

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MICHAEL FELLOWS and JONATHAN
HADDEN, on behalf of themselves and
others similarly situated,

Plaintiffs,

Case No. _____

v.

MADONNA LOUISE CICCONE ,
LIVE NATION WORLDWIDE, INC.;
LIVE NATION MTOURS (USA), INC.; and
BROOKLYN EVENTS CENTER, LLC,
D/B/A BARCLAYS CENTER,

Defendants.

_____ /

CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs, MICHAEL FELLOWS and JONATHAN HADDEN, as Class Representatives, on behalf of themselves and all others similarly situated, by and through their undersigned attorneys, in complaining against Defendants, LIVE NATION WORLDWIDE, INC., MADONNA LOUISE CICCONE, individually, LIVE NATION M TOURS (USA), INC., and BROOKLYN EVENTS CENTER, LLC, D/B/A BARCLAYS CENTER, state as follows:

INTRODUCTION

This class action complaint is filed on behalf of two consumers, and a number of other consumers who will come within the class, who were lulled into purchasing tickets for concerts at the Barclays Center to be put on by one the premier performers of the past 40 years. Defendants had advertised, promoted, and covenanted that Madonna would launch the North America leg of her “Celebration Tour” in July 2023 in Brooklyn, New York, at the Barclays Center, but the

concerts did not happen until December 2023, after Madonna delayed the start of her tour due to illness. Moreover, the concerts at the Barclays Center were advertised to start at 8:30 p.m., but Madonna did not take the stage until after 10:30 p.m. on all three nights, with most concert attendees leaving the Barclays Center after 1:00 a.m. By the time of the concerts' announcements, Madonna had demonstrated flippant difficulty in ensuring a timely or complete performance, and Defendants were aware that any statement as to a start time for a show constituted, at best, optimistic speculation. Defendants' actions constitute not just a breach of their contracts with Plaintiffs and the Class Members, but also a wanton exercise in false advertising, negligent misrepresentation, and unfair and deceptive trade practices. As set forth *infra*, these acts or omissions are not countenanced by law, and Plaintiffs and the Class Members should be compensated for their damages.

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff, Michael Fellows, is a resident of Kings County, New York, who is over the age of 18 years.

2. Plaintiff, Jonathan Hadden, is a resident of Bronx County, New York, who is over the age of 18 years (Plaintiffs Michael Fellows and Jonathan Hadden shall be hereafter referred to, collectively, as "**Plaintiffs**").

3. Defendant, Madonna Louise Ciccone ("**Madonna**"), was and is an individual residing in the State of New York and doing business in the State of New York as a concert performer under the name "Madonna."

4. Defendant, Live Nation Worldwide, Inc. ("**Live Nation**"), is a foreign business corporation organized and existing pursuant to the laws of the State of Delaware and registered to

do business in the State of New York and doing business as a concert promoter in the State of New York.

5. Defendant, Live Nation MTours (USA), Inc. (“**MTours**”), is a foreign business corporation organized and existing pursuant to the laws of the State of Delaware and registered to do business in the County of New York, State of New York.

6. Defendant, Brooklyn Events Center, LLC, is a foreign limited liability company organized and existing pursuant to the laws of the State of Delaware and registered to do business in the State of New York, doing business as “Barclays Center” in Kings County, New York (the “**Venue**”).

7. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. ¶ 1332(d)(2) (class action jurisdiction). Upon information and belief, the value of the tickets for the three concerts at the Barclays Center exceed \$10 million, as each of the three concerts which form the basis of this action hold up to 19,000 seats (calculated with an average ticket price of \$100-\$200).

8. Venue is proper in this District under 28 U.S.C. § 1391(b)(2) because the contract at issue was entered into and/or performed in Kings County, New York, and the causes of action arose and/or accrued there.

9. All conditions precedent to this action have occurred, been performed, or have been waived.

GENERAL ALLEGATIONS

AS TO THE TICKET-PURCHASER PLAINTIFFS

10. On or about December 13, 2023, Plaintiff Michael Fellows purchased, for valuable consideration in the amount of \$155.90, one ticket to attend a December 13, 2023 musical performance at the Venue by Madonna, during her “Celebration Tour” concert tour.

