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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

8 *Counsel for Individual and Representative*
9 *Plaintiff Sheila Campbell*

11 **UNITED STATES DISTRICT COURT**
12
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 SHEILA CAMPBELL, on behalf of herself
15 and all others similarly situated,

16 Plaintiff,

17 vs.

18 TICKETMASTER ENTERTAINMENT,
19 INC., and TICKETSNOW.COM, INC.,

20 Defendants.

Case No. **CV09-1968 PSG (RCx)**
CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

25 Plaintiff, Sheila Campbell ("Plaintiff"), on behalf of herself and all others similarly
26 situated, alleges the following against the above-captioned Defendants, based on personal
27 knowledge, information and belief, and her counsel's investigation and research:
28

1 **JURISDICTION AND VENUE**

2 1. This Court has personal jurisdiction over the parties in this case. Defendant
3 Ticketmaster is a California corporation with headquarters in this District. Defendant
4 TicketsNow is a wholly-owned subsidiary of Ticketmaster. Both Defendants conduct
5 substantial business in this State and have had systematic and continuous contacts with
6 this State. Both Defendants operate interactive websites which offer for sale tickets for
7 events taking place in California. TicketsNow facilitates transactions between both ticket
8 sellers and purchasers located throughout California.

9 2. This Court has subject matter jurisdiction over this action pursuant to the Class
10 Action Fairness Act of 2005, 28 U.S.C. § 1332(d), because at least one Class member is
11 of diverse citizenship from Defendants; there are more than 100 Class members
12 nationwide; and the aggregate amount in controversy exceeds \$5,000,000.

13 3. Venue is proper in this District under 28 U.S.C. § 1391(a) because Defendant
14 Ticketmaster maintains headquarters within this District and TicketsNow has transacted
15 business in this District. A substantial part of the events or omissions giving rise to the
16 claim occurred within this District and Defendants have caused harm to Class members
17 residing within this District.

18 4. Further, the wrongful conduct at issue in this complaint emanates from
19 California. The strategy to redirect consumers to TicketsNow.com was developed,
20 designed, and implemented from Ticketmaster's headquarters in California. Employees
21 and agents of Defendant Ticketmaster who implemented this wrongful conduct are
22 located in California. Many of the agreements between Ticketmaster, artists, and
23 promoters to sell tickets for the first time on the Secondary Market were negotiated in
24 California. The misrepresentations and deceptive conduct that form the basis of
25 Plaintiff's claim emanate from California.

26 **NATURE OF THE ACTION**

27 5. Defendant Ticketmaster Entertainment, Inc. ("Ticketmaster") is a well known
28 outlet for original sales of tickets to popular entertainment events. An estimated 15-17

1 million people per month search the company's website, Ticketmaster.com, for tickets to
2 sporting, live music, and other events. Ticketmaster is the dominant market leader for
3 original sale tickets and in 2007 the company sold more than 141 million tickets valued at
4 over \$8.3 billion. Ticketmaster sells tickets at face value on Ticketmaster.com, but once
5 an event ticket has been sold, the ticket can be re-sold on the Secondary Market at
6 substantially higher prices.

7 6. Not content with dominating the market for face value original sale tickets,
8 Ticketmaster soon set out to capture the market for above face value resale tickets. In
9 2008, Ticketmaster purchased Defendant TicketsNow.com, Inc. ("TicketsNow") for \$265
10 million. TicketsNow, now a wholly owned subsidiary of Ticketmaster, operates a
11 website at TicketsNow.com which specializes in up-selling tickets for above face value.
12 Once it had a firm foothold in the Secondary Market, Ticketmaster put into action its plan
13 to increase profits at the expense of consumers.

14 7. First, Ticketmaster acts in conjunction with TicketsNow, promoters and artists
15 to divert tickets from Ticketmaster.com to be sold at above face value in the first
16 instance. Ticketmaster routinely offers to list hundreds of the best tickets per concert to
17 resale sites, and divides the extra revenue with artists and promoters. This practice
18 artificially limits the supply of tickets offered at face value on Ticketmaster.com and
19 further drives sales at above face value to sites like TicketsNow.com.

20 8. Second, Ticketmaster set out to ensure that Ticketmaster.com users would be
21 directed to TicketsNow.com. Until at least February 23, 2009, potential ticket purchasers
22 searching for tickets on Ticketmaster.com at face value were systematically redirected to
23 TicketsNow.com where tickets sell at prices considerably above face value. Once at
24 TicketsNow, fans paid an amount above face value for tickets, often without even
25 knowing they were purchasing tickets from a "scalper." This sometimes occurred even
26 when tickets remained available on Ticketmaster.com at face value. This classic "bait
27 and switch" resulted in consumers, including Plaintiff, purchasing tickets at above face
28 value prices and suffering injury.

