

C A N A D A

PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL
N° : 500-06-000754-156

SUPERIOR COURT
(Class Action)

STEVE ABIHSIRA
Representative Plaintiff

-VS-

VIAGOGO AG
Defendant

TRANSACTION AGREEMENT

SCHEDULE "B" – NOTICE OF HEARING TO APPROVE THE TRANSACTION

Class Action Regarding the Online Purchase on VIAGOGO AG of Tickets to Events by Quebec Residents

On January 22, 2020, the Superior Court of Quebec authorized a class action instituted by Steve Abihisira ("**Plaintiff**") against Viagogo AG concerning the online purchase of tickets to events by Quebec residents on viagogo AG's mobile and desktop platforms (the "**Class Action**"). A settlement ("**Settlement**") has been reached, subject to Court approval, between the Plaintiff and viagogo AG.

The practices that are alleged to be illegal are the sale of tickets: (a) at a price above that announced by the vendor authorized to sell the tickets by the producer of the event; and/or (b) at a price higher than the price advertised by Viagogo AG on its desktop website and mobile application (at the first step), excluding the Quebec sales tax or the Goods and Services Tax.

This Settlement may affect your rights, whether you act or not. Please read this notice carefully.

BASIC INFORMATION

Why have I received this email?

You are receiving this email because during the class period, you have purchased through viagogo's desktop website or mobile application, using this email address as a reference, at least one ticket for an event. Therefore, you could be eligible to receive benefits under the Settlement.

The purpose of this notice is to inform you that the Plaintiff and viagogo AG have reached a Settlement putting an end to the Class Action. The parties believe that the Settlement is the best solution to dispose fairly and equitably of the dispute; they will ask the Superior Court of Quebec to approve it.

The Superior Court of Quebec will hold a hearing to determine whether it will approve the Settlement. You may attend the hearing, which will take place on **December 16, 2020, at 2:00 p.m. in room 2.08 of the Montreal Courthouse**, located at 1 Notre-Dame Street East in Montreal. This date may be subject to adjournment by the Court without further publication notice to the Class Members, other than such notice which will be posted on Class Counsel's website <https://www.lpclex.com/viagogo>.

What was the purpose of the Class Action?

According to the Plaintiff, the viagogo AG contravened the *Consumer Protection Act*, RSQ, chapter P-40.1, by acting as sellers and selling tickets for events to Quebec consumers: (a) at a price above that announced by the vendor authorized to sell the tickets by the producer of the event; and/or (b) at a price higher than the price advertised by viagogo AG on its website and mobile application (at the first step), excluding the Quebec sales tax or the Goods and Services Tax.

These allegations have not been proven in Court and are contested by viagogo AG, whose position is that they have complied at all times with all applicable legislation.

Who are the group members?

The group authorized by the Superior Court of Quebec, as modified for settlement purposes, is the following:

Every consumer, pursuant to the terms of Québec's *Consumer Protection Act* ("CPA"), residing in Québec at the time of purchase, who from June 23rd, 2013 to January 22, 2020 (the "Class Period"), while physically located in Québec, has purchased from Viagogo's desktop website or mobile application at least one "Ticket" (as defined in s.(1d.1) CPA as meaning any document or instrument that, on presentation, grants the ticket holder admission to a show, sporting event, cultural event, exhibition or any other kind of entertainment) either:

- a) at a price above that announced by the vendor authorized to sell the Tickets by the producer of the event; and/or,
- b) who paid a price higher than the price advertised by Viagogo on its website and/or mobile application (at the first step), excluding the Québec sales tax or the Goods and Services Tax.

What were the principle common questions?

The following principle questions of fact and law were identified by the Superior Court of Quebec:

- (a) Does viagogo AG violate s. 224(c) C.P.A.?
- (b) Does viagogo AG violate s. 236.1 C.P.A.?
- (c) If there has been a violation of either of these provisions, can the members of the class action claim compensatory and punitive damages from viagogo AG? If so, in what amount?

SETTLEMENT SUMMARY

What does the Settlement provide for?

Without any admission of liability, for the purpose of avoiding a trial and the additional costs and expenses related thereto, viagogo AG agrees to:

1- Implement a business practice change to its on-line transaction process pursuant to which a ticket price announced to a Quebec consumer for an event in Quebec at the first step of said process will be a price inclusive of applicable Service Fees except for taxes and optional costs or services (paper tickets, delivery, etc.).

