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Superior Court of California
County of Los Angeles

APR 3 0 2014

Sherri R. Carter, Executive Officer/Clerk
By: Roxanne Arraiga, Deputy

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

CURT SCHLESINGER, PETER LO RE,
ADAM RUSSELL, JAMES ROTH, MARYAM
AGHCHAY, on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

TICKETMASTER, a Delaware Corporation,

Defendant.

CASE NO. BC 304565

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

**ORDER PRELIMINARILY APPROVING
CLASS ACTION SETTLEMENT
PRELIMINARILY CERTIFYING EXPANDED
CLASS FOR SETTLEMENT PURPOSES AND
APPROVING NOTICE TO THE CLASS**

Date Action Filed: October 21, 2003
Trial Date: N/A

1 Plaintiffs' Motion for Preliminary Approval of a Class Action Settlement ("Motion") was filed
2 on December 31, 2013, and Ticketmaster filed a brief in support of Plaintiffs' Motion. The Parties
3 appeared before the Court and presented arguments on March 18, 2014. On April 22, 2014 the Parties
4 filed a Supplemental Brief and Supporting Documents, which addressed matters on which the Court
5 requested additional information. The parties appeared again before the Court and presented
6 arguments on April 30, 2014. Having read and considered the Motion, Supplemental Brief and all of
7 the supporting papers, including the Settlement Agreement and Release entered into by the parties
8 ("Settlement"), this Court finds good cause to grant the Motion:

9 ACCORDINGLY, THE COURT ORDERS AS FOLLOWS:

10 1. The Court has conducted an evaluation of the fairness, reasonableness, and adequacy of
11 the proposed settlement and finds that the Settlement Agreement is a product of informed, arm's-
12 length negotiations which occurred with considerable input and assistance of two well-respected
13 mediators; has no apparent deficiencies; and falls well within the range of reasonableness which would
14 be a prerequisite for final approval. The Court therefore GRANTS preliminary approval of the
15 settlement.

16 2. For settlement purposes, the Court provisionally expands the certified class to include
17 all persons who placed ticket orders from Ticketmaster using the website www.ticketmaster.com (the
18 "Website") during the period from October 21, 1999, through February 27, 2013, paid money to
19 Ticketmaster for an Order Processing Fee ("OPF") which was not refunded, and were residents of the
20 fifty United States at the time of the purchase, including persons who placed, and then cancelled, a
21 ticket order without obtaining a full refund of the OPF. The time period for the UPS Subclass is
22 likewise expanded to the same time period. The expanded UPS Subclass includes all members of the
23 expanded class who paid Ticketmaster to arrange for their ticket orders to be delivered by UPS. The
24 expanded class and subclasses still exclude: (a) Ticketmaster, (b) any entities in which Ticketmaster
25 has a controlling interest or which have a controlling interest in Ticketmaster, (c) the officers,
26 directors, employees, affiliates, and attorneys of Ticketmaster, (d) any employee or officer of the
27 Court or their immediate family members and (e) those persons who have already requested exclusion
28

1 from the Class, or who validly and timely request exclusion from the Class pursuant to the procedure
2 set forth below.

3 3. The Court approves, as to form and content, the Notice of Class Action Settlement
4 (“Notice”) in the form attached as Exhibit 1 to the Supplemental Declaration of Robert J. Stein III in
5 support of Plaintiffs’ Motion for Preliminary Approval. The forms and methods of notice constitute
6 the best notice practicable under the circumstances and constitute valid, due, and sufficient notice to
7 all members of the Settlement Class. They comply fully with the requirements of California Code of
8 Civil Procedure section 382, California Civil Code section 1781, California Rules of Court 3.766 and
9 3.769, the California and United States Constitutions, and other applicable law.

10 4. The Court confirms the Garden City Group as the Notice and Claims Administrator.

11 5. The Court directs the Claims Administrator to: (i) mail the Notice, including the
12 Request for Exclusion Form, by email in accordance with the terms of the Settlement; (ii) implement
13 the publication notice campaign, including the internet banner ad campaign, as set forth in the
14 Settlement Agreement; (iii) maintain the litigation website www.ticketfeelitigation.com, including
15 removing the information previously posted on the website in connection with the prior settlement and
16 posting the following information relevant to the current settlement: the Fourth Amended Complaint,
17 the Settlement Agreement, the Motion for Preliminary Approval and all supporting documents (except
18 those filed under seal), this Preliminary Approval Order, a Copy of the Notice, and all of the
19 documents identified in Paragraph 6 below that are to be filed by the Parties, and any additional
20 information identified in the Settlement Agreement to be maintained on the litigation website.

21 6. The Court finds the schedule set forth in the Parties’ Supplemental Brief meets the
22 requirements of due process and provides the best notice practicable under the circumstances and shall
23 constitute due and sufficient notice to all persons entitled thereto. Accordingly, the Court sets the
24 following dates:

25 a) Deadline to complete email, publication and internet banner notice: June 30,
26 2014.

27 b) Deadline to file and serve objections to or requests for exclusion from the
28 Settlement: September 15, 2014.

1 c) Deadline to file and serve Motion for Final Settlement Approval, including any
2 Motions for Attorneys' Fees and Incentive Awards: November 14, 2014.

3 d) Deadline for Opposition papers to any pleadings identified in Paragraphs 6(b) or
4 (6)(c), above: December 1, 2014

5 e) Deadline to file Reply papers in response to any pleadings filed pursuant to
6 section 6(d), above: December 22, 2014

7 f) Final Settlement Approval Hearing: January 13, 2015 at 10:00 a.m.

8 7. At the final settlement approval hearing, the Court will consider: (a) whether the
9 Settlement should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment
0 granting approval of the Settlement should be entered; and (c) whether Plaintiffs' application for an
1 award of attorneys' fees, reimbursement of litigation expenses, and class representative enhancement
2 should be granted.

3 8. The Court further approves the procedures for Class Members to participate in, opt out
4 of, or object to the Settlement, as set forth in the Settlement Agreement and Notice. The procedures and
5 requirements for filing objections in connection with the final approval hearing are intended to ensure
6 the efficient administration of justice and the orderly presentation of any Class Member's objection to
7 the Settlement, in accordance with the due process rights of all Class Members. Accordingly, the form
8 of Request for Exclusion attached to the Settlement Agreement as Exhibit A is approved.

9 9. Plaintiffs and/or Ticketmaster may serve Objectors with copies of any of the documents
0 identified in Paragraph 6 above (to be filed by Plaintiffs or Ticketmaster), by, on date of their filing,
1 having the Claims Administrator post the documents, available for free download in PDF format, on the
2 litigation Website *and* notify the Objectors via email that documents have been filed and are available to
3 be downloaded.

4 10. Pending the final settlement approval hearing, all proceedings in this action, other than
5 proceedings necessary to carry out or enforce the terms and conditions of the Settlement Agreement and
6 this Order, are stayed.