1 9. Matters came to a head starting in February of 2009 when it became known that
2 Ticketmaster had directed a significant number of consumers who searched Ticketmaster
3 to TicketsNow when searching for Bruce Springsteen concert events. Bruce Springsteen
4 himself spoke out about the practice in an open letter to fans. Investigations ensued and
5 Ticketmaster ultimately agreed to stop this practice moving forward and provide recourse
6 to Springsteen fans who had purchased tickets on TicketsNow. But TicketMaster
7 redirected consumers to TicketsNow at least since early 2008 for many other events, and
8 Plaintiff and these other consumers have not yet received recourse.

9 10. As alleged herein, Ticketmaster and TicketsNow's conduct violates Cal. Bus. &
10 Prof. Code §§ 17200 *et seq.*, the California Consumers Legal Remedies Act, Cal. Civ.
11 Code sections 1750 *et seq.*, and other state law.

12 PARTIES

13 11. Plaintiff Sheila Campbell is a citizen of, and resides in, Holt, Michigan.
14 Plaintiff was redirected from Ticketmaster.com to TicketsNow.com and purchased tickets
15 from TicketsNow. See ¶¶ 40-42, *infra*. Plaintiff has been injured as a result of the
16 unlawful conduct alleged herein.

17 12. Defendant Ticketmaster is incorporated under the laws of the State of
18 Delaware, with its principal place of business located at 8800 Sunset Blvd., West
19 Hollywood, California. Ticketmaster does actual business throughout the State of
20 California, including through the sale of tickets in the State and operation and
21 maintenance of interactive websites, including but not limited to Ticketmaster.com and
22 TicketsNow.com, accessible to consumers in, and residents of, California.

23 13. Defendant TicketsNow is a wholly-owned subsidiary of Ticketmaster, with its
24 principal place of business at 620 N. Route 31, Suite C, Crystal Lake, IL 60012.
25 TicketsNow is an online platform for ticket brokers looking to re-sell event tickets for
26 concerts, sporting events, and plays. TicketsNow has one of the largest inventories of
27 secondary market tickets from licensed brokers and individual sellers.

FACTUAL ALLEGATIONS

Ticketmaster and the First Sale Ticket Market

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3 14. An event ticket represents the right of entry to an event and is originally issued
4 by either the venue where the event will take place or by its producer/promoter
5 (“Promoter”). In many cases the Promoter may own the venue. For major event tickets,
6 such as concerts or professional sporting events, the ticket sale is facilitated by a ticketing
7 company such as Ticketmaster. The original or initial sale of the ticket may occur in a
8 variety of ways: in person, by telephone, by mail or, most important for purposes of this
9 Complaint, over the Internet. As referred to herein, original sale tickets are sold on the
10 “First Sale Market.” Only after the ticket has been sold at the point of an original sale
11 can the ticket be re-sold.

12
13 15. Defendant Ticketmaster has, at all relevant times, been one of the world’s
14 leading live entertainment and marketing companies. Established in 1976, Ticketmaster
15 now operates in 20 global markets and provides ticket sales, marketing and distribution
16 services through its website, Ticketmaster.com, and other avenues. Ticketmaster serves
17 more than 10,000 clients worldwide across multiple event categories, providing exclusive
18 ticketing services for leading arenas, stadiums, professional sports franchises and leagues,
19 college sports teams, performing arts venues, museums, and theatres. In 2007, the
20 company sold more than 141 million tickets valued at over \$8.3 billion on behalf of its
21 clients.

22 16. Ticketmaster is the exclusive outlet for original sale tickets for many popular
23 entertainment events. Because this is well known, consumers frequently search
24 Ticketmaster.com first when searching for event tickets. Consumers purchasing original
25 sale tickets from Ticketmaster.com pay the face value of the ticket.

TicketsNow.com and the Secondary Tickets Sales Market

26
27 17. Once a ticket has been sold at the point of original sale the ticket can be re-sold
28 on the Secondary Ticket Sales Market (“Secondary Market”). This Secondary Market,

1 once the province of “scalpers” and other fly-by-night businesses, has gained legitimacy
2 in recent years through use of the Internet and the entrance of big business. According to
3 one article, “the ticket resale business [has moved] off the streets and in the suites.”
4 Estimates place the size of the Secondary Market at \$3 billion per year. And this market
5 is growing quickly with the entrance of large corporations.

