

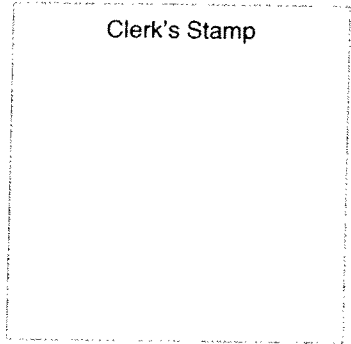
COURT FILE NUMBER      0901-02400

COURT                      COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE        CALGARY

PLAINTIFF(S)            PATRICIA MURRAY

DEFENDANT(S)          TNOW ENTERTAINMENT GROUP, INC.,  
TICKETMASTER ENTERTAINMENT, INC.,  
TICKETMASTER CANADA LTD. And  
PREMIUM INVENTORY, INC.



DOCUMENT                APPLICATION BY THE PLAINTIFF

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF PARTY  
FILING THIS DOCUMENT      Docken & Company  
Clint G. Docken, Q.C.  
900, 800 6<sup>th</sup> Avenue S.W.  
Calgary AB T2P 3G3

Tel: 403-269-3612  
Fax: 403-269-8246

File Number: 7918

NOTICE TO RESPONDENTS: TNOW ENTERTAINMENT GROUP, INC., TICKETMASTER ENTERTAINMENT, INC., TICKETMASTER CANADA LTD. And PREMIUM INVENTORY, INC.

This application is made against you. You are a respondent. You have the right to state your side of this matter before the judge.

To do so, you must be in Court when the application is heard as shown below:

Date:                      **March 27, 2012**

Time:                      **1:00 p.m.**

Where:                    **Calgary Courts Centre, Calgary Alberta**

Before Whom:          **Mr. Justice LoVecchio**

Go to the end of this document to see what else you can do and when you must do it.

**Remedy claimed or sought:**

1. An order:
  - (a) specifying that unless indicated otherwise, the defined terms used in this Order will have the same meaning as that ascribed to them in the Settlement Agreement and Release (the "Proposed Settlement") which is attached as **Schedule "5"** to the Affidavit of Luciana P. Brasil, sworn February 3, 2012 (the "Brasil Affidavit");
  - (b) setting a date and time for the hearing of the Plaintiffs' motions to:
    - (i) certify this action for settlement purposes only and approve the Proposed Settlement; and
    - (ii) approve the Legal Expenses, as requested or in such other amount as may be deemed appropriate by this Honourable Court;  
(collectively, the "Settlement Applications")
  - (c) appointing Garden City Group Inc. ("GCG") as Settlement Administrator;
  - (d) directing that within 5 days of the making of this Order the Defendants shall provide to Garden City Group, Inc., as Settlement Administrator (as defined in the Proposed Settlement), the information described in paragraph 10 of the Proposed Settlement in respect of Settlement Class Members who purchased Alberta Tickets, so that Garden City Group, Inc. can send the Pre-Approval Notice to those Settlement Class Members as provided for in the Proposed Settlement."
  - (e) that Pre-Approval Notice be provided to the Settlement Class Members in accordance with the terms of the Proposed Settlement, in the form of Pre-Approval Notice attached to the Notice of Application as Schedule "A" or in such other form as may be ordered by the Court, within 30 days from the date when the last Pre-Approval Order is made, by the following means:
    - (i) the Settlement Administrator will deliver a copy of the Pre-Approval Notice to each Settlement Class Member by email, using the email address that each Settlement Class Member used in purchasing his or her most recently purchased Ticket(s) through the TicketsNow Website, as follows:

1. the English version of the Pre-Approval Notice will be sent to all Settlement Class Members; and
  2. a French version of the Pre-Approval Notice will be sent to all Settlement Class Members who purchased a Quebec Ticket or for whom the last contact information shows a Quebec address;
- (ii) the Defendants will publish the Pre-Approval Notice once in English on a Saturday in the Review section of the national edition of *The Globe and Mail*, in a size not smaller than 1/6 of a page;
- (iii) The Defendants will publish the Pre-Approval Notice once in French on a Saturday in the Arts section of *La Presse*, in a size not smaller than 1/6 of a page;
- (iv) Once the last Pre-Approval Order has been made, the Plaintiff will issue a press release in the form agreed to by the parties, which is attached to the Notice as Schedule "A."
- (v) Class Counsel will send a copy of the Pre-Approval Notice by email or regular mail to all persons purporting to be Settlement Class Members who contact them in respect of any of the Proposed Class Actions and provided contact information, as follows:
1. the English version of the Pre-Approval Notice will be sent to all Settlement Class Members; and
  2. a French version of the Pre-Approval Notice will be sent to all Settlement Class Members who indicate they have purchased a Quebec Ticket and for whom the last contact information shows a Quebec address;
- (vi) Class Counsel will post a copy of the Pre-Approval Notice in English and French on the Class Action Website and on their respective firms' websites;
- (vii) Class Counsel will post a link to an electronic version of the Pre-Approval Notice on Facebook and on Twitter in English and French;

- (viii) Class Counsel will ask that a copy of the Pre-Approval Notice be posted in English and French with the case information on the CBA's National Class Action Database; and
- (ix) Class Counsel will provide a copy of the Pre-Approval Notice in English or French to any person who requests it.
- (f) that the Defendants pay the costs associated with the Settlement Administrator's fulfillment of its role as settlement administrator pursuant to this Order and the costs of disseminating Pre-Approval Notice pursuant to paragraphs 1(d)(i)-(iii), and (iv) if a press released is issued, only
- (g) that within 30 days from the date when the last Pre-Approval Order is made, the Defendants and the Settlement Administrator will provide written confirmation to Class Counsel that Pre-Approval Notice was disseminated in accordance with paragraphs 1(a)(i)-(iii) of this Order;
- (h) directing that any Settlement Class Member seeking to comment or object to the terms of the Proposed Settlement must do so in writing to Luciana P. Brasil at [lbrasil@branmac.com](mailto:lbrasil@branmac.com) at least 7 days prior to the Approval Hearing in any of the locations where the Settlement Class Member bought Settlement Tickets; and
- (i) such further and other relief and directions as counsel may request and this Honourable Court deems just.

**Grounds for making this application:**

2. The Parties have reached an agreement with respect to the settlement of the Secondary Market Claims in this action and in *Krajewski v. TicketsNow and others*, ONSC No. CV-09-371983-00CP (Toronto); *Labossiere v. TicketsNow and others*, MBQB Action No. CI-09-01-60049 (Winnipeg Centre) and *Marshall v. TicketsNow and others*, File No. 500-06-000462-099, as memorialized in the Settlement Agreement and Release attached as Schedule "5" to the Brasil Affidavit;

3. The Plaintiffs wish to set a date for the hearing of motions to (i) certify for settlement purposes the claims of the Alberta Settlement Class Members, (ii) approve the Proposed Settlement, and (iii) to make a request for approval of Class Counsel's fees;
4. Similar applications have been made in Ontario and Quebec, and will be made in Manitoba. Similar proceedings were commenced in those three provinces;
5. The parties wish to give notice to the Settlement Class of the terms of the Proposed Settlement, and of the date and time of the hearings scheduled for certification, approval of the Proposed Settlement and approval of payment of Class Counsel fees;
6. The parties propose that Pre-Approval Notice be disseminated within 30 days from the date when the last Pre-Approval Order is made;
7. The Proposed Settlement contemplates that certain noticing and administration obligations will be discharged by GCG as the Settlement Administrator; and
8. The Defendants have agreed to pay for the costs of the Settlement Administrator and for certain of the Pre-Approval Notice dissemination steps.

**Material or evidence to be relied on:**

9. The Proposed Settlement, a copy of which is attached as Schedule "5" to the Brasil Affidavit, and the draft Pre-Approval Notice, attached as Schedule "C" thereof;
10. The Affidavit of Luciana P. Brasil, sworn February 3, 2012;
11. Such further and other evidence as counsel may advise and this Honourable Court permit.