11. On or about December 13, 2023, Plaintiff Jonathan Hadden also purchased, for valuable consideration in the amount of \$292.50, two tickets to attend a December 13, 2023 musical performance at the Venue by Madonna, during her “Celebration Tour” concert tour.

12. The terms and conditions printed on the face of the aforesaid tickets stated that the musical performance by Madonna was to occur on December 13, 2023 at the Venue, commencing at 8:30 p.m. (the “**Dec. 13th Concert**”).

13. The Dec. 13th Concert started over two hours late, when Madonna finally took the stage between 10:45 p.m. and 11:00 p.m., rather than at 8:30 p.m. Upon information and belief, Madonna’s concerts on December 14th and 16th at the Barclays Center also started over two hours late (the Dec. 13th Concert and the concerts on Dec. 14th and 16th shall be hereafter referred to, collectively, as the “**Concerts**”).

14. Defendants did not provide any notice to Plaintiffs that the Concerts would start at a later time. Plaintiffs arrived before 8:30 p.m. at the Venue, expecting the concert to begin at 8:30 p.m. as indicated on their tickets.

AS TO ALL PLAINTIFFS

15. The concert tickets purchased, for valuable consideration, by Plaintiffs, and all other ticket holders for the Concerts, specifically stated that each concert was to begin at 8:30 p.m. and

said representation regarding the start of the Concerts was material to Plaintiffs' agreement to purchase the tickets.

16. Madonna has a long history of arriving and starting her concerts late, sometimes several hours late. This history occurred throughout her 2016 Rebel Heart Tour, her 2019-2020 Madame X Tour, and prior tours, where Madonna continuously started her concerts over two hours late. In addition, Madonna was also several hours late starting her Celebration Tour concerts in other cities subsequent to the Barclays Center concerts in December 2023, including her later concerts in Boston and Washington, D.C.

17. Defendants failed to provide any notice to the ticketholders that the Concerts would start much later than the start time printed on the ticket and as advertised, which resulted in the ticketholders waiting for hours for the Concerts to begin at the Venue. Ticketholders leaving the Venue after 1:00 a.m. were confronted with limited public transportation, limited ride-sharing, and/or increased public and private transportation costs at that late hour. In addition, many ticketholders who attended concerts on a weeknight had to get up early to go to work and/or take care of their family responsibilities the next day.

18. Plaintiffs and other ticketholders to the Concerts have been damaged as a direct and proximate result of the late start time of the Concerts from 8:30 p.m., as printed on the tickets and promised to the ticketholders by Defendants, Live Nation, MTours, the Venue, and Madonna.

19. Defendants engaged in unconscionable, unfair, and/or deceptive trade practices by offering to the public Concerts that were promised to begin at 8:30 p.m., knowing that Madonna would most certainly not take the stage at the advertised start time.

CLASS ACTION ALLEGATIONS

20. **Class Definition:** Plaintiffs bring this action pursuant to Federal Rules of Civil Procedure 23(a) and (b), both on behalf of themselves and on behalf of the following class:

- (1) All individuals throughout the United States who, through Ticketmaster, purchased a ticket or tickets or became a ticketholder for the Concerts (the “Ticketmaster Class”).
- (2) All individuals throughout the United States who, through a ticket reseller or any other person or entity who is neither Ticketmaster nor the box office at the Venue, purchased a ticket or tickets or became a ticketholder to the Concerts (the “Reseller Class”).
- (3) All individuals throughout the United State who, through the box office at the Venue, purchased a ticket or tickets or became a ticketholder to the Concerts (the “Box Office Class”).

(The subject classes will be collectively referred to as the “**Class**” and the members of the Class will be collectively referred to as “**Class Members**”).

21. The following people are excluded from the Class: (1) any judge or magistrate presiding over this action and members of their families; (2) Defendants, Defendants’ subsidiaries, parents, successors, predecessors, and any entity in which Defendants or their parents have a controlling interest, and its current or former employees, officers, and directors; (3) persons who properly execute and file a timely request for exclusion from the Class; (4) persons whose claims in this matter have been finally adjudicated on the merits or otherwise released; (5) Plaintiff’s counsel and Defendants’ counsel; and (6) the legal representatives, successors, and assigns of any such excluded persons.

22. Plaintiffs reserve the right to modify or amend the definition of the proposed Class and/or to add subclasses, if deemed necessary, before this Court determines whether certification is appropriate.

