

CANADA

PROVINCE OF QUÉBEC
DISTRICT OF LAVAL

(Class Action)
SUPERIOR COURT

NO: 540-06-000019-234

VALÉRIE RICHARD

Applicant

v.

TICKETMASTER CANADA LP
and
TICKETMASTER CANADA HOLDINGS ULC
and
TICKETMASTER CANADA ULC
and
TICKETMASTER LLC

Defendants

**AMENDED APPLICATION FOR PERMISSION TO AMEND APPLICANT'S
APPLICATION TO AUTHORIZE A CLASS ACTION**
(Arts. 206 and following and 585 C.C.P.)

**TO THE HONOURABLE FLORENCE LUCAS, J.S.C., DESIGNATED JUDGE FOR
THE PRESENT CLASS ACTION [...], THE APPLICANT STATES:**

I. INTRODUCTION

1. On March 21, 2023, the initial Applicant, George Marcho, filed an *Application to Authorize a Class Action* (the "**Authorization Application**") against the Defendants seeking compensation for false representations and prohibited practices with respect to the sale of event tickets on "Ticketmaster", as it appears from the record;
2. On March 27, 2023, the Applicant's undersigned attorney notified and filed a notice to cease representing Mr. Marcho (the reasons for which cannot be disclosed without a Court order due to professional secrecy), as it appears from the Court record;
3. That same day, Mr. Marcho asked the undersigned attorney to replace him as lead Applicant in this case (the reasons for which cannot be disclosed without a Court order due to professional secrecy), as it appears from the email sent by the undersigned attorney to the Court on March 27, 2023, at 4:18 p.m., which includes:

“We are following up on our email below. Considering, notably, article 87(2) CCP, Mr. Marcho has now formally asked us to replace him as Applicant in this action and we have obtained a mandate from a new Applicant who is prepared to take on this role. Given that Ticketmaster has not yet been served, we will proceed with serving both the original and amended applications diligently once they are filed.”

4. On March 28, 2023, Ms. Richard filed the *Amended Application to Authorize a Class Action* (the “**Amended Authorization Application**”), a copy of which was sent to the Court by email that day;
5. Me Richter was on copy of all emails exchanged with the Court and did not object to the original Authorization Application being served at the same time as the Amended Authorization Application, as it appears from the Court record;
6. On April 5, 2023, Ticketmaster filed an opposition to the amendments, claiming that their opposition was supposedly “*dans l’intérêt de la justice*” and in the “*intérêts des membres putatifs*”;
7. Ticketmaster [...] were served with both applications at the same time and therefore suffer no prejudice whatsoever from the amendments (Ms. Richard could have filed a new authorization application [...]);

II. GROUNDS FOR PERMISSION TO AMEND

8. Article 206 CCP allows a party to amend a pleading “at any time before judgment”, provided that the other criteria of that provision – which must be given a large and liberal interpretation – are satisfied;
9. The Amended Authorization Application clearly does not result in “an entirely new application having no connection with the original one” as it flows (*en découle*) from it. Very recently, the Court of Appeal confirmed a judgment authorizing amendments that were filed by the plaintiffs several days *after* the authorization hearing was held (*Epic Games Canada c. F.N.*, 2023 QCCA 275, par. 7-8; *F.N. c. Epic Games Canada*, 2022 QCCS 4551, par. 26 and 35);
10. It is trite law that that an applicant can be replaced (or an additional person added as a co-applicant) and that this amendment is retroactive to the date of the initial filing (*Lepage Forbes c. Procureur général du Québec*, 2017 QCCS 1572, par. 44);
11. The amendments allege new facts and a new cause of action discovered by Ms. Richard, all of which clearly flow from the original application (see, for example, paras. 39.1 and following of the Amended Authorization Application);
12. Ms. Richard wishes to replace, correct and complete certain statements and conclusions that warrant amendments to the Authorization Application, the whole as appears from the amendments laid out in the Amended Authorization Application;

13. Clearly, these amendments are neither unnecessary nor contrary to the interests of justice and do not result in an entirely new application having no connection with the original one;
14. The Amended Authorization Application clearly does not delay the proceeding as it was served at the same time as the original;
15. The amendments have regard for the protection of the rights and interests of the Class members.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

AUTHORIZE the amendments laid out in the *Amended Application to Authorize a Class Action* dated and filed on March 28, 2023;

DECLARE the *Amended Application to Authorize a Class Action* dated March 28, 2023, duly filed and served on the Defendants;

[...]

THE WHOLE without costs, unless contested.

Montreal, January 8, 2024

(s) LPC Avocat Inc.

LPC AVOCAT INC.

Mtre Joey Zukran

Attorney for the Applicant

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NOTICE OF PRESENTATION

TO: Me Christopher Richter
Société d'avocats Torys
crichter@torys.com
For the Defendants

TAKE NOTICE that the present *Amended Application for Permission to Amend Applicant's Application to Authorize a Class Action*, shall be presented for adjudication before the Honourable Florence Lucas, J.S.C., on **January 10, 2024**, at the Montreal Courthouse, situated at 1, Rue Notre-Dame E, Montréal, Quebec, H2Y 1B6.

GOVERN YOURSELVES ACCORDINGLY.

Montreal, January 8, 2024

(s) LPC Avocat Inc.

LPC AVOCAT INC.

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ORIGINAL

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