**Applicable rules:**

12. The *Alberta Rules of Court*, Alta Reg 124/2010, Rules 2.6, 2.9.

**Applicable Acts and regulations:**

13. Class Proceedings Act, SA 2003, c C-16.5

14. The *Alberta Rules of Court*, Alta Reg 124/2010

**Any irregularity complained of or objection relied on:**

15.

**How the application is proposed to be heard or considered:**

16. Orally.

**WARNING**

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.

## SCHEDULE "A"

### NOTICE OF SETTLEMENT APPROVAL HEARINGS IN CLASS ACTIONS AGAINST TICKETSNOW, TICKETMASTER AND PREMIUM INVENTORY

#### **IF YOU PURCHASED A TICKET ON WWW.TICKETSNOW.COM YOU MAY BE AFFECTED BY A PROPOSED CLASS ACTION SETTLEMENT**

##### **NOTICE OF PROPOSED SETTLEMENT**

This Notice advises you of a proposed settlement of class action lawsuits brought in Alberta, Manitoba, Ontario and Quebec regarding the sale of tickets on [www.ticketsnow.com](http://www.ticketsnow.com). The cases at issue are:

- *Murray v. TNOW Entertainment Group, Inc. and others*, Alberta Court of Queen's Bench Action No. 0901-02400 (Calgary)(the "Alberta Action");
- *Labossiere v. TNOW Entertainment Group, Inc. and others*, Manitoba Court of Queen's Bench File No. CI-09-60049 (Winnipeg)(the "Manitoba Action");
- The claim in *Krajewski and others v. TNOW Entertainment Group, Inc. and others*, Ontario Superior Court of Justice File No. CV-09-37198300CP (the "Ontario Action"), dealing with tickets purchased over [www.ticketsnow.com](http://www.ticketsnow.com); and
- *Marshall v. TicketsNow Entertainment Group Inc. and others*, Court File No. 500-06-000462-009 in the Superior Court of Québec (the "Quebec Action").

##### **WHAT ARE THE LAWSUITS ABOUT?**

The plaintiffs allege that some of the tickets sold on [www.ticketsnow.com](http://www.ticketsnow.com) were sold for prices that were greater than permitted by certain legislation. The courts have made no determination of the merits of those allegations.

##### **WHO IS INCLUDED IN THE SETTLEMENT?**

Persons who purchased tickets on [www.ticketsnow.com](http://www.ticketsnow.com):

- Since February 19, 2006, for events in Quebec;
- Since February 9, 2007, for events in Ontario,
- Between February 17, 2007 and October 31, 2009, for events in Alberta; or
- Since February 17, 2007, for events in Manitoba.

(individually or collectively, the "Settlement Tickets")

##### **IS THE SETTLEMENT IN PLACE NOW?**

No. The Settlement must be approved by the Courts in each of the four actions before it comes into force.

##### **WHEN ARE THE APPROVAL HEARINGS?**

- In the Ontario Action: <date>;
- In the Alberta Action: <date>;
- In the Manitoba Action: <date>; and
- In the Quebec Action: <date>.

##### **WHAT ARE THE SETTLEMENT BENEFITS?**

The settlement provides for each class member to be mailed a cheque refunding \$36 per Settlement Ticket, less certain deductions. The deductions are expected to remain below \$8 per ticket. If there are any uncashed cheques, then there will be a payment to charity. The settlement further provides for limitations on secondary market ticket sales and other website changes.

##### **WHAT ARE THE DEDUCTIONS?**

At or following the Approval Hearings, plaintiffs' counsel will request payment of legal fees and expenses, which will be subject to the approval of the Courts. The deductions will be made to pay for a portion of any approved legal costs and also for fees payable to funding agencies by members of the class in the Ontario Action and in the Quebec Action.