23. **Numerosity under Fed. R. Civ. P. 23(a)(1):** The number of Class Members are so numerous that separate joinder of each member is impractical. Upon information and belief, and subject to discovery, the Class consists of thousands of members or more, the identity of whom are within the exclusive knowledge of and can be ascertained only by resort to Live Nation's records, included within which are Ticketmaster's records and MTours' records. Live Nation has the administrative capability through its computer systems and other records to identify all members of the Class and the amount of paid by each Class Member, whether any tickets were resold through Ticketmaster, and the price of the tickets upon resale, and such specific information is not otherwise available to Plaintiffs.

24. **Commonality under Fed. R. Civ. P. 23(a)(2):** This action poses questions of law and fact that are common to and affect the rights of the Class relating to Live Nation's and MTours' business practices challenged herein, as well as the promotion of the Celebration Tour and the start times for Madonna's concerts. Those common questions predominate over any questions affecting only individual Class Members. The common questions include, but are not limited to:

- (a) Whether there was a reasonable expectation that the Concerts would start at the time originally listed on the tickets;
- (b) Whether there was a reasonable expectation that the start time of the Concerts was not subject to change;
- (c) Whether, subsequent to the decision by Madonna and/or the Venue to change the start time, an offer of a refund should have been made;
- (d) Whether a breach of contract occurred;
- (e) Whether promissory estoppel should have prevented the changes at issue;

- (f) Whether there was a negligent misrepresentation with regard to the issues detailed in this Complaint;
- (g) Whether there has been a violation of § 349 of New York's General Business Law;
- (h) Whether there has been a violation of § 350 of New York's General Business Law; and
- (j) Whether Defendants have been unjustly enriched with regard to the Concerts.

25. **Typicality under Fed. R. Civ. P. 23(a)(3):** Based on the facts and circumstances set forth herein, Plaintiffs' claims are typical of the claims of the Class Members in that they arise out of the same wrongful conduct of Defendants, with regard to the same Concerts occurring in the same city, as described herein.

26. **Adequacy of Representation under Fed. R. Civ. P. 23(a)(4):** Based on the facts and circumstances set forth herein, Plaintiffs will fairly and adequately protect and represent the interests of each Class Member. Plaintiffs each purchased tickets to the Concerts and suffered damages as a result of the change in start time. In addition:

- (a) Plaintiffs are committed to the vigorous prosecution of this action on behalf of themselves and all others similarly situated and have retained competent counsel experienced in the prosecution of class actions and, in particular, actions regarding concert promoters and performers;
- (b) There is no hostility between Plaintiffs and the unnamed Class Members;
- (c) Plaintiffs anticipate no difficulty in the management of this litigation as a class action; and
- (d) Plaintiffs' legal counsel have the financial and legal resources to meet the substantial costs and legal issues associated with this type of litigation.

27. **Predominance under Fed. R. Civ. P. 23(b)(3):** The questions of law and fact common to the Class as set forth in the “commonality” allegation above predominate over any individual issues. As such, the “commonality” allegations (paragraph 24 and subparts) are restated and incorporated herein by reference.

28. **Superiority under Fed. R. Civ. P. 23(b)(3):** A class is superior to other available methods and highly desirable for the fair and efficient adjudication of this controversy. Because the amount of each individual Class member’s claim is very small relative to the complexity of the litigation and because the financial resources of Live Nation, MTours, Madonna, and the Venue are enormous, no Class Member could afford to seek legal redress individually for the claims alleged herein. Therefore, absent a class action, the Class Members will continue to suffer losses and Defendants’ conduct will proceed without remedy. In addition, even if Class Members themselves could afford such individual litigation, the court system could not. Given the complex legal and factual issues involved, individualized litigation would significantly increase the delay and expense to all parties and to the Court. Individualized litigation would also create the potential for inconsistent or contradictory rulings. By contrast, a class action presents far fewer management difficulties, allows claims to be heard which might otherwise go unheard because of the relative expense of bringing individual lawsuits, and provides the benefits of adjudication, economies of scale, and comprehensive supervision by a single court.

29. There are no known individual Class Members who are interested in individually controlling the prosecution of separate actions.

30. Plaintiffs also bring this class action as a result of the Defendants’ actions or omissions set forth herein, which actions or omissions are generally applicable to all Class Members, thereby making determination of damages appropriate to the Class as a whole.

