

THE COMPETITION TRIBUNAL

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c. C-34, as amended;

AND IN THE MATTER OF an application by the Commissioner of Competition for orders pursuant to section 74.1 of the *Competition Act* regarding conduct reviewable pursuant to paragraph 74.01(1)(a) and section 74.05 of the *Competition Act*,

BETWEEN:

THE COMMISSIONER OF COMPETITION

Applicant

– and –

**LIVE NATION ENTERTAINMENT, INC., LIVE NATION WORLDWIDE, INC.,
TICKETMASTER CANADA HOLDINGS ULC, TICKETMASTER CANADA LP,
TICKETMASTER L.L.C., THE V.I.P. TOUR COMPANY, TICKETSNOW.COM, INC.,
and TNOW ENTERTAINMENT GROUP, INC.**

Respondents

**COMMISSIONER'S MOTION RECORD
(Response to the Respondents' Motion on the Commissioner's Refusals)**

COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE	
FILED / PRODUIT Date: March 29, 2019 CT-2018-005	
Bianca Zamor for / pour REGISTRAR / REGISTRAIRE	
OTTAWA, ONT.	#74

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Respondents

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CT-2018-005

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Respondents

**COMMISSIONER'S RESPONSE TO
RESPONDENTS' NOTICE OF MOTION
(Respondents' Motion on Commissioner's Refusals)**

PART I. GROUNDS ON WHICH THE MOTION IS OPPOSED

1. The Commissioner of Competition (“**Commissioner**”) has answered some of the questions that are the object of the Respondents’ motion. The Commissioner has properly refused to answer the remaining 18 questions.
2. The remaining refused questions are improper in that:
 - a. The remaining refused questions grouped as “Issue 1 – Historic Conduct” constitute a fishing expedition into the Commissioner’s enforcement activities beyond any representations the Respondents may have relied upon;
 - b. The remaining refused questions grouped as “Issue 2 – Individual Respondent Allegations” improperly seek to have the Commissioner’s representative categorize the facts which have been identified as belonging to particular elements of the legal test; that is for the trier of fact to decide; and
 - c. The remaining refused questions under “Issue 3 – Industry Practices” is improperly vague and far-reaching.
3. The Respondents’ motion should be dismissed with costs.
4. *Competition Act*, RSC 1985, c C-34, ss 52, 74.01, 74.03, 74.05.
5. *Federal Courts Rules*, SOR/98-106, rr 240 - 242.
6. Such further and other grounds as counsel may advise and the Tribunal may permit.

PART II. EVIDENCE TO BE USED AT THE HEARING

7. The following documentary evidence will be used at the hearing on the motion:
- a. the Affidavit of Melanie Dubeau, affirmed 28 March 2019;
 - b. the pleadings; and
 - c. such further and other grounds as counsel may advise and the Tribunal may permit.

RESPECTFULLY SUBMITTED THIS MARCH 28, 2019.

"Original Signed by Counsel for the
Commissioner of Competition"

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Counsel to the Commissioner

CT-2018-005

THE COMPETITION TRIBUNAL

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c. C-34, as amended;

AND IN THE MATTER OF an application by the Commissioner of Competition for orders pursuant to section 74.1 of the *Competition Act* regarding conduct reviewable pursuant to paragraph 74.01(1)(a) and section 74.05 of the *Competition Act*;

BETWEEN:

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Applicant

– and –

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Respondents

AFFIDAVIT OF MELANIE DUBEAU
Affirmed 28 March 2019

I, Melanie Dubeau, of the City of Ottawa, in the Province of Ontario,
SOLEMNLY AFFIRM AS FOLLOWS:

1. I am a senior paralegal with the Competition Bureau Legal Services, lawyers for the Applicant, the Commissioner of Competition (“**Commissioner**”) in this proceeding. I have personal knowledge of certain matters affirmed herein. Where my knowledge is based on information provided by others, I state the source of that information and believe it to be true.
2. Ryan Caron, counsel for the Commissioner, provided me with copies of the transcripts of the examination for discovery of Jared Smith, dated 22 and 23 January 2019. Attached to this affidavit as **Exhibit “A”** is an excerpt of the transcripts.
3. Mr. Caron also provided me with copies of the transcripts of the Commissioner’s representative, Lina Nikolova, dated 31 January and 1 February 2019, and the exhibits. Attached to this affidavit as **Exhibit “B”** is a copy of Exhibit 114 from the examination for discovery.
4. I was copied on an email from Mr. Klippenstein to Mark Opashinov, David Kent and Adam Chisholm of McMillan LLP, on 28 March 2019, attached to which was a letter and further answers to certain refusals. Attached to this affidavit as **Exhibit “C”** is a copy of the email and the attachments.

AFFIRMED before me, at the City of
Gatineau, in the Province of Quebec,
this 28th day of March 2019.

"Original Signed by
Commissioner for Taking Oaths"

A Commissioner for taking Oaths

"Original Singed by
Melanie Dubeau"

Melanie Dubeau

"Original Signed by Commissioner of Taking Affidavits:

**This is Exhibit A to the Affidavit of
Melanie Dubeau
Affirmed 28 March 2019**

THE COMPETITION TRIBUNAL

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COMMISSIONER OF COMPETITION,)	
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Applicant,)	
)	
vs.)	No. CT-2018-005
)	
LIVE NATION ENTERTAINMENT, INC.,)	
LIVE NATION WORLDWIDE, INC.,)	
TICKETMASTER CANADA HOLDINGS ULC,)	
TICKETMASTER CANADA LP,)	
TICKETMASTER L.L.C., THE V.I.P.)	
TOUR COMPANY, TICKETSNOW.COM INC.,)	
AND TNOW ENTERTAINMENT GROUP,)	
INC.,)	
)	
Respondents.)	
)	

DEPOSITION OF JARED SMITH, Volume II, taken on behalf of the applicant, at Barkley Court Reporters, 10350 Santa Monica Boulevard, Suite 200, Los Angeles, commencing at 9:36 a.m., Wednesday, January 23, 2019, before Diana L. Porter, Certified Shorthand Reporter No. 12729.

1 APPEARANCES :

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1 pricing on the ticketing platforms." And the companies^{PUBLIC}
2 mentioned here are Ticketmaster LLC, Live Nation
3 Worldwide, Ticketmaster Canada Holdings ULC, and TNOW
4 Entertainment Group, which are, as indicated here,
5 entities which it is alleged here control the content on
6 the ticketing platforms. So I'm going to ask you, to
7 begin with, since, as mentioned in Paragraph 1, the
8 application relates to different websites -- I'm going
9 to ask you to be more specific and tell us, and just
10 starting with ticketmaster.ca, which of these four
11 entities is responsible for controlling the display of
12 pricing information on that specific platform.

13 A On ticketmaster.ca?

14 Q Yes.

15


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17 Q And what about ticketweb.ca, the second
18 platform mentioned in the list?

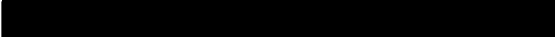
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21 MR. KENT: So, François, I don't know if this
22 is a good time or a bad time. The respondents, and
23 notwithstanding what it says in Paragraph 12, have
24 learned other information getting ready for these
25 proceedings. And so the corporate respondents would

1 have a different point of view on that information that **PUBLIC**
2  So I want you
3 to understand.

4 MR. JOYAL: Can you be more precise? What do
5 you mean?

6 MR. KENT: Yeah. 

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12 MR. JOYAL: Okay. And --

13 MR. KENT: So that's an error in the response.

14 MR. JOYAL: You're going to amend your
15 response?

16 MR. KENT: If we have to formally mend, but
17 we're advising you of our position --

18 MR. JOYAL: Okay.

19 MR. KENT: -- now.

20 BY MR. JOYAL:

21 Q So same question in relation to the third
22 platform, ticketsnow.com.

23
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25 Q And lastly, same question but for the mobile

PUBLIC

1 application?

