

**C A N A D A**

**PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL**

**(Class Action)  
SUPERIOR COURT**

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**NO: 500-06-000754-156**

**STEVE ABIHSIRA**

Representative Plaintiff

v.

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

Defendants

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**APPLICATION TO REPLACE THE CLAIMS ADMINISTRATOR**  
(Article 25 and 49 C.C.P.)

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

1. The present application concerns only the International Sub-Group Members and the replacement of the previously appointed Claims Administrator in order to promptly communicate the approval notices to the International Sub-Group Members and to process and validate their claims pursuant to the Transaction previously approved by the Court;
2. On January 24, 2018, the Court appointed Collectiva Class Action Services Inc. (“Collectiva”) as the Claims Administrator for the purposes of accomplishing the tasks that devolve to it pursuant to the Transaction between the parties;<sup>1</sup>
3. On August 18, 2020 (as rectified on September 2, 2020), the Court approved the Transaction (including the final approval notice) and ordered Collectiva to notify each International Sub-Group Member by email, within five Days following the

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<sup>1</sup> Judgment by the Honourable Kirkland Casgrain, J.S.C., on January 24, 2018, para. 16.

Effective Date, with the Notice of the Approval of the Transaction containing a hyperlink to the online Claim Form (filed respectively as Exhibit S-12 and Exhibit S-14 in support of the settlement approval application);<sup>2</sup>

4. Due to the fact that sporting and cultural events were paused in the province of Quebec because of the Covid-19 restrictions, the Court's approval of the Transaction notably stipulated 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);
5. On November 10, 2021, the Court rendered a judgment whereby it notably declared and ordered that the Effective Date within the meaning of the Transaction shall begin on January 1<sup>st</sup>, 2022;<sup>3</sup>
6. Class Counsel diligently forwarded both of these judgments to Collectiva;
7. In January 2022, Collectiva did not notify each International Sub-Group Member by email and the online Claim Form published on its website was not compatible with mobile/tablet devices;
8. It is respectfully submitted that, in the circumstances, it is appropriate to replace Collectiva as Claims Administrator in the present file and that this request is in the best interest of the International Sub-Group Members;
9. Velvet Payments Inc. has agreed to take over from here as Claims Administrator and perform the remaining tasks that devolve to the Claims Administrator pursuant to the Settlement Agreement;
10. Velvet Payments Inc. has already been designated as Claims Administrator in the present file (in a separate settlement with Viagogo AG<sup>4</sup>) and adequately performed its tasks<sup>5</sup>;
11. The Representative Plaintiff and his attorney have no reason to doubt that Velvet Payments Inc. will also adequately perform its tasks in the present settlement;
12. The Defendants do not oppose the present request and Collectiva is awaiting the judgment to be rendered on the present application in order to remove the case from its website;

<b>PAR CES MOTIFS, PLAISE AU TRIBUNAL :</b>	<b>FOR THESE REASONS, MAY IT PLEASE THE COURT TO:</b>
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<sup>2</sup> *Abihsira c. Stubhub inc.*, 2020 QCCS 2593, para. 97.

<sup>3</sup> *Abihsira c. Stubhub inc.*, 2021 QCCS 4676, para. 7.

<sup>4</sup> *Abihsira c. Viagogo*, 2020 QCCS 4553, para. 24.

<sup>5</sup> *Abihsira c. Viagogo*, 2021 QCCS 5462, para. 4.