6 18. TicketsNow was founded in 1999 as an online marketplace for consumers to
7 purchase tickets on the Secondary Market. In 2004 and 2006, TicketsNow was listed as
8 one of the Inc. 500 Index of fastest-growing privately held companies. TicketsNow
9 reportedly sold \$200 million worth of Secondary Market tickets in 2006, and is number
10 two in the industry behind Stubhub.com.

11 19. Tickets on the Secondary Market, especially for a “sold out” show, often sell
12 for a substantial premium to face value. TicketsNow.com sells tickets at a substantial
13 markup from face value. Customers may pay more than a 300% markup when
14 purchasing tickets from TicketsNow over what they would pay when purchasing tickets
15 from Ticketmaster.
16

17 20. In spite of the already substantial volume of the Secondary Market, it was
18 estimated in 2008 that only about 14% of the ticket-purchasing public had participated in
19 this market in terms of buying.

20 **Ticketmaster Purchases TicketsNow.com**

21 21. In January of 2008, Ticketmaster announced an agreement to purchase
22 TicketsNow for \$265 million. TicketsNow, now a wholly-owned subsidiary of
23 Ticketmaster, operates a website at www.TicketsNow.com from which it continues to
24 participate in the Secondary Market for tickets.

25 22. According to a January 15, 2008 Press Release, “[t]he acquisition will make
26 TicketMaster a leading company in the resale category.” Sean Moriarty, Ticketmaster’s
27 then-President and CEO stated that “[w]e are confident that combining TicketsNow’s
28

1 strong resale network with our audience and distribution capabilities will enable us to set
2 a new standard in the resale category.”

3 23. Ticketmaster also operates another Secondary Market website for tickets called
4 TicketExchange (<http://www.ticketmaster.com/ticketexchangehome/>).

5 24. Ticketmaster quickly lived up to its word by using TicketsNow to increase
6 profits. To this end, Ticketmaster has engaged in unfair, deceptive and unlawful conduct
7 designed to maximize profits at the expense of consumers.

8 **Ticketmaster Funnels First-Sale Tickets to the Secondary Market**

9 25. As the owner of TicketsNow, Ticketmaster collects revenue on the original sale
10 of tickets as well as their sale on the Secondary Market. When a ticket broker or other
11 seller sells a ticket through TicketsNow, Ticketmaster receives up to an additional 15%
12 commission.

13 26. Starting on March 12, 2009, *The Wall Street Journal* and other sources began
14 reporting that artists themselves, in conjunction with Promoters and Ticketmaster, were
15 selling their own tickets on Secondary Market sites such as TicketsNow.com. These
16 tickets were never offered to fans on the First Sale Market.

17 27. According to the article, “Ticketmaster facilitates the secondary ticket market
18 and profits from it. According to several managers of top artists and Ticketmaster
19 executives, the company routinely offers to list hundreds of the best tickets per concert on
20 one of its two resale web sites – and divides the extra revenue, which can amount to more
21 than \$2 million on a major tour, with artists and promoters.”

22 28. This practice has the effect of artificially limiting the supply of tickets offered at
23 face value on the First Sale Market, and further driving sales above face value on the
24 supposed Secondary Market and TicketsNow.com.
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Ticketmaster Systematically Redirects Consumers to TicketsNow

1 **Ticketmaster Systematically Redirects Consumers to TicketsNow**
2 29. As the exclusive ticket outlet for many premier entertainment events,
3 Ticketmaster.com often experiences heavy traffic when tickets for popular events are first
4 available for sale. According to a 2008 article in Ticket News, an estimated 15-17
5 million people searched the Ticketmaster website for event tickets per month in 2008.
6 And an estimated 86% of these had never participated in the Secondary Market.

7 30. In an effort to drive above face value Secondary Market sales and obtain greater
8 profit, Ticketmaster set out to ensure that Ticketmaster.com users would be directed to
9 the Company's Secondary Market offerings. Until at least February 23, 2009, potential
10 ticket purchasers searching for tickets on Ticketmaster.com at face value were
11 systematically redirected to TicketsNow.com, where tickets are sold at a price
12 considerably above face value. Consumers looking for face value tickets were routinely
13 redirected to TicketsNow for purchase at above face value. And in some cases this
14 occurred even when seats remained available at Ticketmaster.