AS AND FOR A FIRST CAUSE OF ACTION
VIOLATION OF NEW YORK GENERAL BUSINESS LAW § 349

31. Plaintiffs repeat and reallege paragraphs 1 through 30 of the Complaint as if fully set forth herein.

32. Plaintiffs and the Class Members are “persons” within the meaning of GBL §349(h). At all times relevant hereto, Plaintiffs, as well as all Class Member ticketholders, were legitimate consumers as defined by New York law and are entitled to seek the underlying relief.

33. GBL §349(a) states: “Deceptive acts or practices in the conduct of any business, trade or commerce or in the furnishing of any service in this state are hereby declared unlawful.”

34. At all relevant times, Defendants had and have been engaged in business, trade or commerce in New York within the meaning of GBL § 349.

35. At all times material hereto, Defendants solicited, advertised, offered, and provided goods and services by way of selling, promoting, and performing live music concerts, and thereby were engaged in a trade or commerce.

36. Defendants have engaged in repeated and persistent deceptive acts and practices in the marketing of their concert tickets for the Celebration Tour, including but not limited to:

- a. Misrepresenting, directly or by implication, that the start time of the Concerts would be at 8:30 p.m.;
- b. Falsely representing, directly or by implication, that the Concerts would start at 8:30 p.m.;
- c. Failing to provide notice to Plaintiffs and all Class Members that the Concerts would not start at 8:30 p.m.; and
- d. Failing to provide Plaintiffs and all Class Members with the option of receiving a refund.

37. By engaging in the acts and practices described above, all of which were material, Defendants have engaged in and continue to engage in deceptive business practices in violation of GBL § 349.

38. Defendants' acts and practices alleged herein constitute acts, uses, or employment of deception, fraud, unconscionable and unfair commercial practices, false pretenses, false promises, misrepresentations, or the knowing concealment, suppression, or omission of material facts with the intent that others rely upon such concealment, suppression, or omission, in connection with the sale or advertisement of merchandise, and with the subsequent performance, of Defendants in violation of § 349 of New York's General Business Law, making deceptive and unfair acts and practices illegal.

39. Defendants' conduct is deceptive because it misled consumers and the public by making them believe, falsely, that the Concerts would start at 8:30 p.m. and conclude by 10:30 p.m., based on the representations made by the Defendants that Madonna's performance would run two hours.

40. Defendants' representations and omissions were materially false and misleading and likely to deceive the consuming public because Defendants knew and failed to disclose that Madonna would, or would most likely, start the Concerts over two hours late and that she has a consistent history over many years of starting her concerts over two hours late.

41. The deceptive acts and practices of Defendants have directly, foreseeably, and proximately caused damages and injury to Plaintiffs and the other Class Members. Indeed, Defendant's false and deceptive representations caused Plaintiffs and other Class Members to suffer actual and consequential damages..

42. Plaintiffs and other Class Members would not have paid for their tickets had they known that the Concerts would start after 10:30 p.m. and end after 1:00 a.m.

43. Defendants sold more tickets because they listed the 8:30 p.m. start time.

44. Additionally, Defendants failed to provide a notice to the ticketholders that the Concerts would start late, which resulted in the ticketholders waiting for hours for the Concerts to begin, being unable to resell their tickets; others being left stranded in the middle of the night because they missed their arranged ride home or public transportation and some private transportation was limited and/or more expensive at that late hour.

45. Said actions were committed for various Madonna concerts throughout the United States and over many years sufficiently to be considered a regular business practice.

46. In addition to pecuniary losses, Plaintiffs and the Class Members suffered actual harm as a result of Defendants' violations of GBL §349(a), including but not limited to, the annoyance, harassment, time, frustration, and anger due to Defendants' violations of GBL §349. Plaintiffs and the Class Members are entitled to pursue claims against Defendants for damages, statutory damages, treble damages, exemplary damages, costs and attorneys' fees pursuant to GBL §349(h) to redress Defendant's violations of GBL §349(a).

47. Class Members who were 65 years of age or older at the time of Defendants' violations of GBL §349 are entitled to pursue additional remedies pursuant to GBL §349-c to redress Defendant's violations of GBL §349(a) perpetrated against elderly persons.

