

TICKET REFUND CLASS ACTION - NOTICE OF HEARING TO APPROVE CLASS ACTION SETTLEMENT AND CLASS COUNSEL'S FEES

Class Action Settlement Notice Regarding Ticketmaster Refund Class Action

Beaucage v. Ticketmaster Canada Holdings ULC et al., Ontario Superior Court of Justice, File No: CV-20-00640518-00CP

The Ontario Superior Court of Justice ("**Court**") has certified this action as a class action for settlement purposes against Ticketmaster Canada Holdings ULC, Ticketmaster Canada ULC, Live Nation Canada, Inc., and Live Nation Entertainment, Inc. (collectively, "**Ticketmaster**" or the "**Defendants**").

The Representative Plaintiff, Shayne Beaucage, and the Defendants have entered into a settlement agreement, subject to approval of the Court. The settlement, if approved by the Court, may affect your rights.

The Settlement Agreement will only be valid if it is approved by the Court. A hearing for the approval of the Settlement will be heard by the Ontario Superior Court of Justice on December 15, 2022 at 10:00 a.m. via Zoom (call-in details will be provided at a later date). Class Counsel will also be seeking approval of a class counsel fee of 30% of the settlement amount, excluding the total value of the gift cards, and disbursements. The total of fees, disbursements, and taxes sought will be \$36,979.21. The Representative Plaintiff will also be asking the Court to approve the payment of an honorarium of \$500.

If the settlement is not approved, Ticketmaster will oppose certification of the claim as a class action, and the litigation will continue.

Notice of this class action and the proposed settlement has also been sent via the email address info@ticketrefundclassactionsettlement.ca by the Claims Administrator appointed by the court, JND Legal Administration.

What is this class action about?

The lawsuit, *Beaucage v. Ticketmaster Canada Holdings ULC et al.*, is a class action which alleges that customers who purchased tickets to events that were impacted by the COVID-19 pandemic were entitled to prompt refunds, in the original form of payment, under the terms of their contracts with Ticketmaster or under consumer protection laws. Ticketmaster denies the allegations and asserts that by November 30, 2020 all ticketholders had been provided refunds or the option to receive refunds for all but 12 events in Canada (excluding Quebec) that had been postponed, rescheduled or canceled after March 11, 2020 due to the COVID-19 pandemic.

The Court has approved the lawsuit to proceed as a class action for settlement purposes only, on behalf of the following Class Members:

All individuals residing in Canada, except for Excluded Persons, who purchased one or more Tickets to an event taking place after March 11, 2020 that was postponed, rescheduled or cancelled after that date.

Ticket means any ticket purchased prior to March 11, 2020 for an event in Canada, outside of Quebec, with the use of a computer through the www.ticketmaster.ca website or with the use of a mobile phone or other mobile device using a browser and the www.ticketmaster.ca website or using one of the Defendants' mobile applications.

Excluded Persons means the Defendants, the past and present parents, subsidiaries, affiliates, officers, directors, senior employees, legal representatives, heirs, predecessors, and the successors and assigns of the Defendants.

The Class Definition excludes individuals who purchased tickets for events taking place in Quebec.

Anyone who falls within the class definition described above is automatically included as a Class Member.

Continuing Class Proceedings in Quebec

There is a similar class action against the Ticketmaster Defendants, which was commenced in Quebec, known as *Patterson c. Ticketmaster Canada Holdings* (Quebec Superior Court File No.: 500-06-001066-204) ("Patterson case"). The *Patterson* case is brought on behalf of

"All persons present on the territory of Quebec at the time of purchase of a ticket (regardless of the location where the event is to take place) between May 12, 2017 and May 11, 2020, for an event to take place on March 11, 2020 or after this date, subsequently postponed, rescheduled or cancelled without a full refund to said persons within 15 days of the request for refund".

The *Patterson* case was authorized as a class action on May 31, 2022, and is currently ongoing. No settlement or final judgement has been made in the *Patterson* case.

Individuals who choose to remain in this class action and who also qualify as Class Members in the *Patterson* action may be limited in their ability to participate in the *Patterson* class action.

The Settlement

While not admitting liability, and without the Court making any determinations, the Defendants have agreed to a settlement with the Representative Plaintiff, which has a total settlement value of CAD\$137,545.

Under the terms of the Settlement, Ticketmaster will provide compensation in the form of a \$5 electronic gift card to certain Credit Eligible Class Members for each eligible ticket purchased and an additional CAD\$100,000 in full and final settlement of all claims in the class action, which will go toward the payment of the cost of notice and administering the settlement, Class Counsel fees and disbursements, any honorarium awarded to the representative plaintiff and payment to the Class Proceedings Fund. Any remaining amount will be donated to a charity of Ticketmaster's choice. There will be no distribution to non-Credit Eligible Class Members.

Credit Eligible Class Members are individuals who, prior to March 11, 2020, purchased tickets for an event in Canada, excluding Quebec, taking place after March 11, 2020, that was postponed, rescheduled or cancelled after that date and for which refunds were not available prior to November 30, 2020. The list of events is set out in the Long-Form Notice available on the [Documents section](#) of this page.

Your Options

If you wish to remain in the class action, you do not have to do anything and will automatically be entitled to the benefits under the settlement agreement. If you do not wish to be bound by the settlement agreement, you may opt out or remove yourself from the Class. If you remain in the Class, you may object to the settlement.

Individuals who choose to remain in this class action and who also qualify as Class Members in the *Patterson* case may be limited in their ability to participate in those proceedings.

Opting Out of the Settlement

If you do not wish to be legally bound by the settlement, you must opt out or remove yourself from the class action. To do so, you must complete and submit the designated Opt Out Form to the Claims Administrator postmarked no later than **November 3, 2022**.

If you opt out, you cannot object to the Settlement and will not be bound by the Settlement Agreement, and may be eligible to pursue an individual claim.

Objections

If you choose not to opt out and to stay in the Class, you may object to the Settlement. If you wish to object to this proposed Settlement, you must submit a written objection by prepaid mail or email to the Claims Administrator by no later than **November 13, 2022**.

At the Approval hearings, the Courts will consider any objections to the proposed settlement by the Class Members if the objections were received in the manner and by the date set out above. A written objection should include the following information:

- (a) Your name, current mailing address, telephone number and email address associated with your Ticketmaster account
- (b) The reason why you believe that you are a Class Member;
- (c) A brief statement of the nature of and reasons for your objection; and
- (d) Whether you intend to appear at the hearing in person or by counsel, and if by counsel, the name, address, telephone number and email address of counsel.

Further Information

A long-form notice with more detailed information and a copy of the Opt Out Form is found in the [Documents section](#) of this page, along with a copy of the settlement agreement.

You may also contact Class Counsel to obtain further information at ticketmasterclassaction@kmlaw.ca or call toll-free at: 1-833-630-1788.

In case of any discrepancy between the terms of this notice and the Settlement Agreement, the terms of the Settlement Agreement shall prevail.