

C A N A D A

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

(Class Action)
SUPERIOR COURT

NO: 500-06-000754-156

STEVE ABIHSIRA

Representative Plaintiff

v.

STUBHUB, INC.
EBAY, INC.
VIVID SEATS LLC
SEATGEEK, INC.
FANXCHANGE LIMITED
TICKETNETWORK, INC.
UBERSEAT

Settling Respondents

**APPLICATION TO ORDER THE DISTRIBUTION OF THE SETTLEMENT BENEFITS
TO CLASS MEMBERS AND THE COMMENCEMENT OF THE 36 MONTH PERIOD**
(Article 25 and 49 C.C.P.)

**TO THE HONOURABLE PIERRE-C. GAGNON OF THE SUPERIOR COURT OF
QUEBEC, DESIGNATED JUDGE IN THE PRESENT CASE, THE REPRESENTATIVE
PLAINTIFF SUBMITS THE FOLLOWING:**

I. INTRODUCTION

1. On September 2, 2020, the Court approved the Transaction between the Representative Plaintiff and the Settling Respondents;¹
2. The Transaction provided for credits in the amount of \$24.29 that can be used to purchase tickets to sporting and cultural events on the Settling Respondents' platforms;
3. Due to the fact that sporting and cultural events were halted in the province of Quebec because of the Covid-19 restrictions, the Court's approval of the Transaction contained the following stipulations:

¹ *Abihsira c. Stubhub inc.*, 2020 QCCS 2593.

- a) That, concerning the Effective Date, the period of 36 months during which each member may use the credit, will begin only on the date set by an ulterior judgment of the Court (paras. 53 and 96);
 - b) That, concerning the approved amount of class counsel fees, one third be held in trust with LCM Avocats Inc. until an ulterior judgment of the Court (paras. 89 and 101-103)
4. On September 30, 2021, the Ministère de la Santé et des Services sociaux announced that as of October 8, 2021, sporting and cultural events in the province can operate at full capacity, as it appears from **Exhibit S-19**;
 5. On September 30, 2021, the Groupe CH a declaration on its website titled “*Le Centre Bell et la Place Bell pourront opérer à pleine capacité pour la saison 2021-2022*”, as it appears from **Exhibit S-20**;
 6. Indeed, on October 9, 2021, a concert was held at the Centre Bell attended by approximately 14,885 people, as it appears from **Exhibit S-21**;
 7. Class Members can now purchase tickets to many different sporting and cultural events using their settlement benefits from the Settling Respondents’ platforms, as it appears *en liasse* from **Exhibit S-22**;
 8. In light of the above, the parties respectfully submit that it is appropriate to grant the present application and order that the Effective Date begin to run within 30 days of the judgment to be rendered;

| PAR CES MOTIFS, PLAISE AU TRIBUNAL : | FOR THESE REASONS, MAY IT PLEASE THE COURT TO: |
|--|---|
| [1] ACCUEILLIR la demande intitulée <i>Application to Order the Distribution of the Settlement Benefits to Class Members and the Commencement of the 36 Month Period</i> ; | GRANT the <i>Application to Order the Distribution of the Settlement Benefits to Class Members and the Commencement of the 36 Month Period</i> ; |
| [2] DÉCLARER et ORDONNER que la date d'entrée en vigueur tel que défini dans la Transaction, y compris la période de 36 mois durant laquelle chaque membre pourra utiliser le crédit, débutera à courir 30 jours après le jugement qui sera rendu; | DECLARE and ORDER that the Effective Date within the meaning of the Transaction Agreement, including the period of 36 months during which each member may use the credit, will begin to run 30 days following the judgment to be rendered herein; |
| [3] AUTORISER LCM avocats inc. à remettre à LPC Avocat Inc. la portion des honoraires actuellement détenue dans son compte en fidéicommiss, dans les 30 jours | AUTHORIZE LCM Avocats Inc. to release the portion of class counsel fees currently held in its trust account to LPC Avocat Inc. within 30 days of the judgment to be |

| | |
|---|---|
| suivant le jugement qui sera rendu; | rendered herein; |
| [4] LE TOUT , sans frais de justice. | THE WHOLE , without legal costs. |

Montreal, October 29, 2021

(s) LPC Avocat Inc.

LPC AVOCAT INC.

Mtre Joey Zukran

Attorney for the Representative Plaintiff

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STUBHUB, INC. ET ALS.

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LIST OF EXHIBITS

- Exhibit S-19:** Copy of the September 30, 2021 announcement by the Ministère de la Santé et des Services sociaux;
- Exhibit S-20:** Copy of the September 30, 2021 declaration by Groupe CH;
- Exhibit S-21:** Copy of the La Presse article dated October 10, 2021;
- Exhibit S-22:** *En liasse*, screen captures of the Settling Respondents' platforms;

Montreal, October 29, 2021

(s) LPC Avocat Inc.

LPC AVOCAT INC.

Mtre Joey Zukran

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NOTICE OF PRESENTATION

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Me Kristian Brabander

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and Seatgeek, Inc.

Me Bernard Amyot, Ad. E.

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Avocat-conseils for LPC Avocat Inc.

TAKE NOTICE that the present *Application to Order the Distribution of the Settlement Benefits to Class Members and the Commencement of the 36 Month Period* shall be presented for adjudication before the Honourable Pierre-C. Gagnon, J.S.C., on **a date and time to be determined** at the Montreal Courthouse, situated at 1 Notre-Dame Street East, Montréal (Quebec), H2Y 1B6.

Montreal, October 29, 2021

(s) LPC Avocat Inc.

LPC AVOCAT INC.

Mtre Joey Zukran
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SETTLEMENT BENEFITS TO CLASS MEMBERS AND THE
COMMENCEMENT OF THE 36 MONTH PERIOD**
(Article 25 and 49 C.C.P.)

ORIGINAL

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N/D: JZ-103