

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

SUPERIOR COURT
(Class Actions Division)

NO : 500-06-001072-202

JANIE DESJARDINS

Plaintiff

v.

VIVID SEATS LLC

Defendant
(collectively, the “Parties”)

**DE BENE ESSE APPLICATION FOR LEAVE TO DISCONTINUE THE PUTATIVE
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 DEFENDANT VIVID SEATS LLC SUBMITS:**

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 bearing the Court File No. 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, **Desjardins c. Internet Referral Services (Tickets-Center.com)**, [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**” (par. 3).

4. On March 9 and March 16, 2022, the plaintiff, Ms. Tracy Patterson, and defendant, Vivid Seats, to the Patterson Class Action reached a settlement agreement, as appears from the Court in the Patterson Class Action (the “**Settlement**”).
5. On July 26, 2022, the Honourable Pierre-C. Gagnon, J.S.C., approved the Settlement (the “**Settlement Approval Judgment**”) (see, **Patterson** c. **Ticketmaster Canada Holdings**, [2022 QCCS 3203](#)). The Settlement Approval Judgment is enforceable and was not subject to any appeal.
6. On November 6, 2022, the claims period in the Patterson Class Action ended.
7. On October 7, 2024, the Court granted defendant Vivid Seats LLC’s (the “**Defendant**”) **Application for a Closing Judgment** in the Patterson Class Action and pronounced the closure of the class action proceedings as regards Vivid Seats LLC (see, **Patterson** c. **Vivid Seats**, [2024 QCCS 4895](#)) (the “**Closing Judgment**”). The Court further declared that Vivid Seats LLC had fulfilled its obligations pursuant to the Settlement in accordance with the Settlement Approval Judgment.
8. As of the Closing Judgment, the plaintiff, Ms. Tracy Patterson, and the class members to the Patterson Class Action are bound by the release contained in the Settlement.
9. Putative class members in the current proceedings will not be prejudiced if the present **De Bene Esse Application for Leave to Discontinue a Class Action** (the “**Application for Discontinuance**”) is granted. The scope of the Settlement captures the current putative class members residing in Québec, who benefited from the Settlement and could have 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.
10. Although the Plaintiff does not oppose the discontinuance, the Plaintiff has not filed a **de bene esse** application to discontinue her application against the Defendant. As a result, the Defendant is compelled to submit the present Application for Discontinuance of Plaintiff’s claim.
11. The Defendant therefore requests **de bene esse** that this Court grant leave to the parties to discontinue the present class proceedings against it, or alternatively, take act of the uncontested discontinuance by the Plaintiff.
12. Similar **Applications for discontinuance** against the other defendants, Ticketmaster Canada Holdings ULC, Ticketmaster Canada ULC, Ticketmaster Canada LP, Ticketmaster LLC, Live Nation Canada inc., Live Nation Entertainment inc., StubHub Canada Ltd., StubHub Inc., and Internet Referral Services, LLC, in the current proceedings were granted by this Court following the conclusion of settlement agreements with them in the Patterson Class Action, as appears from the Court record.

13. Upon leave to do so being granted by the Court, Defendant requests that counsel for Plaintiff file (i) the notice of discontinuance appended to the present Application, which is filed herewith as **Exhibit R-1**; and (ii) the public notice of the discontinuance by posting it to the Class Actions Registry. The proposed notice is filed herewith in its French and English versions as **Exhibit R-2**.
14. Plaintiff does not oppose the present ***De Bene Esse Application for Leave to Discontinue a Class Action***.
15. It is in the interests of justice and the economy of judicial resources to allow the parties to completely discontinue the present proceedings against the Defendant.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the present ***De Bene Esse Application for Leave to Discontinue the Putative Class Action***;

TAKE ACT of the discontinuance in favour of the Defendant Vivid Seats LLC or, alternatively **ORDER** the Plaintiff Janie Desjardins to discontinue the present class action in favour of the Defendant Vivid Seats LLC;

ORDER the Plaintiff Janie Desjardins to file the notice of discontinuance appended to the present Application (Exhibit R-1) within seven (7) days of the judgement to be rendered;

APPROVE the form and content of the draft Notice to Putative Class Members in its French and English version (Exhibit R-2);

ORDER counsel for Plaintiff to publish the Notice to Putative Class Members (Exhibit R-2) together with the notice of discontinuance (Exhibit R-1) in the ***Class Actions Registry***;

THE WHOLE without legal costs.

MONTREAL, November 6, 2025

McCarthy Tétrault s.e.n.c.r.l., s.r.l.

