

SUPERIOR COURT

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No: 500-06-000462-099

DATE: MARCH 26th 2012

BY THE HONOURABLE MR. JUSTICE MARK G. PEACOCK, J.S.C.

MARY ANNE MARSHALL,
Petitioner

v.

TICKETSNOW ENTERTAINMENT GROUP INC.,

-and-

TICKETMASTER ENTERTAINMENT INC.,

-and-

TICKETMASTER CANADA LTD.,

-and-

PREMIUM INVENTORY INC.,

Respondents

JUDGMENT

[1] This Motion is made by the Petitioner for a Judgment:

- a) setting a date and time for the hearing of the Petitioner's motions to authorize this action, to approve the parties' settlement, as memorialized in the Settlement Agreement and Release attached as Exhibit R-1 to the

Motion (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.

[2] **CONSIDERING** the materials filed with this Motion;

[3] **CONSIDERING** the representations of counsel for all parties and additional confirmations provided into the Court record by telephone conversation – in open court – by long distance telephone call with Ms. Jennifer M. Keough, Chief Operating Officer, Garden City Group, Inc. (the proposed Settlement Administrator) (including her letter filed as Exhibit R-5 into the record) particularly as regards the ability and prior experience of Garden City Group in matters requiring communications by that company with persons speaking the French language;

[4] **CONSIDERING** that the Respondent consents to this Motion;

FOR THESE REASONS, THE COURT:

[5] **GRANTS** the Motion;

[6] **ORDERS** that unless indicated otherwise, the defined terms used in this Judgment have the same meaning as that ascribed to them in the "Definition" section of the Proposed Settlement (attached hereto as Annex "A");

[7] **ORDERS** that the hearing of the Petitioner's applications to:

- a) authorize this action and approve the Proposed Settlement; and

b) approve the Legal Expenses;

(collectively, the "Settlement Applications")

will take place on Friday, July 20, 2012 at 9:30 a.m., in a courtroom to be determined in the Court House located at 1 Notre-Dame Street East, in the City of Montreal, Province of Québec, Canada;

[8] **ORDERS** that Garden City Group Inc. be appointed Settlement Administrator for reasons that include the representations made by Ms. Jennifer M. Keough abovementioned;

[9] **ORDERS** that the Pre-Approval Notice be provided to the Settlement Class Members in accordance with the terms of the Proposed Settlement, substantially in the form which is attached hereto as Annex "B", within 30 days from the 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 e-mail, using the e-mail 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 also 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 Respondents will publish the Pre-Approval Notice once in English on a Saturday in the Arts section of *The Montreal Gazette*, in a size not smaller than 1/6 of a page and provide a faxed copy of the newspaper page for the Court and Class Counsel;

- c) The Respondents 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 and provide a faxed copy of the newspaper page for the Court and Class Counsel;
- d) A press release referring to the Pre-Approval Notice may be issued in English and French in a form and at a time to be agreed to by the Parties and approved by the Courts;
- e) Class Counsel will send a copy of the Pre-Approval Notice by e-mail or regular mail to all persons purporting to be Settlement Class Members who contact them in respect of the Class Action and provide 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 also be sent to all Settlement Class Members who indicate they have purchased a Quebec Ticket or 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 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 Canadian Bar Association's National Class Action Database;

- i) Class Counsel will provide a copy of the Pre-Approval Notice in English or French to any person who requests it; and
- j) Before the date of publication of the Pre-Approval Notice, the Respondents' counsel will ensure, at their expense, a copy of the Settlement Agreement is translated by a translator familiar with judicial translation from English to French, which translation will be approved in writing by Class Counsel (copy for the Court). Thereafter, both a hard and electronic copy of the translation into French will be available for consultation wherever and however the English original is available for consultation.

[10] **ORDERS** that within 5 days of the making of this Order the Respondents 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 Quebec Tickets (and for further particularity, no information concerning credit card identifiers will be provided), so that Garden City Group, Inc. can send the Pre-Approval Notice to those Settlement Class Members as provided for in the Proposed Settlement.

[11] **ORDERS** that the Respondents pay the costs associated with the Settlement Administrator's fulfillment of its role as Settlement Administrator pursuant to this Judgment, the costs of translating the Pre-Approval Notice and Settlement Agreement from English into French and the costs of disseminating the Pre-Approval Notice pursuant to subparagraphs 9 a), b) and c) of this Judgment and subparagraph 9 d) of this judgment should a press release be issued;

[12] **ORDERS** that within 30 days from the date when the Pre-Approval Order is made, the Respondents and the Settlement Administrator will provide written confirmation to the Court and Class Counsel that Pre-Approval Notice was disseminated in accordance with paragraphs 9 a), b) and c) of this Judgment and 9 (d),

if applicable, and Class Counsel will provide written confirmation to the Court and the Respondent's counsel that it has completed its assignments pursuant to paragraphs 9 (e) (f) (g) (h) and (i) of this Judgment;

[13] **ORDERS** that any Settlement Class Member seeking to comment or object to the terms of the Proposed Settlement must do so in writing to attorney Me. Normand Painchaud at n.painchaud@sfpavocats.ca who is entitled to send a copy to attorney Ms. Luciana P. Brasil at lbrasil@branmac.com , who is class counsel in other Canadian provinces, at least 7 calendar days prior to the Approval Hearing in Montreal;

[14] **THE WHOLE** without costs.



MARK G. PEACOCK, J.S.C.

Me. Normand Painchaud
Me. Marie-Eve Porlier
SYLVESTRE FAFARD PAINCHAUD
Attorneys for Petitioner

Me. Christopher L. Richter
WOODS LLP
Attorneys for Respondents

Me. Samy Elnemr
LE FONDS D'AIDE AUX RECOURS COLLECTIFS

Date of hearing: March 1, 2012