48. Plaintiffs have retained the undersigned counsel to represent them and all Class Members in this matter and have agreed to pay a reasonable attorneys' fee for their counsel's professional services.

WHEREFORE, Plaintiffs, individually, and on behalf of all Class Members, demand judgment against Defendants for actual and consequential damages, treble damages, as well as attorneys' fees and costs pursuant to GBL § 349(h), pre and post-judgment interest as permitted by law, and any other relief that this Court deems just and proper.

AS AND FOR A SECOND CAUSE OF ACTION
FALSE ADVERTISING IN VIOLATION OF GBL § 350

49. Plaintiffs repeat and reallege paragraphs 1 through 30 of the Complaint as if fully set forth herein.

50. GBL § 350 prohibits “false advertising in the conduct of any business.”

51. At all relevant times, Defendants have been engaged in business in New York within the meaning of GBL § 350.

52. Defendants have engaged in false advertising in violation of General Business Law § 350 by:

- (a) Misrepresenting, directly or by implication, that the start time of the Concerts would be at 8:30 p.m.;
- (b) Falsely representing, directly or by implication, that the Concerts would start at 8:30 p.m.;
- (c) Failing to provide notice to Plaintiffs that the Concerts will start late; and
- (d) Failing to provide Plaintiffs and all Class Members with the option of receiving a refund.

53. By engaging in the acts and practices described above, all of which were material, Defendants have engaged in and continue to engage in false advertising in violation of GBL § 350.

54. Plaintiffs have retained the undersigned counsel to represent them and all Class Members in this matter and have agreed to pay a reasonable attorneys' fee for their counsel's professional services.

WHEREFORE, Plaintiffs, individually, and on behalf of all Class Members, demand judgment against Defendants for actual and consequential damages, treble damages, as well as attorneys' fees and costs pursuant to GBL 350-e, pre and post-judgment interest as permitted by law, and any other relief that this Court deems just and proper.

AS AND FOR A THIRD CAUSE OF ACTION
BREACH OF CONTRACT

55. Plaintiffs repeat and reallege paragraphs 1 through 30 of the Complaint as if fully set forth herein.

56. Plaintiffs and all other Class Members entered into a valid and enforceable written contract with Defendants, in which Defendants offered a ticket for the Concerts that was promised to begin at 8:30 p.m., the terms of which Plaintiffs accepted by virtue of their purchase of such offered tickets, and which promises were contained in printed representations on tickets sold for valuable consideration.

57. Plaintiffs and all other Class Members fully performed under the contract by paying valuable consideration to Defendants.

58. Defendants breached their contract with Plaintiffs by failing to provide Plaintiffs and all other Class Members with a concert that began at the time promised. Additionally, Defendants failed to provide any notice that the Concerts would not begin at 8:30 p.m.

59. All conditions precedent to bringing this action for breach of contract have occurred or have been waived.

60. As a direct and proximate result of said breach of contract by Defendants, Plaintiffs and all other Class Members have suffered actual and consequential damages..

WHEREFORE, Plaintiffs, individually, and on behalf of all Class Members, demand judgment against Defendants for actual and consequential damages, as well as costs, pre and post-judgment interest as permitted by law, and any other relief that this Court deems just and proper.

AS AND FOR A FOURTH CAUSE OF ACTION
PROMISSORY ESTOPPEL

61. Plaintiffs repeat and reallege paragraphs 1 through 30 of the Complaint as if fully set forth herein.

62. Defendants represented to Plaintiffs and all Class Members that the tickets they were buying were for a concert beginning at 8:30 p.m.

63. Plaintiffs and all Class Members reasonably relied on said representation that the Concerts would begin at 8:30 p.m. when they bought their tickets and paid valuable consideration for same.

64. Defendants changed their position by allowing Madonna to start the Concerts after 10:30 p.m., to the detriment of Plaintiffs and all similarly situated Class Members, including but not limited to, the inability or inconvenience to attend a concert starting after 10:30 p.m.

WHEREFORE, Plaintiffs, individually, and on behalf of all Class Members, demand judgment against Defendants for actual and consequential damages, as well as costs, pre and post-judgment interest as permitted by law, and any other relief that this Court deems just and proper.

