



COMPETITION TRIBUNAL  
TRIBUNAL DE LA CONCURRENCE

Received / Reçu: 2026-03-27  
CT-2025-008  
Doc 28

79 Wellington St. W., 30th Floor  
Box 270, TD South Tower  
Toronto, Ontario M5K 1N2  
P. 416.865.0040 | F. 416.865.7380

www.torys.com

Linda Plumpton  
lplumpton@torys.com  
P. 416.865.8193

March 27, 2026

**E-FILING**

The Registrar  
Competition Tribunal  
Thomas D'Arcy McGee Building  
90 Sparks Street, Suite 600  
Ottawa, ON K1P 5B4

Dear Registrar:

**Re: Live Nation Entertainment, Inc. et al. ats Consumers Council of Canada  
Tribunal File No.: CT-2025-008**

We are counsel for the Respondents (“**Live Nation**”) in this matter. Further to paragraph 22(a) of the Tribunal’s March 13 order, Live Nation requests, by way of informal motion, leave to file evidence in accordance with Competition Tribunal Rule 119(3). Live Nation seeks to file an affidavit substantially similar to the draft affidavit of Patti-Anne Tarlton, enclosed with this letter (the “**Tarlton Affidavit**”).

**1. Overview**

Live Nation’s proposed evidence is relevant to the screening function the Tribunal will exercise in considering the Applicant’s application for leave under s. 103.1 of the *Competition Act* (the “**Application**”). The Application is based on similar litigation brought by the United States Department of Justice and a number of states, and hinges on the proposition that the venue-operating and ticketing markets are similar to those in the United States. As detailed below, the Applicant offers scant support for this proposition. Live Nation’s proposed evidence deals with it directly.

The proposed Tarlton Affidavit, if filed, will support Live Nation’s argument that the Applicant falls short of proposing a substantial and genuine competition law dispute that warrants resolution by the Tribunal under sections 77 or 79 of the *Competition Act*. It will also provide the Tribunal with relevant information regarding the Respondents’ corporate structure, including that one of the named respondents (Réseau Admission ULC) was dissolved more than four years ago.

Live Nation’s submissions on this motion are divided into three sections: (1) the test for leave to file responding evidence under Rule 119 of the Competition Tribunal Rules; (2) the nature and purpose of Live Nation’s proposed evidence; and (3) the reasons the Tribunal should grant Live Nation leave to file the Tarlton Affidavit.

## 2. The Test for Leave to File Evidence

An application for leave under section 103.1 of the *Competition Act* “is a screening process meant to be decided expeditiously and not on the basis of a full evidentiary record”.<sup>1</sup> Still, Rule 119 contemplates adducing responding evidence with leave of the Tribunal.

The Tribunal recently confirmed the following three requirements apply on motions for leave to file evidence under Rule 119:<sup>2</sup>

1. The moving party must “set out, in as much detail as possible, the discrete facts and specific evidence that it wishes to include in the proposed affidavit”.<sup>3</sup>
2. The proposed responding evidence must relate to one or more narrowly defined issues or discrete facts, not wide-ranging issues.<sup>4</sup>
3. The proposed responding evidence “must be limited to factual (not expert) evidence and be tailored to negate or respond directly to [the applicant’s] factual allegations”.<sup>5</sup>

Here, Live Nation addresses the first requirement by appending the proposed evidence.<sup>6</sup> As described below, this evidence meets the second and third requirements. In response to the Applicant’s over 3600 pages of material, it is limited to just 21 paragraphs and 137 pages of exhibits. The Tarlton affidavit is brief and focused on two discrete issues, namely: (i) answering the factual basis of the Application; and (ii) providing information about the various Respondents.

## 3. Live Nation’s Proposed Evidence

### ***a. The nature and content of the proposed evidence conforms with the Tribunal’s guidance on evidence that is appropriate at this stage of the proceeding***

The proposed evidence is limited to the Tarlton Affidavit, which provides information about each Respondent named in this proceeding, Live Nation’s Canadian venues, and Live Nation and Ticketmaster’s Canadian competitors. Consistent with the Tribunal’s recent guidance in *Martin*, the Tarlton Affidavit is brief, and contains only specific, factual evidence.<sup>7</sup>

---

<sup>1</sup> *JAMP Pharma Corporation v. Janssen Inc.*, [2024 Comp. Trib. 4](#) [*JAMP*], para. [8](#), citing *Audatex Canada, ULC v. CarProof Corporation*, [2015 Comp. Trib. 13](#) [*Audatex*], para. [16](#).

<sup>2</sup> *Alexander Martin v Alphabet Inc., Google LLC, Google Canada Corporation, Apple Inc., and Apple Canada Inc.*, [2025 Comp Trib 12](#) [*Martin*], paras. [20-23](#).