McCARTHY TÉTRAULT LLP

Attorneys for the Defendant

Mtre Jean Lortie (jlortie@mccarthy.ca)

Mtre Audrée Anne Barry (aabarry@mccarthy.ca)

Tel: 514 397-4146 / 514 397-8297

MZ400-1000, De La Gauchetière Street W.

Montreal, QC H3B 0A2

CANADA

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

NO. : 500-06-001072-202

(Class Action Division)
SUPERIOR COURT

JANIE DESJARDINS

Plaintiff

v.

VIVID SEATS LLC

Defendant

**LIST OF EXHIBITS IN SUPPORT OF THE *DE BENE ESSE* APPLICATION FOR LEAVE
TO DISCONTINUE THE PUTATIVE CLASS ACTION**

EXHIBIT	DESCRIPTION
Exhibit R-1	Draft Notice of Discontinuance
Exhibit R-2	Draft Notices to Putative Class Members

MONTREAL, November 6, 2025

McCarthy Tétrault s.e.n.c.r.l., s.r.l.

McCARTHY TÉTRAULT LLP

Attorneys for the Defendant

Mtre Jean Lortie (jlortie@mccarthy.ca)

Mtre Audrée Anne Barry (aabarry@mccarthy.ca)

Tel: 514 397-4146 / 514 397-8297

MZ400-1000, De La Gauchetière Street W.

Montreal, QC H3B 0A2

NOTICE OF PRESENTATION

TO : M^{re} Joey Zukran
M^{re} Léa Bruyère
LPC Avocat inc.
276 rue Saint-Jacques, bureau #801
Montréal QC H2Y1N3
Email : jzukran@lpclex.com
lbruyere@lpclex.com

TAKE NOTICE that the ***De Bene Esse*** Application for Permission to Discontinue a Class Action will be presented before decision before the Honourable Pierre Nollet, 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, **at a date, time and room to be determined.**

PLEASE GOVERN YOURSELF ACCORDINGLY.

MONTREAL, November 6, 2025

McCarthy Tétrault s.e.n.c.r.l., s.r.l.

McCarthy Tétrault LLP

Attorneys for the Defendant

M^{re} Jean Lortie (jlortie@mccarthy.ca)

M^{re} Audrée Anne Barry (aabarry@mccarthy.ca)

Tel: 514 397-4146 / 514 397-8297

MZ400-1000, De La Gauchetière Street W.

Montreal, QC H3B 0A2

AVIS AUX MEMBRES PUTATIFS DU GROUPE

Desjardins c. Vivid Seats LLC et al.

(C.S.M. no. 500-06-001072-202)

Le 1^{er} juin 2020, Mme Janie Desjardins déposait une demande modifiée pour faire autoriser une action collective contre Vivid Seats LLC (la « **Défenderesse** ») (parmi d'autres entreprises de vente de billets), en lien avec la situation après mars 2020 quand la pandémie de COVID-19 a empêché la présentation de nombreux événements pour lesquels des billets avaient été vendus.

Le ■ 2025, la Cour supérieure du Québec a permis le désistement de cette demande d'autorisation, laquelle n'a jamais été autorisée.

Des renseignements au sujet du règlement de l'action collective *Tracy Patterson c. Ticketmaster Canada Holdings ULC et al.* (C.S.M. no. 500-06-001066-204) autorisé par la Cour supérieure le 26 juillet 2022 sont disponibles :

- Sur le Registre des actions collectives :
www.registredesactionscollectives.quebec/fr;
- Sur le site web suivant : <https://lpclex.com/fr/reglements/>

L'avocat de la demanderesse dans le présent dossier est :

LPC AVOCAT INC.

Me Joey Zukran

jzukran@lpclex.com

Tel. : 514.379.1572

276, rue Saint-Jacques, bureau 801

Montréal (Québec) H2Y 1N3

Fax : 514.221.4441

La publication de cet avis a été ordonnée par la Cour supérieure du Québec.

NOTICE TO PUTATIVE CLASS MEMBERS

Desjardins v. Vivid Seats LLC et al.

(S.C.M. no. 500-06-001072-202)

On June 1, 2020, Ms. Janie Desjardins filed an *Amended Application for Authorization to Institute a Class Action* against Vivid Seats LLC (the “**Defendant**”) (among other entities selling tickets), regarding the situation after March 2020 when the COVID-19 pandemic prevented the presentation of numerous events for which tickets had been sold.

On ■ 2025, the Superior Court of Québec allowed a discontinuance of this application for authorization, which has never received authorization.

Information about the settlement approved by the Superior Court of Québec on July 26, 2022 of the class action *Tracy Patterson v. Ticketmaster Canada Holdings ULC et al.* (S.C.M. no. 500-06-001066-204) is available:

- On the Class Actions Registry:
<http://www.registredesactionscollectives.quebec/en>;
- On the following website: <https://lpclex.com/settlements/>

The attorneys for the Plaintiff in the present proceedings are:

LPC AVOCAT INC.