2 A For which mobile application?

3 Q Ticketmaster mobile application.

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8 Q So which is the proper operating entity you
9 just referred to?

10 (Discussion was held off the
11 record.)

12 MR. KENT: Sorry. Could you repeat the
13 question, François?

14 MR. JOYAL: Hold on. So --

15 MR. KENT: And just as you're formulating your
16 question, I was trying to find my notes. Going back to
17 the very early questions you asked yesterday around
18 Exhibit 1, which was the org chart --

19 MR. JOYAL: Yes.

20 MR. KENT: -- my note of the evidence was

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MR. JOYAL: Mm-hmm.

MR. KENT: But to kind of put it into different language, we would say that the various operating companies were responsible for fee display with respect to the platforms for which they were responsible and that the nonoperating holding companies are not.

MR. JOYAL: Okay.

MR. KENT: And we may, in our pleading, have made a mistake as to which one fell into which of those categories.

MR. JOYAL: Okay.

MR. KENT: But conceptually, that's the position we're taking.

MR. JOYAL: Okay. Got it.

BY MR. JOYAL:

Q Now, which company provides web hosting services for ticketmaster.ca?

A That's a technical question. I'm not sure I can answer. I'm not sure if the -- if --

Q Do you have a company in mind or --

"Original Signed by Commissioner of Taking Affidavits:

**This is Exhibit B to the Affidavit of
Melanie Dubeau
Affirmed 28 March 2019**

Snow, Raymond: CB-BC

From: Bryenton, Larry: CB-BC
Sent: March 6, 2009 10:28 AM
To: Zuker, Lawrence: CB-BC
Cc: Roger, Ian: CB-BC; Snow, Raymond: CB-BC; Ross, Brendan: CB-BC
Subject: FW: Ticketmaster

-----Original Message-----
From: Bryenton, Larry: CB-BC
Sent: March 6, 2009 9:09 AM
To: Rosen, Andrea: CB-BC
Subject: RE: Ticketmaster

-----Original Message-----
From: Rosen, Andrea: CB-BC
Sent: March 5, 2009 11:09 PM
To: Bryenton, Larry: CB-BC
Subject: Ticketmaster

This is
Exhibit No. 114
on the examination of:
L. Nikolova in
v
held on January 31, 2019
VICTORY VERBATIM
Reporting Services
Toronto, Ont.

"Original Signed by Commissioner of Taking Affidavits:

**This is Exhibit C to the Affidavit of
Melanie Dubeau
Affirmed 28 March 2019**

From: Klippenstein, Paul (IC)
Sent: March-28-19 2:02 PM
To: David Kent; Mark Opashinov; Adam Chisholm; Joshua Chad; Nicole Rozario
Cc: 'Joyal, Francois'; Caron, Ryan (IC); Dubeau, Melanie (IC); Kelly, Mallory (IC); Varela Lizardi, Miriam (IC)
Subject: CoC v Live Nation et al - answers to certain refusals
Attachments: 2019-03-28 Letter from P. Klippenstein re answers to certain refusals.pdf

Counsel,

Please find a letter and enclosure of today's date.

Paul Klippenstein

Legal Counsel / Avocat

Competition Bureau Legal Services /

Services juridiques, Bureau de la concurrence

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Ministère de la Justice
Canada

Department of Justice
Canada

PUBLIC

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BY EMAIL

March 28, 2019

Mark Opashinov
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David Kent
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M5J 2T3

**Re: *Commissioner of Competition v. Live Nation Entertainment Inc., et al.*
CT-2018-005 and Omniture Clickstream Data**

Dear Counsel,

The Commissioner has reconsidered certain refusals given at the undertakings given at the examination of Lina Nikolova on January 31 and February 1, 2019. Please find the responses attached.

Sincerely,

Paul Klippenstein
Counsel
Department of Justice
Competition Bureau Legal Services

Encl. Responses

C.c. François Joyal, Ryan Caron, Mallory Kelly, Melanie Dubeau (Department of Justice Canada)

Answers to certain refused questions

Issue 1 - Historic Conduct – Estoppel, Waiver and Remedy			
Page	Question	Refusal	Answer
16	69	What triggered the opening of the file leading to the current application?	The file was opened following an internal Bureau review of Ticketmaster’s drip pricing practices.
16	70	Was [the file] triggered on the basis of any consumer complaints?	The file was not triggered on the basis of any one specific complaint. The file was opened following an internal Bureau review of Ticketmaster’s drip pricing practices. Various criteria, including complaints, inform the Bureau’s decision to pursue cases.
109	410	Do you know whether there was any investigation into [REDACTED] complaint] or what steps were taken in response to [REDACTED] complaint?	An acknowledgment letter was sent to the complainant on March 12, 2008, following which, the complaint was closed. The acknowledgment letter advised the complainant that due to the large number of complaints received by the Bureau each year, the Bureau was unable to resolve them all.
109-110	411	Did anyone at the Bureau ever respond to [REDACTED]]?	An acknowledgment letter was sent to the complainant on March 12, 2008. The acknowledgment letter advised the complainant that the matter he had raised could not be addressed by the Bureau at that time but would be recorded in the Bureau’s database and could be used to develop or support future enforcement activities under the laws enforced by the Bureau.
110 - 112	414, 415, 417	How was the Bureau organized in 2009? How did the fair business practices branch fit within the hierarchy of the Bureau?	There were four (4) enforcement branches at the Bureau in 2009; the Fair Business Practices Branch, the Civil Matters Branch, the Mergers Branch and the Criminal Matters Branch. Each Branch was headed by a Deputy Commissioner who reported to the Commissioner. Andrea Rosen was the Deputy Commissioner for the Fair Business

Issue 1 - Historic Conduct – Estoppel, Waiver and Remedy			
Page	Question	Refusal	Answer
			Practices Branch.
116	434	What was the misrep issue [that Ms. Rosen] was referring to [in her e-mail correspondence with Mr. Bryenton in Exhibit 114]?	[Refusal maintained]
123	461	Was a more fulsome analysis done by officers on [the issue of misreps on the current websites referred to in Mr. Bryenton’s e-mail to Ms. Rosen in Exhibit 114]?	[Refusal maintained]
123	462	I want any analysis that was actually done by officers [on the issue of misreps on the current websites referred to in Mr. Bryenton’s e-mail to Ms. Rosen in Exhibit 114].	[Refusal maintained]
123-124	463	What aspects of [the websites referred to in Exhibit 114] was Mr. Bryenton considering when he indicated that there does not appear to be an issue of misreps on those sites?	[Refusal maintained]
131-132	494	Do you know whether the Bureau looked at any aspects of [the .ca and ticketsnow] websites [REDACTED]]?	<p>The investigation was commenced following concerns in the media regarding the unavailability of tickets in the primary market while tickets at inflated prices were available in the secondary market. The FBP investigation looked at the inadequate disclosure of the redirection from Ticketmaster’s website for the primary market to Ticketmaster’s website for the secondary market; the TicketsNow website.</p> <p>Specifically, the FBP examination was into the issue of whether Ticketmaster was making materially false or misleading representations to the public on its website by redirecting consumers to the secondary ticket marketplace without their knowledge, where consumers were being charged more than face value for the tickets.</p>