2- Remit to each class member a single cash payment of **CAD \$50.00** via Interac e-transfer (or via cheque for those members who do not have a valid bank account at a Canadian financial

institution), in full and complete settlement of the claims of the group members. Only one payment will be made per class member;

3- Pay class counsel fees, disbursements and administration fees on top of the CAD \$50.00 payment, in the amount of \$25,000 plus taxes, subject to Court approval.

Am I eligible to receive reparation?

If you are a group member, you are eligible to receive one cash payment of **CAD \$50.00**. There is no action that you must take in order to receive this payment. Payments will be made via interac e-transfer. It is preferable that you set up the autodeposit feature, otherwise you will receive an email from class counsel containing the password to deposit your e-transfer. If you do not have a valid bank account at a Canadian financial institution, you must advise class counsel via email (JZUKRAN@LPCLEX.COM) before **November 30, 2020** in order to receive your payment by cheque.

OPTING OUT

If you do not wish to be bound by this Settlement for any reason whatsoever, you must take steps to exclude yourself from the group, which will result in your exclusion from the Settlement.

What happens if I exclude myself?

If you exclude yourself:

1. You will not receive any benefits under the Settlement;
2. You will not be bound by the Class Action and could exercise valid rights of action;
3. You will not be able to object to the Settlement.

What happens if I do not exclude myself?

If you do not exclude yourself:

1. You are eligible to receive benefits under the Settlement;
2. You will be bound by the Class Action;
3. You will give up the right to take your own legal action against Viagogo AG; and
4. You will be able to object to the Settlement.

If you do not exclude yourself and the Settlement is approved, you give up the right to take legal action against viagogo AG in respect the sale of tickets: (a) at a price above that announced by the vendor authorized to sell the tickets by the producer of the event; and/or (b) at a price higher than the price advertised by Viagogo AG on its website or mobile application (at the first step), excluding the Quebec sales tax or the Goods and Services Tax;

How can I exclude myself?

To exclude yourself, you must send to the clerk of the Superior Court of Quebec, a duly signed request for exclusion containing the following information:

1. The Court docket number of the Class Action: *Abihisira v. Viagogo AG* (C.S.M. 500-06-000754-156);
2. Your name and contact information;
3. Your account number or the email address that was used to purchase a Ticket, if applicable;
4. A declaration that you purchased the ticket while being physically located in Quebec;

The request for exclusion must be sent by registered or certified mail before **November 30, 2020** to the Court, with copy to Class Counsel, at the following addresses:

Greffe de la Cour supérieure du Québec
PALAIS DE JUSTICE DE MONTRÉAL
1 Notre-Dame Street East
Room 1.120
Montreal, Quebec H2Y 1B5

Reference:

Abihisira v. Viagogo AG - Class Action C.S.M.: 500-06-000754-156

LPC Avocats
Mtre. Joey Zukran
276, Saint-Jacques Street, Suite 801
Montreal, Quebec, H2Y 1N3
JZUKRAN@LPCLEX.COM

OBJECTION TO THE SETTLEMENT

You can tell the Court that you do not agree with this Settlement.

How can I tell the Court that I do not agree with this Settlement?

To present your objection to the Court, you must appear at the hearing that will be held on **December 16, 2020, at 2:00 p.m. in room 2.08 of the Montreal Courthouse**, located at 1 Notre-Dame Street East in Montreal. This date may be subject to adjournment by the Court without further publication notice to the Class Members, other than such notice which will be posted on Class Counsel's website <https://www.lpclex.com/viagogo>.

Do I need a lawyer in order to object to the Settlement?

No. You can object to the Settlement without a lawyer. If you wish to be represented by a lawyer, you may hire one at your own expense.

If I object to the Settlement and it is approved, will I still be eligible for a payment?

Yes. If, despite your objection, the Settlement is still approved, you can still receive a payment if you are eligible.

FOR MORE INFORMATION

How can I obtain more information?

For more information and access to the text of the Settlement, the schedules and the various forms, please go to <https://lpclex.com/viagogo>.

You may also contact class counsel identified below. Your name and any information provided will be kept confidential. Please do not contact viagogo AG, or the judges of the Superior Court:

LPC Avocats
Mtre Joey Zukran
276 Saint-Jacques Street, Suite 801
Montreal, Quebec, H2Y 1N3

Phone: (514) 379-1572

Email: JZUKRAN@LPCLEX.COM

If approved, another notice (email) will be disseminated in accordance with the Settlement.

In case of discrepancies between this notice and the Settlement, the latter shall prevail.

The publication of this notice has been approved by the Superior Court of Quebec.