

THE QUEEN'S BENCH
Winnipeg Centre

BETWEEN:

KATHERINE LABOSSIERE,

plaintiff,

-and-

**TNOW ENTERTAINMENT GROUP, INC., TICKETMASTER
ENTERTAINMENT, INC., TICKETMASTER CANADA LTD., and PREMIUM
INVENTORY, INC.,**

defendants.

Brought under The Class Proceedings Act, C.C.S.M. c. C130

ORDER

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THE QUEEN'S BENCH
Winnipeg Centre

THE HONOURABLE)
)
MADAM JUSTICE SIMONSEN)

Tuesday, April 3, 2012

BETWEEN:

KATHERINE LABOSSIERE,

plaintiff,

-and-

**TNOW ENTERTAINMENT GROUP, INC., TICKETMASTER
ENTERTAINMENT, INC., TICKETMASTER CANADA LTD., and PREMIUM
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THIS MOTION made by the Plaintiff 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 Exhibit "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 this day at the Law Courts Complex, 408 York Avenue, Winnipeg, Manitoba;

ON READING the Notice of Motion of the plaintiff, and the Affidavit of Luciana P. Brasil, sworn February 3, 2012, and the Affidavit^{KS} of Luciana P. Brasil, sworn March 22^{KS and 30th}, 2012, and on hearing the submissions of counsel for the Plaintiff and counsel for the Defendants;

Pursuant to The Class Proceedings Act of Manitoba:

1. THIS COURT ORDERS that unless indicated otherwise, the defined terms used in this Order have the same meaning as that ascribed to them in the Proposed Settlement;

2. THIS COURT ORDERS that the hearing of the Plaintiff's applications to:
- (a) certify this action for settlement purposes only and approve the Proposed Settlement; and
 - (b) approve the Legal Expenses;

(collectively, the "Settlement Applications")
 will take place on ~~date and time~~ ^{August 15, 2012 at 10:00 a.m. KS} at the Law Courts Complex, 408 York Avenue, Winnipeg, Manitoba;

3. THIS COURT ORDERS that Garden City Group Inc. be appointed Settlement Administrator;

4. THIS COURT ORDERS that Pre-Approval Notice be provided to the Settlement Class Members substantially in the form of Notice attached to the Notice of Motion (except as provided by the Court in *Marshall v. TicketsNow Entertainment Group Inc.* and others, having regards to Settlement Class Members with a Quebec address, or who purchased a Quebec Ticket), within 30 days from date when the last Pre-Approval Order is made, by the following means:

(a) 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;

- (b) 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;
- (c) 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;
- (d) 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 as Exhibit "G" to the Affidavit of Luciana P. Brasil, sworn March 22, 2012;
- (e) 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;

- (f) 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;
- (g) Class Counsel will post a link to an electronic version of the Pre-Approval Notice on Facebook and on Twitter in English and French;
- (h) 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
- (i) Class Counsel will provide a copy of the Pre-Approval Notice in English or French to any person who requests it;

5. THIS COURT ORDERS that the Defendants 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 Pre-Approval Notice pursuant to paragraphs 4(a)-(d);

6. THIS COURT ORDERS 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 4(a)-(c) of this Order;

7. THIS COURT ORDERS 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 Manitoba 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; and

8. THIS COURT ORDERS 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 at least 7 days prior to the Approval Hearings in any of the locations where the Settlement Class Member bought Settlement Tickets.

DATE: April 3, 2012 K.I. SIMONSEN

APPROVED AS TO FORM AND CONTENT:

J.

POLLOCK + COMPANY
Per: Wayne P. Pollock
Wayne P. Pollock
Counsel for the Plaintiffs

FILMORE RILEY LLP
Per: Beth E. Van
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Counsel for the Defendants