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15 TICKETMASTER

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
17 **FOR THE COUNTY OF LOS ANGELES**

18 CURT SCHLESINGER, PETER LO RE,  
19 ADAM RUSSELL, JAMES ROTH, MARYAM  
20 AGHCHARY, on behalf of themselves and all  
21 others similarly situated,

22 Plaintiffs,

23 vs.

24 TICKETMASTER, a Delaware Corporation,

25 Defendant.

CASE NO. BC 304565

Assigned for all purposes to Hon. Kenneth R.  
Freeman – Dept. 310

DECLARATION OF MARC GEIGER IN  
SUPPORT OF TICKETMASTER'S  
MEMORANDUM IN SUPPORT OF MOTION  
FOR FINAL APPROVAL OF THE PROPOSED  
CLASS ACTION SETTLEMENT AGREEMENT

DATE: January 13, 2015

TIME: 10:00 a.m.

DEPT: 310

Date Action Filed: October 21, 2003

Trial Date: Vacated

1 **DECLARATION OF MARC GEIGER**

2 I, MARC GEIGER, declare and state as follows:

3 I have personal knowledge of the facts described below, and if called upon, I could and would  
4 testify competently to them under oath.

5 1. I have been in senior executive positions in the music industry since 1984. Since 2003,  
6 I have run the Music Division of William Morris Endeavor, a major talent agency, where I supervise  
7 approximately 100 agents who have booked approximately 32,000 concert dates around the globe. I  
8 personally act as an agent too, and negotiate deals for my artist clients with major venues and concert  
9 promoters. As a result of my 30+ years of experience in the live music industry, I have extensive  
10 background regarding the market for and negotiations of ticket prices for live music performances  
11 throughout the United States, and elsewhere. My CV is attached, detailing my experience in the music  
12 industry generally, and my focus in the area of live music performances.

13 2. In representing successful artists and bands who seek to perform at live concert venues,  
14 it is important to find venues that are the right size for the artist. Generally, we try to book our clients  
15 into venues that they can fill or nearly fill. From my experience in negotiating with the venues, they  
16 have similar goals – it does not benefit anyone to book artists into half empty venues as it detracts  
17 from the performance, the “buzz” surrounding the bands and the overall concert-going experience.

18 3. Obviously, the ability to fill or nearly fill a venue is a function of supply and demand.  
19 While some of the demand aspect of the equation is a function of the popularity of the act being  
20 booked to perform, the demand also is driven by pricing. At all levels within the venue, we attempt to  
21 negotiate ticket prices that will maximize the revenues ultimately paid to our artist clients and also  
22 create the full or nearly full venue that our clients typically desire. From the venues’ perspective  
23 (with which I am also very familiar since I have negotiated thousands of deals with venues), the more  
24 people who attend, the more they sell at the concession stands and the more revenues they can earn. A  
25 full or nearly full venue also allows for economies of scale in providing staffing, inventory and other  
26 ancillary services. Thus, like the artist, the venues seek to set ticket prices to allow them to maximize  
27 their profits.

28 4. These negotiations are very much at arm’s length and the ticket prices that follow from

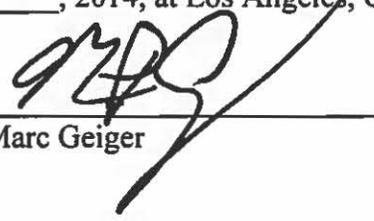
1 those negotiations represent the market value of the tickets at the time they are offered for sale to the  
2 public. The amount of the ticket agent's fees also is a component of the ticket price. Typically, the  
3 ticket agent takes none of the face value of the tickets (a majority can be remitted to the artists, with a  
4 modest percentage to the venues). A ticket agent like Ticketmaster makes its money on certain fees  
5 that it charges to concert goers when selling tickets to the public through its proprietary systems.

6 5. I have reviewed the components of the settlement in the above-captioned matter  
7 relating to Ticketmaster's contribution of free tickets to live concert events at various Live Nation  
8 venues. I am informed that the tickets to be contributed will be general admission seats, meaning that  
9 the concertgoer is not assigned a specific seat but has access to a restricted area where seating is first  
10 come, first served. Thus, the value of all such seats is the same for a given concert event.

11 6. The "value" of those general admission seats is the total price paid by customers who  
12 purchase the tickets and pay the ticket price offered at the on-sale date (provided that price is not  
13 reduced prior to the concert date, which rarely occurs) and any fees associated with the purchase. In  
14 contrast, secondary market sales tend to focus on the more expensive assigned seating, where brokers  
15 and others can charge a high premium for the most popular events.

16 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
17 true and correct.

18 Executed this 12<sup>th</sup> day of November, 2014, at Los Angeles, California.

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22 Marc Geiger  
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## **Marc Geiger**

Marc Geiger is a board member and head of WME's music division, representing leading artists in electronic, rock, pop, Christian, hip-hop, R&B and film scoring. Under Geiger's leadership, the music division booked nearly 30,000 dates worldwide last year and in 2014, WME clients received more than 90 Grammy nominations.

Geiger's diverse client roster includes Jack White, Tony Bennett, LCD Soundsystem, Outkast, David Byrne, Neil Diamond, The Flaming Lips, Jane's Addiction, Lady Gaga, Steve Martin, Janelle Monae, Nine Inch Nails, Tom Petty, Pixies, Trent Reznor, Rihanna, Lindsey Stirling, and the Trans-Siberian Orchestra.

Geiger began his career as a concert promoter and worked as an agent at Triad Artists. He co-created the Lollapalooza tour in 1991, which eventually became the Lollapalooza festival in Chicago and has since expanded to Argentina, Brazil and Chile. He also served as the Executive Vice President of A&R, Marketing and New Media at American Recordings and later launched ARTISTdirect, a pioneering music internet company, serving as the company's Chairman and CEO, before joining the William Morris Agency in 2003.

A graduate of the University of California, San Diego, Geiger currently resides in Los Angeles.

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the aforesaid county, State of California; I am over the age of 18 years and not  
4 a party to the within action; my business address is 1840 Century Park East, Suite 1900, Los Angeles,  
CA 90067-2121. My email address is riveraal@gtlaw.com.

5 On November 21, 2014, pursuant to Judge Kenneth R. Freeman's Order Authorizing Electronic  
6 Service dated February 28, 2013, I served a true copy of the document(s) described as:

7 **DECLARATION OF MARC GEIGER IN SUPPORT OF TICKETMASTER'S**  
8 **MEMORANDUM IN SUPPORT OF MOTION FOR FINAL APPROVAL OF THE PROPOSED**  
9 **CLASS ACTION SETTLEMENT AGREEMENT** in this action by transmitting the document(s) to  
Case Anywhere pursuant to the terms in the aforementioned Order.

9 Robert J. Stein, III, Esq.  
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*Counsel for Plaintiffs*

20  **(BY CASE ANYWHERE)** I caused the above document(s) to be electronically served on the  
21 interested parties identified above by using www.caseanywhere.com and the e-mail addresses  
22 maintained by www.caseanywhere.com for this case. Said transmission(s) were verified as  
complete and without error.

23  **(STATE)** I declare under penalty of perjury under the laws of the State of California that the  
24 foregoing is true and correct.

25 Executed on November 21, 2014, at Los Angeles, California.

26 \_\_\_\_\_  
27 Ana Rivera  
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