

C A N A D A

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

(Class Action)
SUPERIOR COURT

NO: 500-06-000891-172

MARYSE NICOLAS

Representative Plaintiff

-vs-

VIVID SEATS LLC

Defendant

**NOTICE TO MEMBERS: CLASS ACTION AGAINST
VIVID SEATS LLC**

NOTICE TO CONSUMERS WHO HAVE PURCHASED A TICKET FROM THE
VIVID SEATS WEB SITE OR APPLICATION SINCE NOVEMBER 16TH, 2014.

1. **TAKE NOTICE** that on September 6, 2018, the Honourable Justice Benoît Moore of the Superior Court of Québec authorized the bringing of a class action against Vivid Seats LLC and appointed the status of representative plaintiff to Ms. Maryse Nicolas to act on behalf of the class of persons described as:

All consumers within the meaning of the Quebec's *Consumer Protection Act* who purchased a ticket from Vivid Seats' web site or application since November 16th, 2014.

2. This class action will be brought in the district of Montréal.
3. For the purpose of this class action, the class representative has elected domicile at her attorney's office located at:

**Me Joey Zukran
LPC Avocat Inc.**

5800 boulevard Cavendish, Suite 411
Côte Saint-Luc, (Québec), H4W 2T5
Telephone: (514) 379-1572
Fax: (514) 221-4441
Email: jzukran@lpclex.com
Website: www.lpclex.com

4. The principal questions of facts and law that will be dealt with collectively are:

- a) Did Vivid violate s. 54.4(h) C.P.A.?
- b) Did Vivid violate ss. 219, 224 and 228 C.P.A.?
- c) If there has been a violation of one or more of these provisions, can the members of the class action claim compensatory and punitive damages from Vivid? If so, in what amount?

5. The conclusions sought in relation to the above questions are as follows:

GRANT the Representative Plaintiff's action against Defendant on behalf of all the Class members;

CONDEMN the Defendant to pay the Representative Plaintiff and Class members compensatory damages in the aggregate overcharged amount being 29.3% of Defendant's gross sales to Class members;

ORDER the collective recovery of all damages owed to the Class members for the amounts overcharged by the Defendant;

CONDEMN the Defendant to pay to each Class member the sum of \$100.00 on account of punitive damages, and **ORDER** collective recovery of these sums;

CONDEMN the Defendant to pay interest and the additional indemnity on the above sums according to law from the date of service of the Application to authorize a class action;

ORDER the Defendant to deposit in the office of this Court the totality of the sums which forms part of the collective recovery, with interest and costs;

ORDER that the claims of individual Class members be the object of collective liquidation if the proof permits and alternately, by individual liquidation;

CONDEMN the Defendant to bear the costs of the present action at all levels, including the cost of all exhibits, notices, the cost of management of claims and the costs of experts, if any, including the costs of experts required to establish the amount of the collective recovery orders;

RENDER any other order that this Honourable Court shall determine;

6. The Superior Court has not yet ruled on the merits of the class action, nor on any compensation that may be awarded to class members. Vivid Seats LLC denies the allegations contained in the class action.

7. **If you wish to opt-out of the class action**, you have to notify the registry of the Superior Court of Quebec, District of Montreal **no later than April 1, 2019**, by registered or certified mail at this address:

Superior Court of Québec, 1 Notre-Dame street East, Montreal, H2Y 1B6.

You must state that you wish to exclude yourself from the class action of *Maryse Nicolas v. Vivid Seats LLC* (case number 500-06-000891-172).

8. The date after which a class member can no longer request his exclusion from the class, unless specifically authorized by the Court, is **April 1, 2019**.
9. A class member who has not requested his exclusion is bound by any judgement that may be rendered in the class action to be instituted in the manner provided for by law.
10. **If you wish to be included** in the class action, **you have nothing to do**.
11. As a class member, you have the right to intervene in the present class action, in the manner provided for by law.
12. No class member other than the representative plaintiff or an intervenor may be required to pay legal costs arising from the class action.
13. For further information, you may contact class counsel listed below. Your name and any information provided will be kept confidential:

**Me Joey Zukran
LPC Avocat Inc.**

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**THE PUBLICATION OF THIS NOTICE TO CLASS MEMBERS HAS BEEN
APPROVED AND ORDERED BY THE SUPERIOR COURT OF QUÉBEC.**