

CANADA

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

SUPERIOR COURT
(Class Actions Division)

NO : 500-06-001072-202

JANIE DESJARDINS

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.

Defendants

APPLICATION FOR PERMISSION TO DISCONTINUE A CLASS ACTION
(Arts. 206, 213 and 585 C.C.P.)

**TO THE HONOURABLE PIERRE NOLLET, J.S.C., DESIGNATED JUDGE IN THE
PRESENT CASE, THE PLAINTIFF SUBMITS:**

I. PROCEDURAL CONTEXT

1. On June 1, 2020, Plaintiff Janie Desjardins (the “**Plaintiff**”) filed an *Amended Application for Authorization to Institute a Class Action* 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, the Honourable Pierre C.-Gagnon, J.S.C., granted Plaintiff’s request for the issuance of a stay of the present proceedings until a judgment is rendered by the Superior Court in the proceedings identified by docket number 500-06-001066-204 entitled *Tracy Patterson v. Ticketmaster Canada Holdings ULC et al.* (the “**Patterson Class Action**”), as appears from the Court record (see [2020 QCCS 2591](#)).
3. Justice Gagnon described the current proceedings and the Patterson Class Action as “cibl[a]nt essentiellement les mêmes défenderesses et contest[a]nt la même situation, soit le refus allégué des défenderesses de rembourser entièrement le prix de billets d’événements annulés ou reportés, ce qui contreviendrait à l’article 54.9.1 de la *Loi sur la protection du consommateur*”.
4. On March 8, 2023, the parties to the Patterson Class Action reached a settlement agreement, which is conditional upon the discontinuance of the present proceedings (the “**Settlement**”), as appears from the Court record in the Patterson Class Action.
5. Putative class members in the current proceedings will not be prejudiced if the present *Application for discontinuance* is granted. The scope of the Settlement captures an important number of the current putative class members residing in Québec, who will benefit from the Settlement if they requested a reimbursement for an event in Québec which was postponed or rescheduled as a result of the Covid-19 pandemic. Such putative class members are the only ones providing a release to the Defendants in the Patterson Class Action. Putative class members who purchased tickets to events that were cancelled as a result of the Covid-19 pandemic were reimbursed without the need to make a request.
6. The Plaintiff therefore seeks leave to discontinue the present class proceedings, on her own behalf and on behalf of the proposed class.
7. Similar *Applications for discontinuance* against the other defendants in the current proceedings were granted by this Court following the conclusion of settlements with them in the Patterson Class Action, as appears from the Court record (see [2022 QCCS 2846](#) and [2022 QCCS 3204](#) at para 18).
8. Plaintiff’s Counsel undertakes to file the Discontinuance appended to the present Application, upon leave to do so being granted by the Court.

9. Plaintiff's Counsel also undertakes to file a public notice of the discontinuance by posting it to the *Class Actions Registry*. The proposed notice agreed to by the Parties is filed herewith in its French and English versions as **Exhibit R-1**.
10. It is in the interests of justice and the economy of judicial resources to allow the Plaintiff to completely discontinue the present proceedings.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the *Application for Permission to Discontinue a Class Action*;

GRANT LEAVE to the Plaintiff to file the Discontinuance appended to the present Application;

APPROVE the form and content of the draft Notice to Putative Class Members in its French and English version (Exhibit R-1);

PRAY ACT of the undertaking by counsel for the Plaintiff to publish the Notice to Putative Class Members (Exhibit R-1) together with the notice of discontinuance on the *Class Actions Registry*;

THE WHOLE without legal costs.

September 22, 2023

(s) LPC Avocat Inc.

LPC AVOCAT INC.
Attorneys for the Plaintiff

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NOTICE OF PRESENTATION

TO: CHRISTOPHER RICHTER
TORYS
1, PLACE VILLE MARIE, #2880
MONTRÉAL, QUÉBEC, H3B 4R4
CRICHTER@TORYS.COM

TAKE NOTICE that the *Application for Permission to Discontinue a Class Action* will be presented for decision before the Honourable Pierre Nolle, J.S.C., designated judge in the present case, sitting in the Class Actions Division of the Superior Court of Québec, in the Montréal Courthouse situated at 1 Notre-Dame Street East, Montréal, QC H2Y 1B6, on **October 18, 2023**, room and time to be determined by Court later.

PLEASE GOVERN YOURSELF ACCORDINGLY.

September 22, 2023

(s) *LPC Avocat Inc.*

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ORIGINAL

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N/D: JZ-215