Mtre Joey Zukran

jzukran@lpclex.com

Tel.: 514.379.1572

276 Saint-Jacques Street, Suite 801

Montréal, QC, H2Y 1N3

Fax: 514.221.4441

The publication of this notice was ordered by the Superior Court of Québec.

CANADA

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

SUPERIOR COURT
(Class Actions Division)

NO : 500-06-001072-202

JANIE DESJARDINS

Plaintiff

v.

VIVID SEATS LLC

Defendant

**DISCONTINUANCE
(ART. 213 C.C.P.)**

The Plaintiff, through her counsel, discontinues the current judicial application against **VIVID SEATS LLC**, who accepts the discontinuance without costs.

MONTRÉAL, November 12, 2025

LPC AVOCAT INC.
Attorneys for the Plaintiff
Mtre Joey Zukran
izukran@lpclex.com
Tel. : 514.379.1572
276 Saint-Jacques Street, Suite 801
Montréal, QC H2Y 1N3
Fax : 514.221.4441

Reignier, Caroline

De: Reignier, Caroline
Envoyé: jeudi, novembre 06, 2025 16:08
À: Joey Zukran; 'lbruyere@lpclex.com'
Cc: Lortie, Jean; Audrée Anne Barry; Badaku-Kpalley, Anita
Objet: NOTIFICATION: Janie Desjardins v. Vivid Seats LLC - 500-06-001072-202 - Our file: :224791-536597
Pièces jointes: De Bene Esse Application for Leave to Discontinue - 500-06-001072-202(60832057.8).pdf

SUPERIOR COURT (CLASS ACTION)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N°.: 500-06-001072-202

JANIE DESJARDINS

Plaintiff

v.

VIVID SEATS LLC

Defendant

NOTIFICATION SLIP BY EMAIL (Art. 133 and 134 C.C.P.)

MONTREAL, this November 6, 2025

SENDER :

Mtre Jean Lortie / Mtre Audrée Anne Barry
McCarthy Tétrault LLP
2500 – 1000 De La Gauchetière Street West
Montreal (Quebec) H3B 0A2 Canada
Telephone : 514-397-4146 Mtre Jean-Lortie
514-397-5078 Mtre Audrée Anne Barry
Fax : 514-875-6246
Email : jlortie@mccarthy.ca
aabarry@mccarthy.ca
Notification : notification@mccarthy.ca
Our reference : 224791-536597

NATURE OF THE DOCUMENT

DE BENE ESSE APPLICATION FOR LEAVE TO DISCONTINUE THE PUTATIVE CLASS ACTION, LIST OF EXHIBITS, EXHIBITS R-1 AND R-2

NUMBER OF PAGES TRANSMITTED 9
(not including the slip) :

ADDRESSEES:

Mtre Joey Zukran
Mtre Léa Bruyère
LPC Avocat inc.
276 Saint-Jacques Street, suite 801
Montréal (Québec) H2Y 1N3
Telephone: 514-379-1572
Fax: 514-221-4441
Email : jzukran@lpclex.com
lbruyere@lpclex.com

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Caroline Reigner

Adjointe juridique | Legal Assistant
Litige | Litigation
Kevin Anglehart, Audree Anne Barry, Marc-Etienne Boucher
T: 514-875-3159
E: creigner@mccarthy.ca

MT Services Limited Partnership

Administrative services provider for McCarthy Tétrault LLP
Bureau MZ400
1000, rue De La Gauchetière Ouest
Montréal QC H3B 0A2

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Pour toute question, nous vous invitons à contacter le numéro sans frais:

1 833 3-LEXIUS (1 833 353-9487).

Confirmation de la transmission des documents



Succès

Vos documents ont bien été transmis.

Numéro de demande : 2025-PROC-00379881

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SUPERIOR COURT
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JANIE DESJARDINS

Plaintiff

v.

VIVID SEATS LLC

Defendant

***DE BENE ESSE APPLICATION FOR LEAVE TO
DISCONTINUE THE PUTATIVE
CLASS ACTION
(ARTS. 206, 213 AND 585 C.C.P.)***

ORIGINAL

Mtre Jean Lortie / Mtre Audrée Anne Barry
Our reference: 224791-536597

BC0847

McCarthy Tétrault LLP

Barristers & Solicitors • Patent & Trade-mark Agents

Suite MZ400
1000 De La Gauchetière Street West
Montreal (Quebec) H3B 0A2
Tel. : 514 397-4100
Fax : 514 875-6246

Notification@mccarthy.ca