##### **WHAT ARE MY OPTIONS?**

If you **want to participate in the settlement** and receive the benefits, you do not need to do anything. If you participate in the settlement, you will be bound by the terms of a release contained in the settlement and will not have the right to sue individually regarding Settlement Tickets.

If you **do not want to participate in the settlement**, you can opt out of the action that applies to you. If you opt out, you will not be eligible to receive the benefits of the settlement and will not be bound by the release, but, you will have the right to sue individually regarding Settlement Tickets.

If you want to **comment on or object** to the proposed settlement, you can write to Luciana P. Brasil at [lbrasil@branmac.com](mailto:lbrasil@branmac.com) **at least 7 days before the approval hearing** in any of the locations where you bought Settlement Tickets. Class Counsel will bring all such comments and objections to the attention of the relevant court. The courts cannot change the parties' settlement, and objections will count only against approval of the settlement as it is proposed.

##### **WHO REPRESENTS ME?**

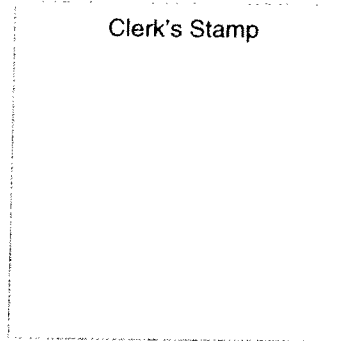
The plaintiffs are represented by Branch MacMaster LLP [(604) 654-2999] and Sutts Strosberg LLP [(519) 258-9333], in addition to the following local firms:

- For residents of Alberta, Docken & Company [(403) 269-3612];
- For residents of Manitoba, Pollock & Company [(204) 956-0450]; and
- For residents of Québec: Sylvestre Fafard Painchaud (514) 937-2881.

**This Notice is just a summary. Go to [www.ticketsclassaction.com](http://www.ticketsclassaction.com) for additional information and to review the proposed settlement agreement.**



COURT FILE NUMBER 0901-02400  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE CALGARY  
PLAINTIFF(S) PATRICIA MURRAY  
DEFENDANT(S) TNOW ENTERTAINMENT GROUP, INC.,  
TICKETMASTER ENTERTAINMENT, INC.,  
TICKETMASTER CANADA LTD. And  
PREMIUM INVENTORY, INC.



DOCUMENT ORDER (Pre-Approval of Notice)

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT Docken & Company  
Clint G. Docken, Q.C.  
900, 800 6<sup>th</sup> Avenue S.W.  
Calgary AB T2P 3G3

Tel: 403-269-3612  
Fax: 403-269-8246

File Number: 7918

Proceeding under the *Class Proceedings Act*, S.A. 2003, Chapter C-16.5

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DATE ON WHICH ORDER WAS PRONOUNCED: **March 27, 2012**

NAME OF JUDGE WHO MADE THIS ORDER: **Mr. Justice LoVecchio**

LOCATION OF HEARING: **Calgary, Alberta**

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UPON THE APPLICATION of the Plaintiffs for an Order (a) setting a date and time for the hearing of the Plaintiffs' motions to certify this action for settlement purposes, to approve the parties' settlement, as memorialized in the Settlement Agreement and Release attached as Schedule "5" to the Affidavit of Luciana P. Brasil, sworn February 3, 2012 (the "Proposed Settlement") and to approve a request for Class Counsel's fees, (b) appointing the Settlement Administrator; (c) approving the means and form of notice to be provided to the members of the Proposed Settlement Class, and (d) directing

how members of the Proposed Settlement Class can comment on or object to the Proposed Settlement was heard on March 27, 2012 at Calgary, Alberta in the presence of Counsel for the Plaintiffs and Counsel for the Defendants;

AND UPON the moving parties' motion record filed, including the Proposed Settlement and the Affidavit of Luciana P. Brasil, sworn February 3, 2012;

AND UPON hearing the submissions of Counsel for the Plaintiffs and Counsel for the Defendants;