15 31. TicketsNow identifies itself as a Ticketmaster company. Accordingly, after
16 being redirected and purchasing tickets, consumers believe they are purchasing tickets at
17 face value from Ticketmaster. Only when consumers receive the tickets and see the
18 printed face value, however, do they realize that they purchased tickets above face value
19 from TicketsNow. In other words, they believed the price quoted on TicketsNow was the
20 face value of the actual ticket.

21 32. Ticketmaster also falsely and deceptively represented that no face value tickets
22 remained or that the event was otherwise sold-out, thus resulting in fans purchasing
23 tickets above face value from TicketsNow. In reality, even when events are sold out, this
24 is due to Ticketmaster's practice of limiting the supply of tickets on the First-Sale Market
25 to spur the sale of tickets above face value on the Secondary Market.

26 33. Defendants' scheme is the classic "bait and switch" where consumers are lured
27 in with an offer for one product, only to find that product is no longer available at that
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1 price (or may never have been so available). The consumer is then quickly referred to
2 another product/price combination.

3 34. Ticketmaster did not, before February of 2009, disclose its scheme to limit the
4 supply of tickets on the First-Sale Market and to spur sales at above face value on the
5 Secondary Market. Although this strategy was put in motion much earlier via
6 Ticketmaster's acquisition of TicketsNow.com, its agreements with artists and promoters,
7 and its newly developed business relationship with ticket-brokers, it was effectuated only
8 through the company's systematic redirection of potential Ticketmaster ticket-purchases
9 to its Secondary Market subsidiary.

10 **The Bruce Springsteen Fiasco and Subsequent Fallout**

11 35. In February 2009, Ticketmaster.com redirected a significant number of
12 consumers who searched Ticketmaster.com to TicketsNow to purchase tickets to Bruce
13 Springsteen concert events. Ticketmaster.com redirected consumers to TicketsNow even
14 though the Bruce Springsteen events were not sold out and tickets remained available at
15 Ticketmaster.

16 36. Consumer complaints and investigations quickly followed. For example, on
17 February 3, 2009, Bruce Springsteen posted an open letter to his fans on his website
18 apologizing for Defendants' wrongful acts ("the Springsteen Letter"). The Springsteen
19 Letter denounced Defendants' actions and stated in pertinent part:
20

21 A LETTER TO OUR FANS

22 We know there was much confusion regarding Ticketmaster
23 and TicketsNow during last Monday's on-sale dates. We were
24 as confused as you were, as we were given no advance notice
25 of the major changes in the Ticketmaster-TicketsNow world.

26
27 Last Monday, we were informed that Ticketmaster was
28 redirecting your log-in requests for tickets at face value, to

1 their secondary site TicketsNow, which specializes in up-
2 selling tickets at above face value. They did this even when
3 other seats remained available at face value. We condemn this
4 practice.

5
6 We perceive this as a pure conflict of interest. Ticketmaster is
7 there to ensure that we have a good, fair sale of our tickets at
8 their face value plus normal ticketing charges. TicketsNow is
9 supposed to be a secondary site where people who already have
10 tickets may exchange, trade, and, unfortunately, speculate with
11 them. We have asked this redirection from Ticketmaster to
12 TicketsNow cease and desist immediately and Ticketmaster
13 has agreed to do so in the future and has removed its unwanted
14 material from their and our site.
15

16 ...

17 The abuse of our fans and our trust by Ticketmaster has made
18 us as furious as it has made many of you. We will continue to
19 do our utmost now and in the future to make sure that these
20 practices are permanently curtailed on our tours.

21 37. On that same date, New Jersey's Attorney General's Office launched an
22 investigation of TicketMaster after hundreds of fans contacted its Division of Consumer
23 Affairs. Similarly, the attorneys generals of the States of New Jersey and Connecticut
24 commenced investigations concerning the propriety of Ticketmaster's practice of
25 redirecting consumers from its website to that of its affiliate TicketsNow.com. In calling
26 for an investigation into the company, Charles Schumer, Senator from New York,
27 claimed that the fans were the victims of a "classic bait and switch."
28

1 38. Once light was shed on this practice, Ticketmaster was forced to agree to
2 change its practices moving forward. Following the public outcry over the systematic re-
3 direction of consumers from Ticketmaster.com to TicketsNow.com in connection with
4 Bruce Springsteen tickets, Ticketmaster conceded that consumers were confused by its
5 re-direction. Although Ticketmaster has acknowledged consumer confusion between its
6 primary website and the TicketsNow website admitting that it “missed the mark,” it has
7 only agreed to provide redress for consumers who were redirected in connection with the
8 purchase of Bruce Springsteen tickets. Nevertheless, thousands of other consumers who
9 were redirected from Ticketmaster.com to TicketsNow.com in connection with the
10 purchase of tickets for other live entertainment events are left with no remedy.

