

C A N A D A

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

S U P E R I O R C O U R T
(Class Actions)

NO: 500-06-001072-202

JANIE DESJARDINS

Plaintiff

v.

**INTERNET REFERRAL SERVICES, LLC
(D.B.A. TICKETS-CENTER.COM)**

and

STUBHUB CANADA LTD.

and

STUBHUB INC.

and

TICKETMASTER CANADA LP

and

**TICKETMASTER CANADA HOLDINGS
ULC**

and

TICKETMASTER CANADA ULC

and

TICKETMASTER LLC

and

LIVE NATION ENTERTAINMENT, INC.

and

LIVE NATION CANADA, INC.

and

VIVID SEATS LLC

and

TICKETNETWORK, INC.

Defendants

**JOINT APPLICATION FOR PERMISSION TO DISCONTINUE A CLASS ACTION
AGAINST STUBHUB CANADA LTD. AND STUBHUB INC.**

(Arts. 206, 213 and 585 C.C.P.)

**TO THE HONOURABLE PIERRE-C. GAGNON, J.S.C., PLAINTIFF AND DEFENDANTS
STUBHUB CANADA LTD. AND STUBHUB INC («STUBHUB») JOINTLY STATE AS
FOLLOWS:**

1. On June 1, 2020, Plaintiff Janie Desjardins filed an Amended Application for Authorization to Institute a Class Action against Defendants on behalf of the following proposed class:

All persons who entered into a distance contract relating to a resale ticket with any of the Defendants, whose initial date of the event was cancelled and who, upon request, did not receive a refund before the new scheduled date of the event (if applicable), since June 6, 2018 (the “Class Period”). or any other Class to be determined by the Court;

2. On August 19, 2020, Justice Pierre-C. Gagnon granted Class counsel’s request for the issuance of a stay of the proceedings until a judgment is rendered by the Superior Court in *Tracy Patterson v. TicketMaster Canada Holdings ULC et al.* (500-06-001066-204) (the “**Patterson Class Action**”).
3. In light of the settlement agreement reached with StubHub in the Patterson Class Action, which is conditional upon the discontinuance of the present proceedings, it would not be appropriate nor proportional to pursue the present class action as against StubHub.
4. Class members will not be prejudiced if the present Application for discontinuance is granted as the scope of the class definition in the Patterson Class Action almost entirely captures putative class members in the present proceeding, and the putative class members will benefit from the settlement. Furthermore, judicial resources will be better allocated if this proposed class action is not pursued.
5. The Plaintiff agrees to file a public notice of the discontinuance by posting it to the Class Action Registry.
6. It is in the interest of justice and of the putative class members to allow the Plaintiff to discontinue this class action as against StubHub.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the Joint Application for Permission to Discontinue the Class Action against Defendants StubHub Canada Ltd. and StubHub Inc.;

ALLOW the Plaintiff to file a discontinuance with respect to its claim against StubHub Canada Ltd. and StubHub Inc.;

TAKE ACT of the Plaintiff’s undertaking to publish a copy of the discontinuance on the Class Action Registry;

THE WHOLE without legal costs.

Montreal, June 14, 2022

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Montreal, June 14, 2022

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NOTICE OF PRESENTATION

To: **McCarthy Tétrault LLP**
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Attorneys for Defendant Internet
Referral Services LLC

TAKE NOTICE that the *Joint Application for Permission to Discontinue a Class Action against StubHub Canada Ltd. and StubHub Inc.* will be presented for hearing on June 17, 2022, at 9:30 a.m. in Room 16.02 of the Montreal Courthouse situated at 1 Notre-Dame Street East, Montreal, Québec.

GOVERN YOURSELVES ACCORDINGLY.

Montreal, June 14, 2022

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**SUPERIOR COURT
(Class Actions Division)
DISTRICT OF MONTRÉAL**

JANIE DESJARDINS

Plaintiff

v.

**INTERNET REFERRAL SERVICES, LLC
(D.B.A. TICKETS-CENTER.COM) ET ALS.**

Defendants

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STUBHUB CANADA LTD.
AND STUBHUB INC.
(Arts. 206, 213 and 585 C.C.P.)**

ORIGINAL

Code : BO-0042

O/f: **1001138858**

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