**IT IS HEREBY ORDERED THAT:**

1. Unless indicated otherwise, the defined terms used in this Order have the same meaning as that ascribed to them in the Proposed Settlement;
2. The hearing of the Plaintiffs' applications to:
  - (i) certify this action for settlement purposes only and approve the Proposed Settlement; and
  - (ii) approve the Legal Expenses;(collectively, the "Settlement Applications")  
will take place on \_\_\_\_\_ in Calgary, Alberta;
3. Garden City Group Inc. be appointed Settlement Administrator;
4. Pre-Approval Notice shall be provided to the Settlement Class Members substantially in the form of Notice attached to the Notice of Application as Schedule "A", within 30 days from date when the last Pre-Approval Order is made, by the following means:

- (i) the Settlement Administrator will deliver a copy of the Pre-Approval Notice to each Settlement Class Member by email, using the email address that each Settlement Class Member used in purchasing his or her most recently purchased Ticket(s) through the TicketsNow Website, as follows:
  - 1. the English version of the Pre-Approval Notice will be sent to all Settlement Class Members; and
  - 2. a French version of the Pre-Approval Notice will be sent to all Settlement Class Members who purchased a Quebec Ticket or for whom the last contact information shows a Quebec address;
- (ii) the Defendants will publish the Pre-Approval Notice once in English on a Saturday in the Review section of the national edition of *The Globe and Mail*, in a size not smaller than 1/6 of a page;
- (iii) The Defendants will publish the Pre-Approval Notice once in French on a Saturday in the Arts section of *La Presse*, in a size not smaller than 1/6 of a page;
- (iv) Once the last Pre-Approval Order has been made, the Plaintiff will issue a press release in the form agreed to by the parties and which is attached to the Notice as Schedule "A".
- (v) Class Counsel will send a copy of the Pre-Approval Notice by email or regular mail to all persons purporting to be Settlement Class Members who contact them in respect of any of the Proposed Class Actions and provided contact information, as follows:
  - 1. the English version of the Pre-Approval Notice will be sent to all Settlement Class Members; and

2. a French version of the Pre-Approval Notice will be sent to all Settlement Class Members who indicate they have purchased a Quebec Ticket and for whom the last contact information shows a Quebec address;
- (vi) Class Counsel will post a copy of the Pre-Approval Notice in English and French on the Class Action Website and on their respective firms' websites;
- (vii) Class Counsel will post a link to an electronic version of the Pre-Approval Notice on Facebook and on Twitter in English and French;
- (viii) Class Counsel will ask that a copy of the Pre-Approval Notice be posted in English and French with the case information on the CBA's National Class Action Database; and
- (ix) Class Counsel will provide a copy of the Pre-Approval Notice in English or French to any person who requests it.

5. The Defendants shall pay the costs associated with the Settlement Administrator's fulfillment of its role as settlement administrator pursuant to this Order, the costs of translating the Pre-Approval Notice from English into French and the costs of disseminating of the Pre-Approval Notice pursuant to paragraphs 4 (i) to (iv).

6. Within 5 days of the making of this Order the Defendants shall provide to Garden City Group, Inc., as Settlement Administrator (as defined in the Proposed Settlement), the information described in paragraph 10 of the Proposed Settlement in respect of Settlement Class Members who purchased Alberta Tickets, so that Garden City Group, Inc. can send the Pre-Approval Notice to those Settlement Class Members as provided for in the Proposed Settlement.

7. Within 30 days from the date when the last Pre-Approval Order is made, the Defendants and the Settlement Administrator will provide written confirmation to Class Counsel that Pre-Approval Notice was disseminated in accordance with paragraphs 4(i) to (iv) of this Order; and

8. Any Settlement Class Member seeking to comment or object to the terms of the Proposed Settlement must do so in writing to Luciana P. Brasil at [lbrasil@branmac.com](mailto:lbrasil@branmac.com) at least 7 days prior to the Approval Hearing in any of the locations where the Settlement Class Member bought Settlement Tickets.

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Justice of the Court of Queen's Bench of Alberta