnon, J.S.C., **at 9:30 a.m.**, in a **room 16.02** of the Montréal Courthouse located at 1 Notre-Dame Street East, Montréal, Québec, or as soon thereafter as counsel can be heard.

#### DO GOVERN YOURSELF ACCORDINGLY.

MONTREAL, May 6, 2022

LEX GROUP INC.

PER: DAVID ASSOR

ATTORNEYS FOR PLAINTIFF AND CLASS

**MEMBERS** 



#### **David Assor**

From:

David Assor

Sent:

May 6, 2022 12:36 PM

To:

'Richter, Chris'; 'sduong@torys.com'; 'Yves Martineau'; 'Jean-François Forget';

'eprefontaine@osler.com'; 'Harding, Jessica'; 'Kristian Brabander'; 'Gravel, Amanda';

'Pare, Francois-David'; 'francesca.taddeo@nortonrosefulbright.com'

Cc:

'Moran Solomon'

Subject:

NOTIFICATION: Patterson vs. StubHub Inc. and StubHub Canada Ltd

**Attachments:** 

StubHub\_Application for preliminary orders.pdf; R-1.pdf; R-2.pdf; R-3.pdf



**David Assor** 

Attorney / Trade-mark Agent Avocat / Agent de Marques de Commerce

Lex Group Inc.

4101 Sherbrooke St. West, Westmount, (Québec), H3Z 1A7

T: 514.451.5500 ext. 321

**F:** 514.940.1605 www.lexgroup.ca

NOTICE: This e-mail and any attachment(s) are confidential and legally privileged. If you are not the intended recipient, please notify the sender at the telephone number shown above or by return e-mail and delete this message and any copies immediately. A detailed statement of the terms of use can be found at the following address: <a href="http://www.lexgroup.ca/termsofuse\_email">http://www.lexgroup.ca/termsofuse\_email</a>. Thank-you.

AVIS : Ce courriel et pièce(s) jointe(s) sont confidentiels et protégés par le secret professionnel. Si ce message vous est parvenu par erreur, vous êtes en conséquence prié de nous aviser immédiatement par téléphone ou par courriel. De plus, veuillez effacer ce message et toutes copies immédiatement. Une version détaillée des modalités et conditions d'utilisation se retrouve à l'adresse suivante: <a href="http://www.lexgroup.ca/termsofuse\_email">http://www.lexgroup.ca/termsofuse\_email</a>. Merci.

Please consider the environment before printing this e-mail. | Veuillez penser à Penvironnement avant d'imprimer ce courriel.

		(Art. 110, 133 et 1	EL / NOTIFICATION BY EMAIL 34 C.P.C. / C.C.P.) ire / Please forward without delay to the addressee	
Date	May 6, 2022	Heure/Time	Voir l'entête du courriel / See email header	
		EXPÉDITEU	JR / SENDER	
Nom/Name	Me David Assor	Cabinet / Firm	LEX GROUP INC.	
Adresse courriel / Email Address davidassor@lexgroup.ca				
Ligne directe / Direct Line 514-451-5500		514-451-5500 (p./ext. 321)	-451-5500 (p./ext. 321)	
Télécopieur / Fax		514-940-1605		
		DESTINATAIRE	S / ADDRESSEES	

Me Christopher Richter Me Se-Line Doung Torys LLP 1, Place Ville Marie, burea Montréal (Québec) H3B 4 crichter@torys.com sdoung@torys.com		Me Yves Martineau Me Jean-François Forget Stikeman Elliott LLP 1155 René-Lévesque Blvd, West, suite 4100, Montréal, Québec H3B 3V2 ymartineau@stikeman.com ifforget@stikeman.com	Me Éric Préfontaine Me Jessica Harding Osler, Hoskin & Harcourt, S.E.N.C.R.L./s.r.l. 1000 rue de la Gauchetière Ouest, bureau 2100 Montréal (Québec) H3B 4W5 eprefontaine@osler.com jharding@osler.com
Moran Solomon Velvet Payment 5900 Andover Ave. Sui Montreal, Québec H4T moran@velvetpayment Claims Administrator	1H5 s.com	Me Kristian Brabander Me Amanda Gravel McCarthy Tétrault LLP 1000, rue De La Gauchetière Ouest Bureau 2500 Montréal QC H3B 0A2 kbrabander@mccarthy.ca agravel@mccarthy.ca	Me François-David Paré Me Francesca Taddeo Norton Rose Fulbright Canada LLP 1, Place Ville Marie, Bureau 2500, Montréal, QC, H3B 1R1 francois-david.pare@nortonrosefulbright.con francesca.taddeo@nortonrosefulbright.com
Numéro de Cour / Court Number	500-06-001066-204		
Noms des parties / Name of the parties	Tracy Patterson vs. StubHub Inc. and StubHub Canada Ltd		
Nature du document notifié / Nature of Document notified	-Application to Authorize a Class Action for Settlement Purposes Only, for Approval of Notice to Class Members Hearing and to Appoint a Claims Administrator -Exhibit R-1 -Exhibit R-2 -Exhibit R-3		

Nº.: 500-06-001066-204

(CLASS ACTION DIVISION)
SUPERIOR COURT

PROVINCE OF QUEBEC DISTRICT OF MONTREAL

TRACY PATTERSON

Plaintiff

>

STUB HUB INC.

-and-

STUBHUB CANADA LTD.

Settling Defendants

APPLICATION TO AUTHORIZE A CLASS
ACTION FOR SETTLEMENT PURPOSES
ONLY, FOR APPROVAL OF NOTICE TO
CLASS MEMBERS OF A SETTLEMENT
APPROVAL HEARING AND TO APPOINT A
CLAIMS ADMINISTRATOR

# ORIGINAL

# Me David Assor



Lex Group Inc. 4101 Sherbrooke St. West Westmount, (Québec), H3Z 1A7

T: 514.451.5500 ext.321 F: 514.940.1605 @: davidassor@lexgroup.ca

303

**BL** 5606