<b>[1] ACCUEILLIR</b> la présente demande;	<b>GRANT</b> the present Application;
<b>[2] NOMMER</b> Paiements Velvet inc. comme administrateur des réclamations afin d'accomplir les tâches restantes qui lui sont dévolues en vertu de la Transaction et <b>DÉCLARER</b> que Paiements Velvet inc. remplace Collectiva Class Action Services inc. comme administrateur des réclamations dans le présent dossier avec effet immédiat;	<b>APPOINT</b> Velvet Payments Inc. as the Claims Administrator for the purposes of accomplishing the remaining tasks that devolve to it pursuant to the Transaction and <b>DECLARE</b> that Velvet Payments Inc. replaces Collectiva Class Action Services Inc. as the Claims Administrator in the present file effective immediately;
<b>[3] ORDONNER</b> à Paiements Velvet inc., l'Administrateur des réclamations, de notifier à chaque Membre international admissible par courriel, dans les dix jours du jugement à être rendu, l'Avis d'approbation de la Transaction, contenant un hyperlien vers le Formulaire de réclamation en ligne, pièce S-12, et <b>ORDONNER</b> à Paiements Velvet inc. d'envoyer un courriel de rappel à tous les Membres international amissibles qui n'ont pas encore soumis de réclamation 30 et 90 jours par après, en harmonie avec le paragraphe 18 de la Transaction, en ajoutant les termes « rappel » et « dernier rappel », respectivement, dans l'objet du courriel;	<b>ORDER</b> Velvet Payments Inc., the Claims Administrator, to notify each International Sub-Group Member by email, within ten days of the judgment to be rendered, with the Notice of the Approval of the Transaction, containing a hyperlink to the online Claim Form, Exhibit S-12, and <b>ORDER</b> Velvet Payments Inc. to send a reminder email to all Eligible International Members who have not yet submitted a Claim 30 and 90 days thereafter, in harmony to clause 18 of the Transaction, adding the terms "reminder" and "final reminder", respectively, to the email subject line;
<b>[4] LE TOUT</b> , sans frais de justice.	<b>THE WHOLE</b> , without legal costs.

Montreal, February 21, 2022

(s) LPC Avocat Inc.

**LPC AVOCAT INC.**

Mtre Joey Zukran

Attorney for the Representative Plaintiff

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Montréal, Québec, H2Y 1N3

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Fax: (514) 221-4441

Email: [jzukran@lpclex.com](mailto:jzukran@lpclex.com)

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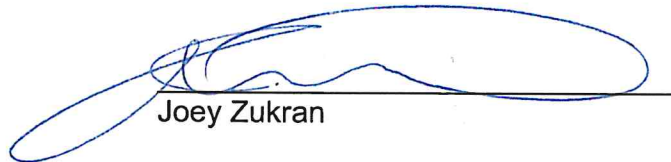
**AFFIDAVIT OF JOEY ZUKRAN**

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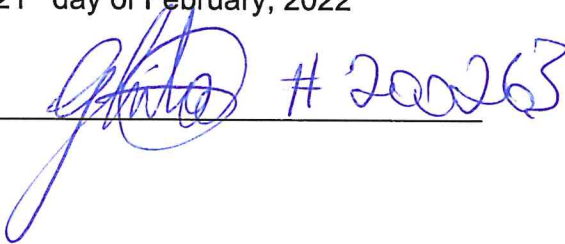
I, Joey Zukran, attorney, practicing my profession at 276, rue Saint-Jacques, Suite 801, Montreal, Quebec, H2Y 1N3, solemnly affirm:

1. That I am the attorney for the Representative Plaintiff in the present Action;
2. That I have taken cognizance of the Application attached and the facts alleged therein are true;
3. That said Application is made in good faith.

AND I HAVE SIGNED

  
\_\_\_\_\_  
Joey Zukran

Solemnly affirmed before me at Montreal  
this 21<sup>st</sup> day of February, 2022

  
\_\_\_\_\_  
# 200263



## NOTICE OF PRESENTATION

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**TO: Me Fadi Amine**  
Miller Thomson, SENCRL  
[famine@millerthomson.com](mailto:famine@millerthomson.com)  
For Ticketnetwork, Inc.

**Me Kristian Brabander**  
McCarthy Tétrault  
[KBRABANDER@MCCARTHY.CA](mailto:KBRABANDER@MCCARTHY.CA)  
For Vivid Seats LLC  
& FanXchange Limited

**Me François-David Paré**  
Norton Rose Fulbright SENCRL  
[francois-  
david.pare@nortonrosefulbright.com](mailto:francois-david.pare@nortonrosefulbright.com)  
For StubHub, Inc. & eBay, Inc.

**Me Yves Martineau**  
**Me Jean-François Forget**  
Stikeman Elliott, SENCRL  
[ymartineau@stikeman.com](mailto:ymartineau@stikeman.com)  
For Uberseat  
and Seatgeek, Inc.

**TAKE NOTICE** that the present *Application to Replace the Claims Administrator* 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, February 21, 2022

*(s) LPC Avocat Inc.*

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**LPC AVOCAT INC.**

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Representative Plaintiff

v.

**STUBHUB INC. ET ALS.**

Defendants

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(Article 25 and 49 C.C.P.)

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**ORIGINAL**

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Me Joey Zukran  
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**BL 6059**

**N/D: JZ-103**

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