Issue 1 - Historic Conduct – Estoppel, Waiver and Remedy			
Page	Question	Refusal	Answer
			The FBP investigation also looked at a cash back incentive that was offered to Ticketmaster customers in light of complaints made at that time.
143-144	527-528	What open matters [was Mr. Homan referencing] when he communicated to Ticketmaster [REDACTED]]?	<p>The author of the letter, Brent Homan, is no longer employed by the Bureau. However, other matters that were open at the time relate to issues that were investigated by the Civil Matters Branch and the Mergers Branch.</p> <p>The Civil Matters Branch examined Ticketmaster’s conduct under the restrictive trade practices provisions of the <i>Competition Act</i>. Specifically, the examination was into the issue of whether Ticketmaster had engaged in anti-competitive practices, contrary to section 79 of the Act.</p> <p>The Mergers Branch examined the proposed merger of Live Nation Inc. and Ticketmaster Entertainment Inc. Specifically, the examination was into the issue of whether the proposed merger of Live Nation Inc. and Ticketmaster Entertainment Inc. would result in a substantial prevention or lessening of competition.</p>
165-166	608	I want an undertaking to find out whether what was intended, beginning at the third paragraph on page 2 [of Exhibit 117], [REDACTED]	The author of the letter, Brent Homan, is no longer employed by the Bureau. However, the letter speaks for itself, more specifically, it makes it clear that the any actions taken based on this information should not be regarded as approved or endorsed by the Bureau.
167	612	Why did Mr. Homan not bring to Ticketmaster’s attention [in Exhibit 117] anything to do with fee displays so that	<p>Brent Homan is no longer employed by the Bureau.</p> <p>The Bureau does not provide advice</p>

Issue 1 - Historic Conduct – Estoppel, Waiver and Remedy			
Page	Question	Refusal	Answer
		Ticketmaster might avoid conflict with the false and misleading representations and deceptive marketing practices provisions of the Competition Act in the future?	<p>outside the context of its program for advisory opinions.</p> <p>The investigation was commenced following concerns in the media regarding the unavailability of tickets in the primary market while tickets at inflated prices were available in the secondary market. The FBP investigation looked at the inadequate disclosure of the redirection from Ticketmaster’s website for the primary market to Ticketmaster’s website for the secondary market; the TicketsNow website.</p> <p>Specifically, the FBP examination was into the issue of whether Ticketmaster was making materially false or misleading representations to the public on its website by redirecting consumers to the secondary ticket marketplace without their knowledge, where consumers were being charged more than face value for the tickets.</p>
p.17 1:22 -25, p.17 2:1- 6	625	(RE Exhibit 118) Why was there a meeting after this no-action letter (Re Exhibit 117)?	<p>Exhibit 117 is a letter written to advise Ticketmaster of the status of the investigation of Ticketmaster by the Fair Business Practices Branch. It is not a “no-action” letter as mischaracterized by the Respondents.</p> <p>This meeting (RE Exhibit 118) was held because Ticketmaster requested to meet with the Bureau.</p> <p>The Bureau had agreed to meet with Ticketmaster and had made it clear at the start of the meeting that the Bureau would not be giving any approval.</p>
p.17 2:10 -16	628	(RE Exhibit 118) It says you are going to discuss important developments at Ticketmaster and in the industry generally. So, was there still a	No file was open at the Fair Business Practices Branch as to Ticketmaster at that time.

Issue 1 - Historic Conduct – Estoppel, Waiver and Remedy			
Page	Question	Refusal	Answer
		file open at the fair business practices branch as to Ticketmaster at this time?	
178-179	647, 650	Are there any facts associated with the 2009 version of the fee display that the Bureau did not have access to in 2009 and 2010?	The Bureau has become aware of additional facts following discoveries, for example, complaints received by Ticketmaster in relation to its 2009 version of the fee display. Additional examples of the Respondents' buy-flows were also included in the Respondents' productions.
187	677	When did the Bureau first consider that the 2009 fee displays were misleading?	[Refusal maintained]
187	678	When did the Bureau open its file as to whether or not the fee displays were misleading on ticketmaster.ca, the ticketsnow site or the ticketweb site?	[Refusal maintained]
187	679	Has anything changed since 2010 as to whether or not the 2009 or 2010 fee display was misleading?	[Refusal maintained]
189-190	685	Why did the Bureau take eight years [after Ms. Rosen started a screen capture campaign] to raise this complaint with Ticketmaster?	[Refusal maintained]
293	976	Are [Exhibits 120 and 121] among [the screen captures] referred to in the March 6 th , 2009 e-mail exchange with Ms. Rosen?	<p>The Commissioner is unable to confirm whether these screen captures [Exhibits 120 and 121] are those referred to in the email.</p> <p>The Commissioner is able to advise that these screen captures [Exhibits 120 and 121] relate to the Bureau's 2009-2010 examination of Ticketmaster's conduct under the misleading advertising and deceptive marketing practices provisions of the <i>Competition Act</i>.</p>
359	1199	Why didn't the Commissioner do anything about [REDACTED] [REDACTED]?	[Refusal maintained]

Issue 2 – Individual Respondent Allegations - Liability			
Page	Question	Refusal	
45	176	Does the Commissioner say that Live Nation Entertainment Inc. made representations on [ticketmaster.ca, ticketweb.ca or ticketsnow.com]?	The Commissioner has provided the facts with respect to Live Nation Entertainment Inc.'s participation in the representations. See, for example, the Respondents' Motion Record at pages 113-116 and answer to UT 4 (Respondents' Motion Record at Tab 5E, page 496).
73	276-277	You are not aware of any facts associating VIP Tour with [ticketmaster.ca]?	This question was answered at the examination – see for example the Respondents' Motion Record at page 152-3 (Q 265 and Q266), at page 156 (Q 278 and 280), at pages 157-158 (Q 285); and UT 9, UT 10 and UT 47 (Respondents' Motion Record at Tab 5E, pages 498; 515-516).
75-76	285-286	[When you said that you are not aware of any facts linking VIP Tour Company to ticketmaster.ca at this time], does that include directly or indirectly by acting in concert or jointly with somebody else?	[Refusal maintained]
239-240	844, 848	What facts are associated with Live Nation Entertainment Inc. [or any of the other seven respondents] acting jointly with another respondent in respect of the OneRepublic concert [referenced on page 12 of the Commissioner's pleadings]?	[Refusal maintained]
239-240	845, 848	What facts does the Commissioner have in association with whether Live Nation Entertainment Inc. [or any of the other seven respondents] acted in concert in respect of the OneRepublic concert [referenced on page 12 of the Commissioner's pleadings]?	[Refusal maintained]
239-240	846, 848	What facts or information is the Commissioner aware of with respect to whether Live Nation Entertainment Inc. [or any of the other seven respondents]	[Refusal maintained]

Issue 2 – Individual Respondent Allegations - Liability			
Page	Question	Refusal	
		acted separately, in any way, with respect to the OneRepublic concert [referenced on page 12 of the Commissioner’s pleadings]?	
240	847, 848	What information does the Commissioner have, or is the Commissioner aware of, with respect to, or in connection with, whether Live Nation Entertainment Inc. [or any of the other seven respondents] permitted some other respondent to act in any particular way with respect to the OneRepublic concert [referenced on page 12 of the Commissioner’s pleadings]?	[Refusal maintained]
333	1119	Which respondents are said to make the price representations in question and which respondents are said to permit others to make the price representations in question?	[Refusal maintained]
333-334	1120	I would like to have the Commissioner’s information with respect to the manner in which each of the respondents permits another respondent to make price representations.	[Refusal maintained]
334	1121	I would like to have the Commissioner’s information as to the manner in which each respondent makes the price representations that are the subject of this application.	[Refusal maintained]

Issue 3 – Industry Practices and Standards – Liability and Remedy			
Page	Question	Refusal	
318-319, 321-322	1067, 1079-1081	I want all [the information known to the Commissioner as to what online ticket vendors have marketed and sold tickets using “attainable prices” inclusive of any mandatory fees, in particular what competitors to Ticketmaster do so, where in Canada they do it, on what platforms, for what kinds of tickets (primary or resale) and in what time periods].	This question has been answered – see Respondents’ Motion Record at tab 5E, page 513 – response to undertaking 45 arising from Q1081.
378, 380-381	1258, 1264	I would like to know what information the Commissioner has as to what, if anything, was standard [pricing practice] in e-commerce across the period relevant to this litigation.	The Commissioner does not allege that there is a standard. As alleged by the Commissioner in his Reply, drip pricing in e-commerce is far from universal. The Commissioner has provided the Respondents with examples of facts supporting this position. Examples were provided in response to undertakings #45, #57.
384	1276	Has the Bureau gathered or received information from market participants in the ticket sale or resale business in Canada?	The Bureau has gathered information from the websites of other ticket vendors, examples of which were included in the Commissioner’s Affidavits of Documents and in the Commissioner’s answers to undertakings (see answer to undertaking #45).
384	1277	Does the Commissioner have any information about the market for online sales or resales of tickets in Canada other than what has been discussed so far?	[Refusal maintained]

Issue 4 – Per Order Fees – Liability and Remedy			
Page	Question	Refusal	
279-280	941-942	[How does] Ticketmaster know what the order processing fee will amount to per ticket before it knows how many tickets are in the order?	<p>All fees applicable to tickets for particular events are set between the Respondents and their clients in advance of the event going on sale. The fees that apply to each purchase are therefore known to the Respondents prior to consumers entering into the purchase flow.</p> <p>In certain cases, the Respondents provide consumers with an option to pre-select the number of tickets for a purchase or else sets a default number of tickets for the consumer's initial search. In these instances, the Respondents have all available information for that particular order to present an attainable price, inclusive of per-order fees. This demonstrates that it is open to the Respondents to structure their representations so as to know the full price of a particular order prior to presenting prices to consumers. However, the Respondents have chosen to structure their representations so as to represent prices that are not in fact attainable by choosing to reveal Non-Optional Fees, such as the order processing fee, later on in the purchasing process.</p>

PUBLIC**CT-2018-005****THE COMPETITION TRIBUNAL**

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c. C-34,
as amended;

AND IN THE MATTER OF an application by the Commissioner of
Competition for orders pursuant to section 74.1 of the
Competition Act regarding conduct reviewable pursuant to
paragraph 74.01(1)(a) and section 74.05 of the *Competition Act*,

BETWEEN:

THE COMMISSIONER OF COMPETITION

Applicant

– and –

LIVE NATION ENTERTAINMENT, INC., LIVE NATION
WORLDWIDE, INC., TICKETMASTER CANADA HOLDINGS
ULC, TICKETMASTER CANADA LP, TICKETMASTER L.L.C.,
THE V.I.P. TOUR COMPANY, TICKETSNOW.COM, INC., and
TNOW ENTERTAINMENT GROUP, INC.

Respondents

AFFIDAVIT OF MELANIE DUBEAU
Affirmed 28 March 2019

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THE COMPETITION TRIBUNAL

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c. C-34, as amended;

AND IN THE MATTER OF an application by the Commissioner of Competition for orders pursuant to section 74.1 of the *Competition Act* regarding conduct reviewable pursuant to paragraph 74.01(1)(a) and section 74.05 of the *Competition Act*,

BETWEEN:

THE COMMISSIONER OF COMPETITION

Applicant

– and –

LIVE NATION ENTERTAINMENT, INC., LIVE NATION WORLDWIDE, INC., TICKETMASTER CANADA HOLDINGS ULC, TICKETMASTER CANADA LP, TICKETMASTER L.L.C., THE V.I.P. TOUR COMPANY, TICKETSNOW.COM, INC., and TNOW ENTERTAINMENT GROUP, INC.

Respondents

**COMMISSIONERS MOTION RECORD
(Response to the Respondents' Motion on the
Commissioner's Refusals)**

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