

CANADA

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

N°: 500-06-000980-199

Class Actions
SUPERIOR COURT

RUDY CAUFRIEZ

and

MATTEO MARASCO

Applicants

vs.

**FESTIVAL MÉTROPOLITAIN POUR LA
MUSIQUE URBAINE**

Defendant

NOTICE FOR SETTLEMENT AGREEMENT APPROVAL HEARING

Rudy Caufriez and Matteo Marasco ("**Applicants**") and the Festival Métropolitain pour la Musique Urbaine ("**Defendant**") have come to a settlement agreement ("**Settlement**"), subject to approval by the Superior Court of Québec ("**Court**"), concerning the class action against the Defendant to get compensation on behalf of all consumers who purchased tickets to the Metro Metro Festival held on May 18th and 19th, 2019 ("**Festival**").

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

I. GENERAL INFORMATION

PURPOSE OF THIS NOTICE

The purpose of this notice is to inform you that the Applicants of the class action and the Defendant have reached a Settlement putting an end to the lawsuit.

The parties believe that the Agreement is the best solution to resolve the conflict in a fair and reasonable manner and will be asking the Court for its approval.

PURPOSE OF THE CLASS ACTION

According to the Applicants, the Defendant violated the *Consumer Protection Act* by selling tickets for the Festival at a higher price than those advertised.

This allegation has not been proven in Court and is contested by the Defendant.

CLASS MEMBERS

You are a class member if you meet the following conditions:

1. You are an individual and;
2. You purchased, through the website *metrometro.electrosub.com*, at least:
 - a. One Week-end Pass – General Admission;
 - b. One Gold VIP Pass;

for the Festival;

II. SUMMARY OF THE SETTLEMENT

Without admission of liability, in order to avoid a trial and the additional fees and costs of proceeding to a trial, the parties have come to a Settlement. This Settlement stipulates that in consideration of a full and final settlement of all claims related to the class action, the Defendant will pay a global sum of \$ 215,000 (in capital and interest). In sum, if the Settlement is approved by the Court, the distribution of the sum will be done in the following manner: (i) class counsel will receive this amount of the fees according to the Settlement, subject to approval by the Court, and (ii) the balance will be paid in the following manner:

1. An amount of \$ 20 per Week-end Pass purchased at the advertised price of \$ 170;
2. An amount of \$ 35 per VIP Pass purchased at the advertised price of \$ 300.

ELIGIBILITY TO RECEIVE A COMPENSATION

If you are a class member and you are part of one of the following two (2) categories, you are automatically eligible to receive a compensation and you do not have to take any action to be compensated:

1. You have purchased a Week-end Pass at the advertised price of \$ 170;
2. You have purchased a VIP Pass at the advertised price of \$ 300.

EFFECT OF THE APPROVAL OF THE SETTLEMENT

If the Court approves the proposed Settlement, the class members will be bound by its terms, except for the members who opted out of the class. As such, anyone who did not opt out of the class or of the class action will not have the right to sue, make another claim or institute a legal proceeding against the Defendant in relation to the allegations made in the proceedings bearing number 500-06-000980-199.

REFUND

The Defendant will proceed to refund the class members who are part of one of the two above-mentioned categories within ten (10) days of the Court's judgment approving the Settlement, according to the payment method used at the time of purchase of the tickets.

If the payment method used at the time of purchase has changed, the Defendant will send a check to the mailing address that was provided at the time of purchase.

OPTING OUT

If you do not wish to be bound by the Settlement for any reason, you must take the measures to opt out of the class, which will result in your exclusion from the Settlement.

If you opt out :

1. You will receive no compensation under the Settlement;
2. You will not be bound by the class action and can have the right to institute a legal proceeding;
3. You will not be able to object to the Settlement.

If you do not opt out:

1. You are eligible to receive a compensation under the Settlement if you are part of the two above-mentioned categories;
2. You will be bound by the class action and the Settlement, following its approval by the Court;
3. You renounce your right to institute your own legal proceeding against the Defendant;
4. You can object to the Settlement;

To opt out, you must send a written request for exclusion to class counsel containing the following information:

1. The file number of the class action : *Caufriez and Marasco v. le Festival Métropolitain pour la Musique Urbain* C.S.M. 500-06-000980-199;
2. Your full name, address, e-mail and phone number;

The request for exclusion must be delivered by registered mail or by fax to class counsel and to the Court clerk at the latest on **December 30th, 2019**.

Lambert Avocat Inc.

Me Jimmy Ernst Jr. Laguë Lambert
1111 St-Urbain, suite 204
Montréal, Québec H2Z 1Y6
Fax : (514) 878-2378

Montréal Courthouse

Clerk of the Superior Court of Québec
1 Notre-Dame Street East
Office 1.120
Montréal, Québec H2Y 185

III. SETTLEMENT AGREEMENT APPROVAL HEARING

The Court will hold a hearing to decide whether to approve the Settlement. You can participate in the hearing, which will be held on **January 15th, 2020, at 9 AM**, in room 2.08 at the Montreal Courthouse situated at 1 Notre-Dame Street East, in Montréal.

At the hearing, the Court will consider the comments and/or objections to the Settlement that will have been submitted by the members, should there be any. A class member who wishes to comment or object to the Settlement must do so according to the procedure described below.

OBJECTION TO THE SETTLEMENT

In order to object to the Settlement, you must be present at the hearing and have delivered a written submission containing the following information:

1. The file number of the class action : *Caufriez and Marasco v. le Festival Métropolitain pour la Musique Urbain* C.S.M. 500-06-000980-199;
2. Your full name, address, e-mail and phone number;
3. A written submission of the grounds for objection, including copies of all supporting documents;

4. A statement whether you intend to appear and make declarations at the hearing, either in person or through counsel, and, if so, the name of said counsel;

The written submission must be delivered must be delivered by registered mail or by fax to class counsel and to the Court clerk at the latest on **January 6th, 2020**.

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You can object to the Settlement without being represented by counsel. If you wish to do so, you can be represented by one at your own cost.

IV. ADDITIONAL INFORMATION

To consult the Settlement Agreement, please visit the website of class counsel: www.lambertavocatinc.com/recours-collectif-festival-metro-metro/.

For more information, please contact class counsel:

Lambert Avocat Inc.

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Phone : (514) 526-2378
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In case of any discrepancy between this notice and the Settlement Agreement, the Settlement Agreement shall prevail.

The publication of this notice has been authorized by the Superior Court of Québec.