<sup>3</sup> *JAMP*, para. [9](#), citing *Audatex*, para. [17](#).

<sup>4</sup> *JAMP*, paras. [12-13](#), [35](#), [42](#), [47](#).

<sup>5</sup> *JAMP*, para. [37](#).

<sup>6</sup> *CarGurus, Inc. v. Trader Corporation*, [2016 CACT 12](#) [*CarGurus*], para. [31](#).

<sup>7</sup> *Martin*, paras. [20](#), [30](#), [46](#). See also *JAMP*, para. [37](#).

As described in the proposed affidavit, Ms. Tarlton is a longstanding, senior employee of Live Nation with personal knowledge of Live Nation's Canadian business and the Canadian market for live entertainment venues, promotion and ticketing.

***b. The proposed evidence bears on the core of the Applicant's case***

Live Nation seeks to file the Tarlton Affidavit to contextualize and answer the speculative assertions advanced in the Affidavit of Michael Carrier sworn December 15, 2025 (the "**Carrier Affidavit**"). The Carrier Affidavit is the only evidence filed by the Applicant that relates to the merits of CCC's proposed Application. Professor Carrier resides in the United States, is a member of the faculty at Rutgers Law School in New Jersey, and a "U.S.-qualified attorney", who is debating acting as counsel for the Applicant in this proceeding should the Application proceed past the leave stage.<sup>8</sup> The Carrier Affidavit is the basis for the Applicant's argument that its proposed application raises a substantial and genuine competition law dispute that warrants resolution by the Tribunal under s. 77 and/or s. 79 of the *Competition Act*.

Professor Carrier does not purport to have any personal knowledge of the structure and operation of the live music and ticketing industries in Canada. Most of his evidence relates to the live music industry in the United States. In the last few paragraphs of his affidavit, Professor Carrier extrapolates select observations from various secondary sources, based on which he summarily concludes that "[t]he structure and effects observed in Canada mirror those documented in the United States".<sup>9</sup>

For instance, Professor Carrier relies on a screenshot of Live Nation's website "showing its venue portfolio" as illustrative of the Respondents' "growing ownership and operation of numerous large venues" in Canada. The Tarlton Affidavit provides specific information (rather than conjecture) about Live Nation's venue portfolio in Canada and comparisons to other venues in the few Canadian cities in which Live Nation's venues are located. This evidence speaks directly to the Applicant's contention that the structure of the Canadian market "mirrors" that of the United States.

Similarly, the Tarlton Affidavit contains information about the competitors of Live Nation and Ticketmaster in Canada. This provides important context for the leave application and the relevant markets in Canada.

***c. The proposed evidence dealing with the Respondents' corporate structure is not contentious and will assist the Tribunal***

The evidence in the Tarlton Affidavit about the different Respondents is analogous to the evidence that Google was granted leave to file in *Martin* about "the businesses of the three Google respondents in relation to Google's position that leave should not be granted as against Alphabet Inc. and Google Canada Corporation."<sup>10</sup>

---

<sup>8</sup> Carrier Affidavit, paras. 1, 7.

<sup>9</sup> Carrier Affidavit, paras. 28-35.

<sup>10</sup> *Martin*, para. [32](#).

The Tarlton Affidavit explains the business of the seven Respondents. It specifically explains which entities have operations in or related to Canada. It also provides evidence that Réseau Admission ULC is no longer an active corporation. It surrendered its Certificate of Incorporation on October 21, 2021. This evidence is relevant to whether various of the Respondents are proper parties to this proposed Application.

#### **4. Leave Should Be Granted for Live Nation to File the Proposed Evidence**

Based on its nature, subject, and circumscribed scope, the proposed evidence will be “helpful to a determination on this pending leave application.”<sup>11</sup> It is concise, directly responsive to the allegations and factual evidence filed by the Applicant on its section 103.1 leave application, and therefore “relevant to the screening function to be exercised by the Tribunal in section 103.1 applications for leave”.<sup>12</sup>

Live Nation respectfully requests that an order be issued pursuant to Rule 119(3) granting leave to file a finalized, sworn copy of the Tarlton Affidavit as part of Live Nation’s responding representations by May 22, 2026, consistent with the Tribunal’s Order dated March 13, 2026.

Respectfully submitted,



Linda Plumpton

LP:MC

Encls.

cc: James Gotowiec, Colette Koopman and Martha Cote (Torys LLP)  
David Sterns, Adil Abdulla and Maria Arabella Robles (Sotos LLP, counsel for the Applicant)

---

<sup>11</sup> *C.f. Martin*, para. [29](#).

<sup>12</sup> See *Audatex*, para. [22](#); *CarGurus*, para. [22](#).