AS AND FOR A FIFTH CAUSE OF ACTION
NEGLIGENT MISREPRESENTATION

65. Plaintiffs repeat and reallege paragraphs 1 through 30 of the Complaint as if fully set forth herein.

66. At all times material hereto, Defendants represented to Plaintiffs and all other Class Members that they were buying a ticket to a concert that would start at 8:30 p.m.

67. Said representation was made for the purpose of inducing Plaintiffs and the Class Members to purchase concert tickets to Madonna's Celebration Tour.

68. As a result of said representation, Plaintiffs and all Class Members were induced into purchasing said concert tickets.

69. Defendants had a duty of reasonable care to provide Plaintiffs with a concert that began at the scheduled time as listed on the tickets.

70. Based on the years-long history of Madonna arriving several hours late to prior concerts (and which conduct continued at concerts in other cities after the Concerts at the Barclays Center, including concerts in Washington, D.C. and Boston), Plaintiffs knew or should have known that the Concerts would not start at 8:30 p.m., and that Madonna would not take the stage until several hours after the start time, causing Plaintiffs and all Class Members to have to wait several hours.

71. As a result of said misrepresentation, Plaintiffs and the Class Members suffered actual and consequential damages, including but not limited to loss of consideration paid for the tickets caused by the inability or inconvenience to attend a concert starting after 10:30 p.m.

WHEREFORE, Plaintiffs, individually, and on behalf of all Class Members, demand judgment against Defendants for actual and consequential damages, as well as costs, pre and post-judgment interest as permitted by law, and any other relief that this Court deems just and proper.

AS AND FOR A SIXTH CAUSE OF ACTION
UNJUST ENRICHMENT

72. Plaintiffs repeat and reallege paragraphs 1 through 30 of the Complaint as if fully set forth herein.

73. Defendants have collected money for concert tickets from Plaintiffs and other Class Members who reasonably believed the Concerts would promptly begin at 8:30 p.m. Had Plaintiffs and other Class Members known that the Concerts would start after 10:30 p.m., they never would have agreed to purchase the tickets.

74. As a result, Plaintiffs and the Class Members have conferred a benefit on Defendants.

75. Defendants had knowledge of this benefit and voluntarily accepted and retained the benefit conferred.

76. Defendants will be unjustly enriched if they are allowed to retain the aforementioned benefits, and Plaintiff and each Class Member is entitled to recover the amount by which Defendants were unjustly enriched at Plaintiffs' and each Class Member's expense.

WHEREFORE, Plaintiffs, individually, and on behalf of all Class Members, demand judgment against Defendants for actual and consequential damages, as well as costs, pre and post-judgment interest as permitted by law, and any other relief that this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs and the Class hereby demand trial by jury of all issues triable by right.

Dated: Brooklyn, New York

January 17, 2024

Respectfully submitted,

/s/ Richard A. Klass
Richard A. Klass, Esq.
16 Court Street, 28th Floor
Brooklyn NY 11241
Tel.: 718.643.6063
Fax: 718.643.9788
Email: RichKlass@courtstreetlaw.com

Dated: January 17, 2024

Respectfully submitted,

MARCUS W. CORWIN, P.A.
d/b/a CORWIN LAW

BY: /s/ Marcus W. Corwin

Marcus W. Corwin, Esq.

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Boca Raton, FL 33487

561.482.3636 – Telephone

561.962.2010 – Direct Dial

mcorwin@corwinlawfirm.com

Pending Pro Hac Vice admittance

Counsel for Plaintiffs

CIVIL COVER SHEET

JS 44 (Rev. 4-29-21)

The 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, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS</p> <p>MICHAEL FELLOWS <small>(ONATHAN HADDEK)</small></p> <p>(b) County of Residence of First Listed Plaintiff <u>Kings (NY)</u> <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number)</p> <p>Richard A. Klass, Esq. 16 Court Street, 28th Floor</p>	<p>DEFENDANTS</p> <p>MADONNA LOUISE CICCONE; LIVE NATION WORLDWIDE, INC.; <small>County of Residence of First Listed Defendant</small> <u>New Castle (DE)</u> LIVE <small>(IN U.S. PLAINTIFF CASES ONLY)</small></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p> <p>Does this action include a motion for temporary restraining order or order to show cause? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td>PTF</td> <td>DEF</td> <td></td> <td>PTF</td> <td>DEF</td> </tr> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" 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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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																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty	<p>IMMIGRATION</p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
				<p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from Another District (specify)
 6 Multidistrict Litigation - Transfer
 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 28 U.S.C. § 1332(d)