11 39. Bruce Springsteen’s concert was not the lone instance of such conduct. On
12 information and belief, Ticketmaster has redirected consumers to TicketsNow.com at
13 least since early 2008. Thousands of fans, including Plaintiff, have been redirected to
14 TicketsNow when searching for tickets to major events including concerts, professional
15 sporting events, plays, and other events for which Ticketmaster is a provider of tickets.

16 **Plaintiff’s Experience is Similar to Others Who Were Redirected**

17 40. On February 7, 2009, Plaintiff logged onto Ticketmaster.com to purchase
18 tickets to attend a Detroit Pistons game being held at the Palace at Auburn Hills on March
19 26, 2009. Using her credit card, Plaintiff placed the order for two tickets on what she
20 believed to be Ticketmaster.com for what she believed to be a face value price of \$65
21 each. Plaintiff selected seats that resulted in a charge of approximately \$130.00 plus
22 applicable fees.

23 41. Soon afterward, Plaintiff received email confirmation that she had successfully
24 ordered tickets. However, the email was from TicketsNow.com — not Ticketmaster. The
25 email broke down the charges. The line item “Quantity” listed “2@\$65” with
26 “Merchandise” listed as “\$130.” Other fees totaled \$34.45 including a \$19.50 service
27 charge and \$14.95 for shipping. When the package arrived, Plaintiff was surprised to see,
28 not two \$65 dollar face value tickets, but two \$40 face value tickets.

1 42. Plaintiff called TicketsNow to complain but was given no relief. At no time did
2 Plaintiff believe that she affirmatively agreed to purchase tickets in the secondary market
3 or at higher than face value – effectively from a “scalper.” Rather, she trusted that
4 Ticketmaster — the leading First Sale Market ticketing provider — would not abuse
5 consumers by deceptively diverting their orders to its affiliate which sold tickets with a
6 markup of up to 300%.

7 43. Among other things, Defendants failed to disclose and/or inadequately
8 disclosed to Plaintiff and Class members material information, such as that the tickets
9 they were purchasing were for amounts greater than the face value of the tickets available
10 for sale on Ticketmaster.com and the price differentials. Defendants have not offered
11 Plaintiff the opportunity to reverse her purchase of tickets from TicketsNow.com.
12 Defendants’ refusal to refund the difference between face value of the tickets and the
13 TicketsNow.com purchase price constitutes an unfair charge on Plaintiff and other
14 consumers.

15 44. Plaintiff’s experience is similar to that of other consumers because Defendants
16 failed to disclose and/or inadequately disclosed material information about the tickets
17 available for purchase on TicketsNow.com.

18 **CLASS ALLEGATIONS**

19 45. This action has been brought, and may be properly maintained, under Federal
20 Rules of Civil Procedure 23(a)(1)-(4), 23(b)(3).

21 46. Plaintiff brings this action as a class action on behalf of herself and all others
22 similarly situated as a member of a Class, initially defined as follows:

23 **All persons who were redirected from Ticketmaster.com to**
24 **TicketsNow.com and purchased tickets above face value**
25 **from TicketsNow.com.**

26 Excluded from the above Class are Defendants; any entity in which Defendants have a
27 controlling interest; any of the officers, directors, or employees of Defendants; the legal
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1 representatives, heirs, successors, and assigns of Defendants; and any judge to whom this
2 case is assigned and his or her immediate family.

3 47. **Numerosity**—Fed. R. Civ. P. 23(a)(1): The members of the Class are so
4 numerous and widely dispersed that joinder of them in one action is impractical.
5 Millions of individuals have been redirected and members of the Class are likely to
6 number tens of thousands. The precise numbers of Class members are unknown to
7 Plaintiff, but each Class member should be readily identifiable from information and
8 records in Defendants' possession and control.

9 48. **Existence and Predominance of Common Questions of Law and Fact**—Fed.
10 R. Civ. P. 23(a)(2); 23(b)(3): Common questions of law and fact exist as to all members
11 of the Class and predominate over any questions affecting only individual Class
12 members. These common legal and factual questions include, but are not limited to, the
13 following:

- 14 a. Whether Defendants redirected consumers from Ticketmaster.com to
15 TicketsNow.com and failed to disclose and/or inadequately disclose material
16 information to those who bought tickets from TicketsNow.com;
- 17 b. Whether Defendants unjustly enriched themselves by redirecting consumers
18 from Ticketmaster.com to TicketsNow.com, thereby deceiving consumers
19 into purchasing tickets from TicketsNow.com for amounts greater than the
20 face value of the tickets;
- 21 c. Whether Defendants' conduct, as alleged herein, is unlawful, unfair or
22 fraudulent and violated Cal. Bus. & Prof. Code §§ 17200, *et seq.*;
- 23 d. Whether Defendants' conduct, as alleged herein, violated Cal Civ. Code
24 §§ 1750, *et seq.*;
- 25 e. Whether Defendants were unjustly enriched; and
- 26 f. Whether Plaintiff and Class members are entitled to disgorgement,
27 restitution, injunctive relief and declaratory relief.
28

1 49. **Typicality**—Fed. R. Civ. P. 23(a)(3): Plaintiff’s claims are typical of the Class
2 as Plaintiff, like all members of the Class, was redirected by Ticketmaster from
3 Ticketmaster.com to TicketsNow.com and purchased tickets above face value from
4 TicketsNow.com.

5 50. **Adequacy of Representation**—Fed. R. Civ. P. 23(a)(4): Plaintiff is an
6 adequate representative of the Class because her interests do not conflict with the
7 interests of Class members she seeks to represent. Plaintiff has retained counsel
8 competent and experienced in class action litigation who intend to vigorously prosecute
9 this action. The interests of Class members will be fairly and adequately protected by
10 Plaintiff and her counsel.

11 51. **Superiority**—A class action is superior to other available methods for the fair
12 and efficient adjudication of this controversy since joinder of all the Class members is
13 impracticable. Furthermore, the adjudication of this controversy through a class action
14 will avoid the possibility inconsistent and potentially conflicting adjudication of the
15 claims asserted herein. There will be no difficulty in the management of this action as a
16 class action.

17 **CAUSES OF ACTION**

18 **COUNT I**

19 **(Violation of the Unfair Competition Law, Cal. Bus. & Prof. Code §§ 17200 *et seq.*)**

20 52. Plaintiff incorporates by reference and realleges all paragraphs of this complaint
21 as if fully set forth herein.

22 53. The acts and practices engaged in by Defendants, and described herein,
23 constitute unlawful, unfair, and/or fraudulent business practices in that: (a) Defendants’
24 practices, as described herein, violate the California Consumers Legal Remedies Act,
25 Cal. Civ. Code §§ 1750, *et seq.*; (b) the justification for Defendants’ conduct is
26 outweighed by the gravity of the consequences to Plaintiff and Class members; (c)
27 Defendants’ conduct is immoral, unethical, oppressive, unscrupulous or substantially
28 injurious to Plaintiff and Class members; and/or (d) the conduct of Defendants constitutes

1 fraudulent, untrue or misleading actions in that such conduct has a tendency to deceive a
2 reasonable person, including Plaintiff and Class members.

3 54. Plaintiff and Class members have suffered injury in fact and have lost money
4 and/or property as a result of Defendants' unfair competition, as alleged herein.

5 55. Defendants' unlawful, unfair, and fraudulent business practices include, but are
6 not limited to, the following:

- 7 a. Redirecting consumers from the Ticketmaster.com website to the
8 TicketsNow.com website and failing to disclose and/or inadequately
9 disclosing material information, such as that the tickets for purchase were
10 for amounts greater than the face value of the tickets on Ticketmaster.com
11 and the price differentials;
- 12 b. Passing off tickets as those of another;
- 13 c. Misrepresenting the source, sponsorship, approval, or certification of tickets;
- 14 d. Misrepresenting the affiliation, connection, or association with, or
15 certification of another;
- 16 e. Representing that tickets have sponsorship, approval, characteristics,
17 ingredients, uses, benefits, or quantities which they do not have; and
- 18 f. Advertising tickets with the intent not to sell them as advertised.

19 56. Pursuant to California Business & Professions Code § 17203, Plaintiff and
20 Class members are therefore entitled to equitable relief, including restitution of all
21 monies paid to Defendants for tickets above face value, disgorgement of all profits
22 accruing to Defendants because of their unlawful, unfair and fraudulent business
23 practices, an injunction requiring Defendants to make clear and conspicuous disclosures
24 of all material information and enjoining Defendants from their unlawful, unfair,
25 fraudulent and deceptive business activities, and appropriate declaratory relief as
26 described herein.

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COUNT II

(Violation of the Consumers Legal Remedies Act, Cal. Civ. Code §§ 1750 *et seq.*)

57. Plaintiff incorporates by reference and realleges all paragraphs of this complaint as if fully set forth herein.

58. Defendants are “persons” within the meaning of Civil Code sections 1761(c) and 1770, and provide “goods or services” within the meaning of Civil Code sections 1761(a)-(b) and 1770.

59. Defendants’ customers, including Plaintiff and Class members, are “consumers” within the meaning of Civil Code sections 1761(d) and 1770. Each payment of tickets from TicketsNow.com by Plaintiff and each Class member constitutes a “transaction” within the meaning of Civil Code sections 1761(e) and 1770.

60. As set forth herein, Defendants’ acts, practices, representations, omissions and course of conduct in using Ticketmaster.com to lure Plaintiff and Class members into purchasing tickets from TicketsNow at prices above face value violated the Consumers Legal Remedies Act, Cal. Civ. Code sections 1750 *et seq.* in that Defendants:

- a. Passed off tickets as those of another;
- b. Misrepresented the source, sponsorship, approval, or certification of tickets;
- c. Misrepresented the affiliation, connection, or association with, or certification of another;
- d. Represented that tickets have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have; and
- e. Advertised tickets with the intent not to sell them as advertised.

61. Pursuant to the provisions of Civil Code section 1780, Plaintiff and Class members seek injunctive relief as requested herein and as this Court deems appropriate.

62. Plaintiff, on behalf of herself and all Class members, has complied with California Civil Code section 1782(a) by serving a preliminary notice before filing a

1 complaint for damages under the Consumers Legal Remedies Act. If Defendants fail to
2 remedy their conduct as demanded in Plaintiff's preliminary notice, Plaintiff will amend
3 this complaint in accordance with California Civil Code § 1782(d) as appropriate.

4 **COUNT III**

5 **(Unjust Enrichment)**

6
7 63. Plaintiff repeats and realleges the allegations contained in each of the
8 paragraphs of this complaint as if fully set forth herein. Plaintiff pleads this count in the
9 alternative should Counts I and II fail or are dismissed.

10 64. Defendants have been enriched by their fraudulent acts and omissions alleged
11 herein in the State of California where Defendants reside and/or transact business.

12 65. These fraudulent acts and omissions allowed Defendants to unlawfully receive
13 monies that would not have been obtained but for their acts and omissions.

14 66. Plaintiff and the Class were redirected by Defendants from Ticketmaster.com to
15 TicketsNow.com and purchased tickets at greater than face value. Defendants have been
16 enriched by the profits gained by its wrongful conduct.

17 67. Plaintiff and each Class member suffered damages as a result of this conduct.

18 68. Defendants lack any legal justification for having engaged in a course of
19 fraudulent acts and omissions as alleged herein at Plaintiff's and the Class members'
20 expense.

21 69. No other remedy at law can adequately compensate Plaintiff for the damages
22 occasioned by Defendants' conscious choice to engage in a course of fraudulent acts and
23 omissions.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment on behalf of herself and the proposed Class as follows:

A. For an order certifying the proposed Class defined herein under Federal Rule of Civil Procedure 23(a) and (b)(3) and appointing Plaintiff and her counsel of record to represent said Class;

B. For an order pursuant to Cal. Bus. & Prof. Code §§ 17200 *et seq.* and Cal. Civ. Code §§ 1750 *et seq.* requiring Defendants to make clear and conspicuous disclosures of material information and to terminate all of their unlawful, unfair, fraudulent and deceptive practices as described herein;

C. For an order pursuant to Cal. Bus. & Prof. Code §§ 17200 *et seq.* and the claim for unjust enrichment awarding disgorgement and restitution to Class members who purchased tickets at greater than face value from TicketsNow.com; and

D. For an order awarding Plaintiff and Class members the reasonable costs and expenses of suit, including attorneys' fees and filing fees.

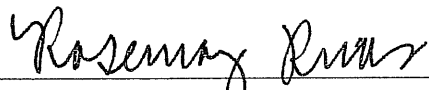
JURY TRIAL DEMANDED

Plaintiff demands a trial by jury.

DATED: March 23, 2009

Respectfully submitted,

FINKELSTEIN THOMPSON LLP

By: 
Rosemary M. Rivas

Daniel T. LeBel
100 Bush Street, Suite 1450
San Francisco, California 94104
Telephone: (415) 398-8700
Facsimile: (415) 398-8704

Mila F. Bartos
Tracy D. Rezvani
Stan M. Doerrer

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FINKELSTEIN THOMPSON LLP

1050 30th Street, N.W.

Washington, D.C. 20007

Telephone: (202) 337-8000

Facsimile: (202) 337-8090

*Counsel for Individual and Representative
Plaintiff Sheila Campbell*

AFFIDAVIT OF ROSEMARY M. RIVAS

I, Rosemary M. Rivas, declare as follows:

1. I am a partner with the law firm Finkelstein Thompson LLP, counsel for Plaintiff Sheila Campbell in this action. I am admitted to practice law in California and before this Court, and am a member in good standing of the State Bar of California. This declaration is made pursuant to California Civil Code section 1780(c). I make this declaration based on my research of public records and also upon personal knowledge and, if called upon to do so, could and would testify competently thereto.

2. According to public records, Ticketmaster Entertainment Inc. and TicketsNows.com, Inc. sell tickets and otherwise do business within Los Angeles County. Moreover, Ticketmaster Entertainment, Inc. maintains its principal place of business in Hollywood, California, as alleged in the accompanying Class Action Complaint.

I declare under penalty of perjury under the laws of the United States on this 23rd day of March 2009 in San Francisco, California that the foregoing is true and correct.

Rosemary M. Rivas
Rosemary M. Rivas

State of California
County of San Francisco
Subscribed and sworn to (or affirmed)
before me on this 23rd day of March
20 09 by Rosemary M. Rivas
proved to me on the basis of satisfactory
evidence to be the person(s) who
appeared before me.

MARLYN ANO
Signature



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Philip S. Gutierrez and the assigned discovery Magistrate Judge is Rosalyn M. Chapman.

The case number on all documents filed with the Court should read as follows:

CV09- 1968 PSG (RCx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

COPY

Rosemary M. Rivas (State Bar No. 209147)
rrivas@finkelsteinthompson.com
FINKELSTEIN THOMPSON LLP
100 Bush Street, Suite 1450
San Francisco, California 94104
Telephone: (415) 398-8700

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SHEILA CAMPBELL, on behalf of herself and all
others similarly situated,

PLAINTIFF(S)

v.

TICKETMASTER ENTERTAINMENT, INC., and
TICKETSNOW.COM, INC.,

DEFENDANT(S).

CASE NUMBER

CV09-1968 PSG (RCx)

SUMMONS

TO: DEFENDANT(S): ALL DEFENDANTS

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Rosemary M. Rivas, whose address is Finkelstein-Thompson-LLP-100-Bush-St.-Suite-1450-San-Francisco, CA-94104. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: MAR 23 2009

By: NATALIE LONGORIA
Deputy Clerk



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or agent of the United States. Allowed 60 days by Rule 12(a)(3)].

1198

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) SHEILA CAMPBELL		DEFENDANTS TICKETMASTER ENTERTAINMENT, INC., and TICKETSNOW.COM, INC.																			
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Rosemary M. Rivas FINKELSTEIN THOMPSON LLP 100 Bush Street, Suite 1450, San Francisco, CA 94104 (415) 398-8700		Attorneys (If Known)																			
II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:50%; border: none;">Citizen of This State</td> <td style="width:10%; border: none;"><input type="checkbox"/> 1</td> <td style="width:10%; border: none;"><input type="checkbox"/> 1</td> <td style="width:20%; border: none;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; border: none;"><input type="checkbox"/> 4</td> <td style="width:10%; border: none;"><input checked="" type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none;"><input checked="" type="checkbox"/> 2</td> <td style="border: none;"><input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none;"><input type="checkbox"/> 5</td> <td style="border: none;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none;"><input type="checkbox"/> 3</td> <td style="border: none;"><input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none;"><input type="checkbox"/> 6</td> <td style="border: none;"><input type="checkbox"/> 6</td> </tr> </table>		Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4	Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. ORIGIN (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge																					
V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No MONEY DEMANDED IN COMPLAINT: \$ _____																					
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) Class Action Fairness Act, 28 U.S.C. § 1332 and consumer protection statutes under California law.																					
VII. NATURE OF SUIT (Place an X in one box only.) <table border="1" style="width:100%; border-collapse: collapse; font-size: small;"> <tr> <td style="width:25%; vertical-align: top;"> OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. 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CV09-1968

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): Diamond v. Ticketmaster, Case No. 09-CV-00912 CBM; and Wenzel v. Ticketmaster, Case No. 09-CV-01234-GHK.

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Michigan

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Defendant Ticketmaster Entertainment, Inc. resides in Los Angeles County.	Defendant Ticketsnow.com, Inc. resides in Illinois.

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER): *Rosen & Brin* Date March 23, 2009

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))