Brief description of cause:
 Violation of NY deceptive and unfair trade practices, false advertising, and breach of contract

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$ Over \$5 million
 CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):
 JUDGE _____
 DOCKET NUMBER _____

DATE 1/17/2024
 SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____
 AMOUNT _____
 APPLYING IFP _____
 JUDGE _____
 MAG. JUDGE _____

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.7 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

Case is Eligible for Arbitration

I, Richard Klass, counsel for Plaintiffs do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- the complaint seeks injunctive relief,
- the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

Not applicable to the individual plaintiffs.

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 1(c)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? Yes No
- 2.) If you answered "no" above:
 - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? Yes No
 - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? Yes No
 - c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received:

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? Yes No

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

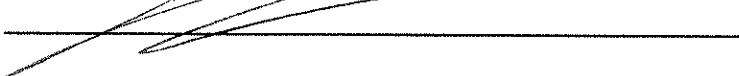
I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

Yes (If yes, please explain) No

I certify the accuracy of all information provided above.

Signature: 

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

MICHAEL FELLOWS
JONATHAN HADDEN

Plaintiff(s)

v.

MADONNA LOUISE CICCONE;
LIVE NATION WORLDWIDE, INC.;
LIVE NATION MTOURS (USA), INC.;
and BROOKLYN EVENTS CENTER,
LLC,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) MADONNA LOUISE CICCONE
152-156 E. 81st Street
New York, NY 10028

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Richard A. Klass, Esq.
16 Court Street, 28th Floor
Brooklyn NY 11241
Tel.: 718.643.6063
Fax: 718.643.9788
Email: RichKlass@courtstreetlaw.com

If you fail to respond, 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.

BRENNA B. MAHONEY
CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* MADONNA LOUISE CICCONE
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

MICHAEL FELLOWS
JONATHAN HADDEN

Plaintiff(s)

v.

MADONNA LOUISE CICCONE;
LIVE NATION WORLDWIDE, INC.;
LIVE NATION MTOURS (USA), INC.;
and BROOKLYN EVENTS CENTER,

LLC,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) LIVE NATION WORLDWIDE, INC.
Registered Agent:
Corporate Creations Network, Inc.
600 Mamaroneck Ave. #400
Harrison, NY 10528

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Richard A. Klass, Esq.
16 Court Street, 28th Floor
Brooklyn NY 11241
Tel.: 718.643.6063
Fax: 718.643.9788
Email: RichKlass@courtstreetlaw.com

If you fail to respond, 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.

BRENNA B. MAHONEY
CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* LIVE NATION WORLDWIDE, INC.
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

MICHAEL FELLOWS
JONATHAN HADDEN

Plaintiff(s)

v.

MADONNA LOUISE CICCONE;
LIVE NATION WORLDWIDE, INC.;
LIVE NATION MTOURS (USA), INC.;
and BROOKLYN EVENTS CENTER,
LLC,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) LIVE NATION M TOURS (USA) INC.
Registered Agent:
Corporate Creations Network, Inc.
600 Mamaroneck Ave. #400
Harrison, NY 10528

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Richard A. Klass, Esq.
16 Court Street, 28th Floor
Brooklyn NY 11241
Tel.: 718.643.6063
Fax: 718.643.9788
Email: RichKlass@courtstreetlaw.com

If you fail to respond, 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.

BRENNA B. MAHONEY
CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* LIVE NATION M TOURS (USA) INC.
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

MICHAEL FELLOWS
JONATHAN HADDEN

Plaintiff(s)

v.

MADONNA LOUISE CICCONE;
LIVE NATION WORLDWIDE, INC.;
LIVE NATION MTOURS (USA), INC.;
and BROOKLYN EVENTS CENTER,
LLC,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) BROOKLYN EVENTS CENTER, LLC
Registered Agent:
Corporation Service Company
80 State Street
Albany, NY 12207

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Richard A. Klass, Esq.
16 Court Street, 28th Floor
Brooklyn NY 11241
Tel.: 718.643.6063
Fax: 718.643.9788
Email: RichKlass@courtstreetlaw.com

If you fail to respond, 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.

BRENNA B. MAHONEY
CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* BROOKLYN EVENTS CENTER, LLC
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: