

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

DISTRICT OF COLUMBIA
a municipal corporation
400 6th Street, N.W., 10th Floor
Washington, DC 20001,

Plaintiff

v.

STUBHUB, INC.
173 S Election Rd,
Draper, UT 84020,

Serve on:
STUBHUB, INC.
Registered Agent
C T CORPORATION SYSTEM
1015 15th St NW, Suite 1000,
Washington, DC 20005

Defendant.

Case No. _____

JURY DEMANDED

**COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF FOR VIOLATIONS OF THE
CONSUMER PROTECTION PROCEDURES ACT**

Plaintiff the District of Columbia (the “District”), through the Office of the Attorney General, brings this action against Defendant StubHub, Inc. (“StubHub”) for violations of the District’s Consumer Protection Procedures Act (“CPPA”), D.C. Code § 28-3901, *et seq.* In support of its claims, the District states:

INTRODUCTION

1. StubHub is an online marketplace where consumers can buy and sell tickets for sports, concerts, and other live entertainment events. This consumer protection enforcement case seeks to remedy and end StubHub’s unfair and deceptive practice of charging hidden junk fees to consumers who purchase tickets on its website and mobile application.

2. StubHub uses digital “dark patterns,” online practices that trick or manipulate consumers into making choices that they would not otherwise make, to obscure the true price of tickets, influencing consumers to buy tickets at higher prices and preventing consumers from comparison shopping. Rather than allowing consumers to make informed decisions by providing clear, upfront disclosures of the true price of tickets that StubHub offers, the company engages in a series of deceptive, manipulative, and unfair practices.

3. *First*, StubHub uses a classic bait-and-switch scheme commonly known as “drip pricing”—a practice of advertising only part of a product’s price and then revealing other charges later as the consumer goes through the buying process. StubHub entices consumers to shop for tickets by displaying deceptively low prices that do not include StubHub’s mandatory fees—the **bait**. Only after a consumer has chosen tickets and invested time and effort clicking through an intentionally long, multi-page purchase process (in which customers are confronted with a countdown clock to create a false sense of urgency) does StubHub reveal the mandatory fees added to the ticket price—the **switch**.

4. StubHub designed this unfair and deceptive scheme to make more money. By forcing consumers to click through over a dozen pages before they see the real price, StubHub puts consumers in the position of having to choose between either paying those unexpected fees or abandoning the time and effort they have expended. Indeed, based on its own published research,¹ StubHub knows (i) consumers focus on the deceptively low initial base price and (ii) consumers will buy tickets at higher prices because they have built purchasing commitment through enduring StubHub’s lengthy purchasing process.

¹ Tom Blake, et al., *Price Salience and Product Choice*, 40 (4) *Marketing Science* 619 (July-August 2021), available at <https://perma.cc/VWU9-QL5Q>.

5. *Second*, even when StubHub finally discloses its mandatory fees near the end of the lengthy purchasing process, it affirmatively misrepresents the purpose of those fees. What StubHub identifies as “Fulfillment and Service Fees” are in fact influenced by factors unrelated to “fulfillment” or “service,” including ticket price and even supply and demand. Furthermore, the fees vary wildly, and StubHub never discloses to the consumer how those fees are calculated or what services these fees fund. In short, consumers are misled and left in the dark about what they are actually paying for. And, the fees are hardly incidental, totaling upwards of 40% of the advertised ticket price.

6. *Third*, while StubHub purports to provide users with an “Include Estimated Fees” filter option to view the price of the tickets with the fees included (“Estimated Fees Filter”), this option is hidden under multiple drop-down menus such that a reasonable user of the service is unlikely to find and use the filter. And, until at least as recently as March 2024—after the Office of Attorney General contacted StubHub expressing concern about these practices—the ticket prices, even with the Estimated Fees Filter turned on, did not include all mandatory fees.

7. StubHub’s unfair and deceptive practices significantly and disproportionately affect District consumers. In the 2023 sports seasons alone, more than 4.1 million fans attended the home games of the District’s six professional sports teams.² The District is also home to 41

² In 2023, the Washington Nationals had 1,865,832 attendees, the Washington Capitals had 769,756 attendees, the Washington Wizards had 710,481 attendees, the DC Defenders had 276,355 attendees, the Washington Mystics had 87,813 attendees, D.C United had 298,185 attendees and the Washington Spirit had 119,637 attendees. See ESPN, *MLB Attendance Report – 2023*, <https://perma.cc/GP4B-7VQM> (last visited May 23, 2024); HockeyDB.com, *National Hockey League 2022-23 Attendance Graph*, <https://perma.cc/RH43-RY2E> (last visited May 23, 2024); ESPN, *NBA Attendance Report – 2023*, <https://perma.cc/2K5U-7S88> (last visited May 23, 2024); Soccer Stadium Digest, *2023 MLS Attendance*, <https://soccerstadiumdigest.com/2023-mls-attendance/> (last visited July 8, 2024); XFL News Hub, *XFL 2023 Season Attendance Recap: The Ups and Downs*, <https://perma.cc/LHM9-MSXV> (last visited May 23, 2024); Soccer Stadium Digest, *2023 NWSL Attendance*, <https://soccerstadiumdigest.com/2023-nwsl-attendance/> (last

performing arts venues and theaters with a total combined seating capacity on any given day of 43,967. These venues yield an additional, estimated \$468.5 million in revenue each year.³ Indeed, the District significantly outpaces New York City, Los Angeles, Chicago, Boston, Miami, Nashville, and Austin in per capita spending on tickets to live events.⁴

8. As one of the largest online ticket marketplaces in the country, since abandoning its “all-in pricing” model in September 2015, StubHub has sold approximately 4.9 million tickets to District consumers and for District events, reaping approximately \$118 million in hidden fees.

9. StubHub’s unfair and deceptive sales practices violate the CPPA, demonstrating StubHub’s disregard for District of Columbia consumers’ right to truthful information at every step of the purchasing process. The District brings this case to permanently enjoin StubHub from utilizing these unlawful practices and to secure restitution, civil penalties, and other relief.

JURISDICTION

10. This Court has jurisdiction over the subject matter of this case pursuant to D.C. Code § 11-921 and D.C. Code § 28-3909.

11. This Court has specific personal jurisdiction over StubHub pursuant to D.C. Code § 13-423(a).

PARTIES

12. Plaintiff, the District, is a municipal corporation empowered to sue and be sued and is the local government for the territory constituting the seat of the government for the United States of America. The District brings this action through its chief legal officer, the Attorney

visited July 8, 2024); Across the Timeline WNBA, *Attendance*, <https://perma.cc/M3VR-EGRW> (last visited May 23, 2024).

³ District of Columbia, Mayor’s Office of Nightlife and Culture, *Economic Impact of DC’s Nightlife Industry* 42 (2020), <https://perma.cc/5LB8-Z33H>.

⁴ *Id.* at 44.

General for the District of Columbia. The Attorney General is responsible for upholding the public interest. D.C. Code § 1- 301.81(a)(1). The Attorney General is specifically authorized to enforce the District’s consumer protection laws, including the CPPA. D.C. Code § 28-3909.

13. Defendant StubHub, Inc. is incorporated under the laws of the state of Delaware, with its principal place of business in Draper, Utah.

STUBHUB’S CONDUCT GIVING RISE TO THE DISTRICT’S CLAIMS

14. StubHub is one of the many online ticket exchange and resale websites that offer consumers the ability to buy tickets for sports, concerts, theater, and other live entertainment events through their platforms from third-party sellers.

15. Consumers can use the StubHub website (<http://www.stubhub.com>) or StubHub’s mobile application (“App”) to search for and purchase tickets to events happening across the country.

16. As detailed below, StubHub uses an unfair and deceptive purchase flow—which consumers must complete under the pressure of a countdown clock—that emphasizes an artificially low price at the outset of the transaction by omitting the mandatory fees that StubHub ultimately charges and collects.⁵ StubHub then fails to explain the fees it charges, never disclosing how those hefty (and varying) fees are calculated or what they are used for. Finally, until at least March 2024, StubHub employed an unfair and deceptive Estimated Fees Filter that—only when manually enabled by the consumer—purported to display the per ticket price with all fees included at the beginning of the purchase flow, while failing to actually do so.

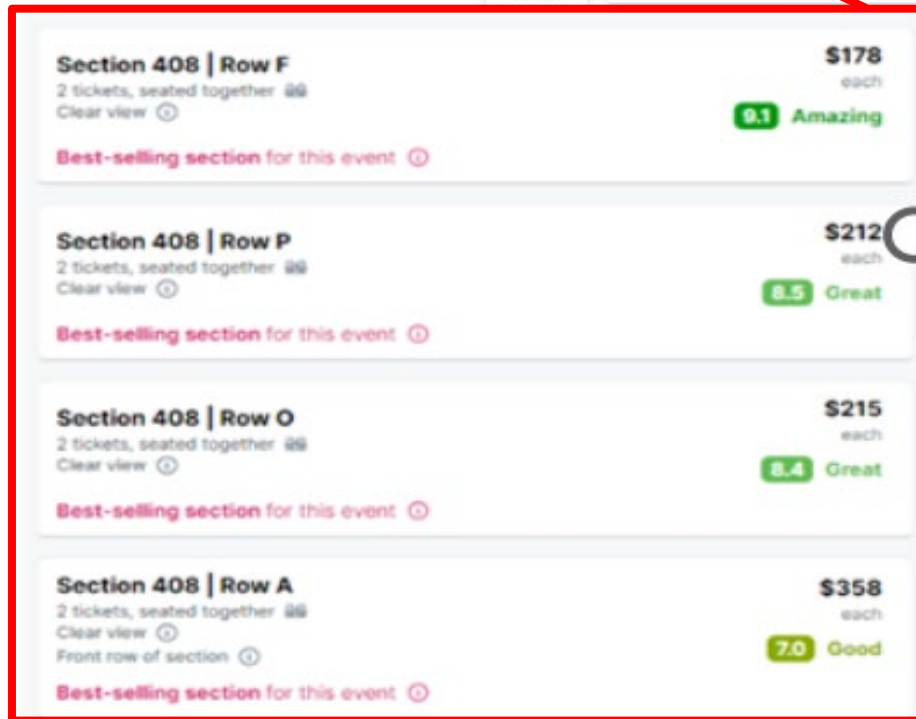
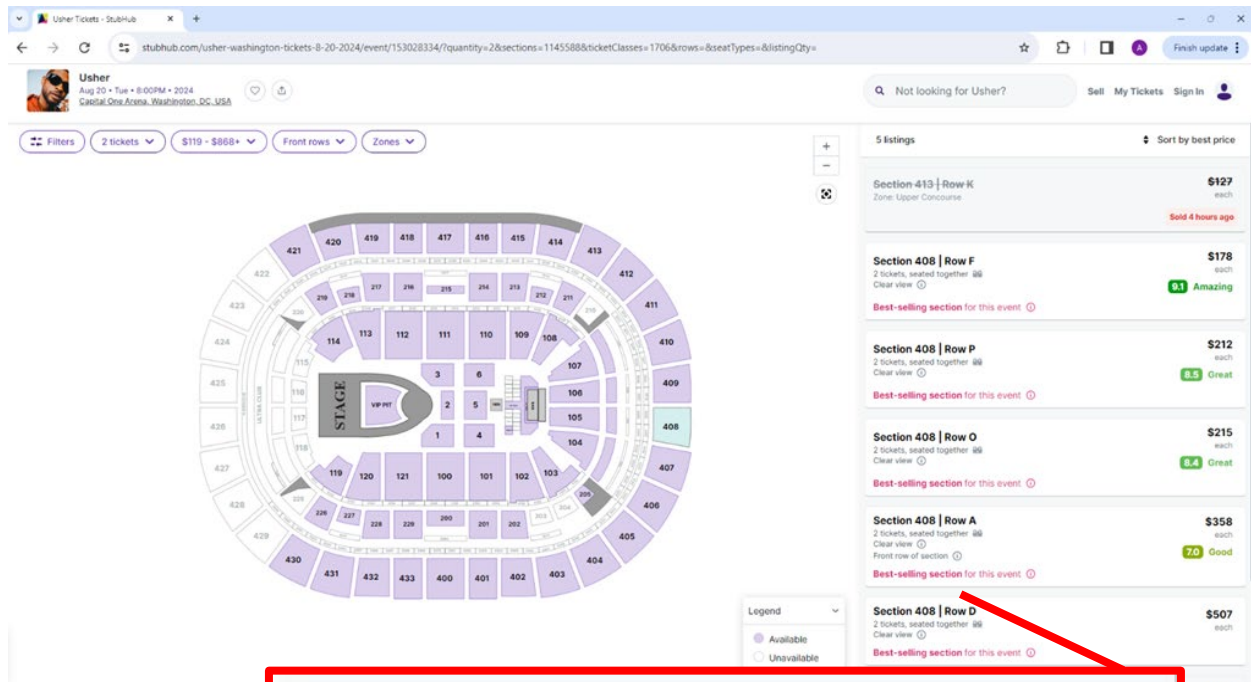
A. StubHub’s deceptive purchase flow.

17. StubHub displays a deceptively low ticket price that fails to disclose mandatory

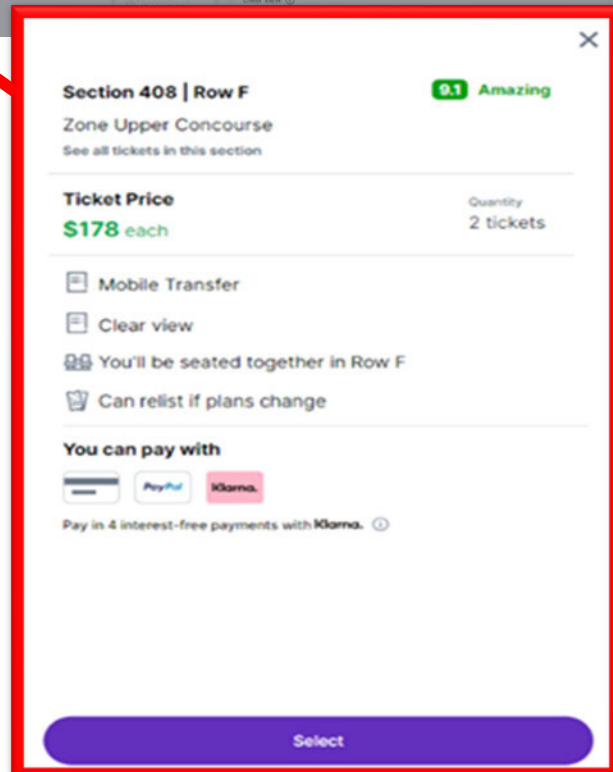
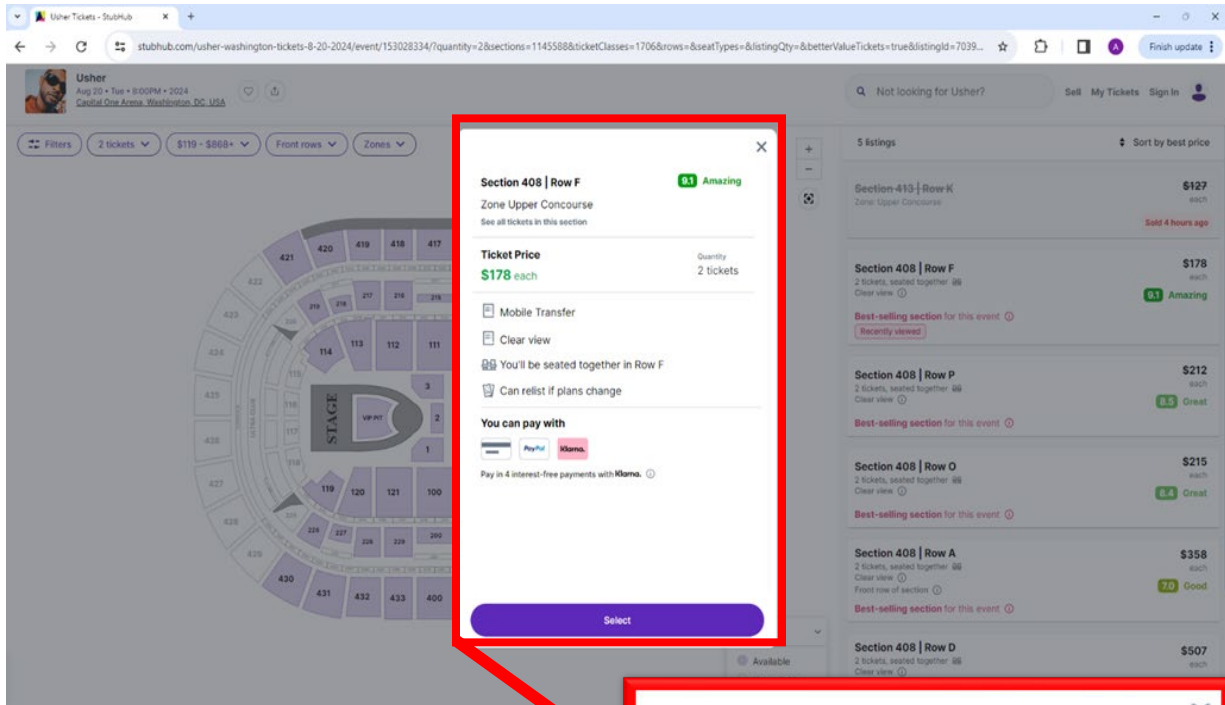
⁵ The purchase flow on the website and App are materially identical.

fees through numerous stages of the transaction—the “bait.”

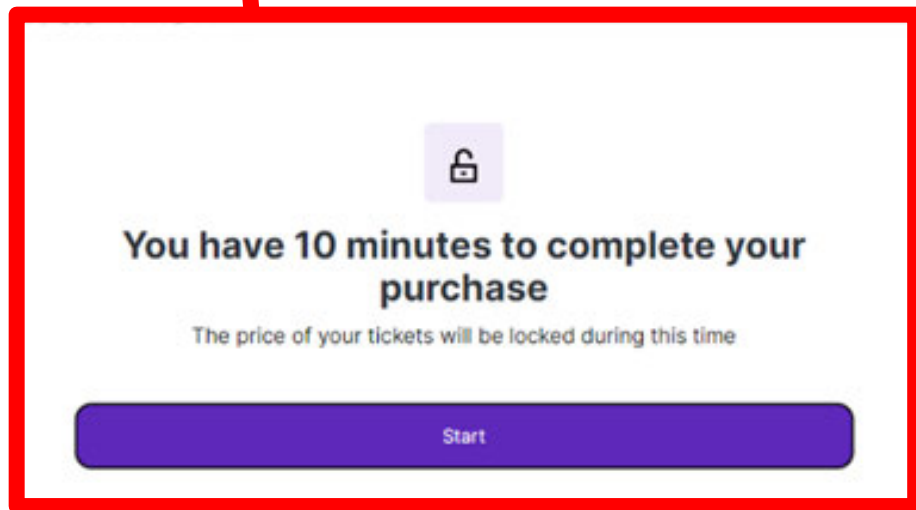
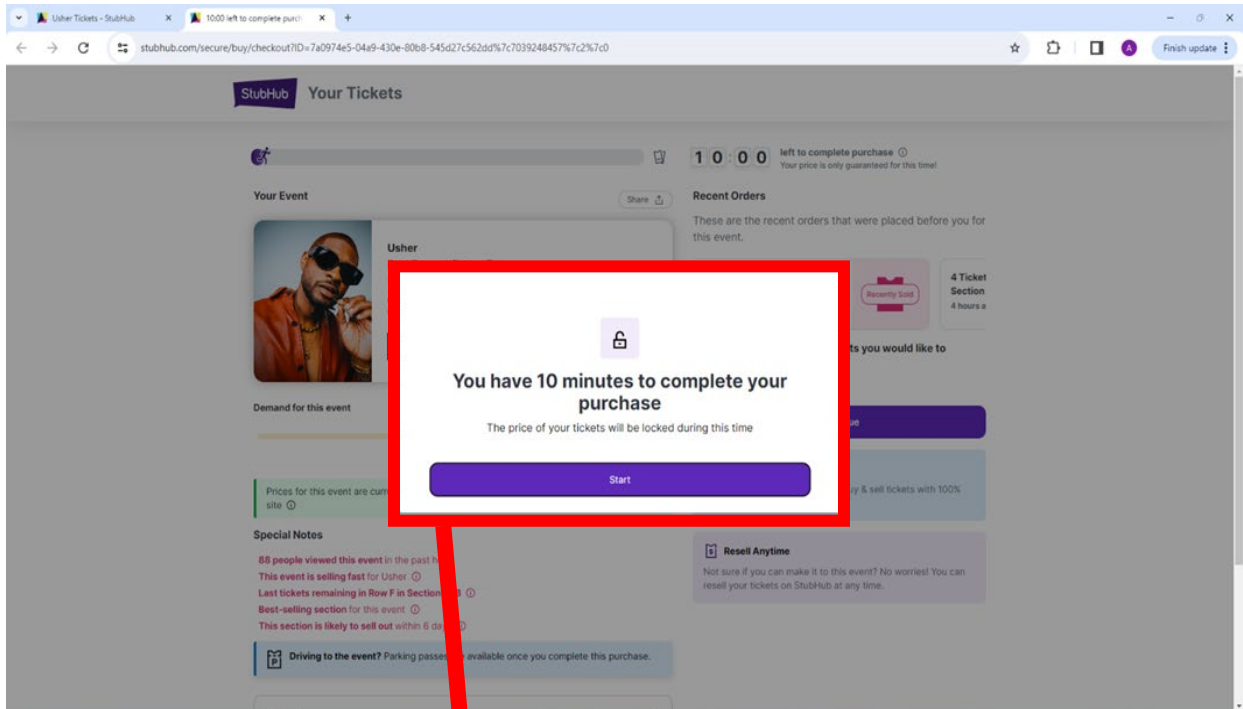
18. After the consumer selects an event and the number of tickets they wish to buy, StubHub advertises the deceptively low price of each ticket without including mandatory fees—and without even notifying the consumer that mandatory fees will be added (“Screen 1”):



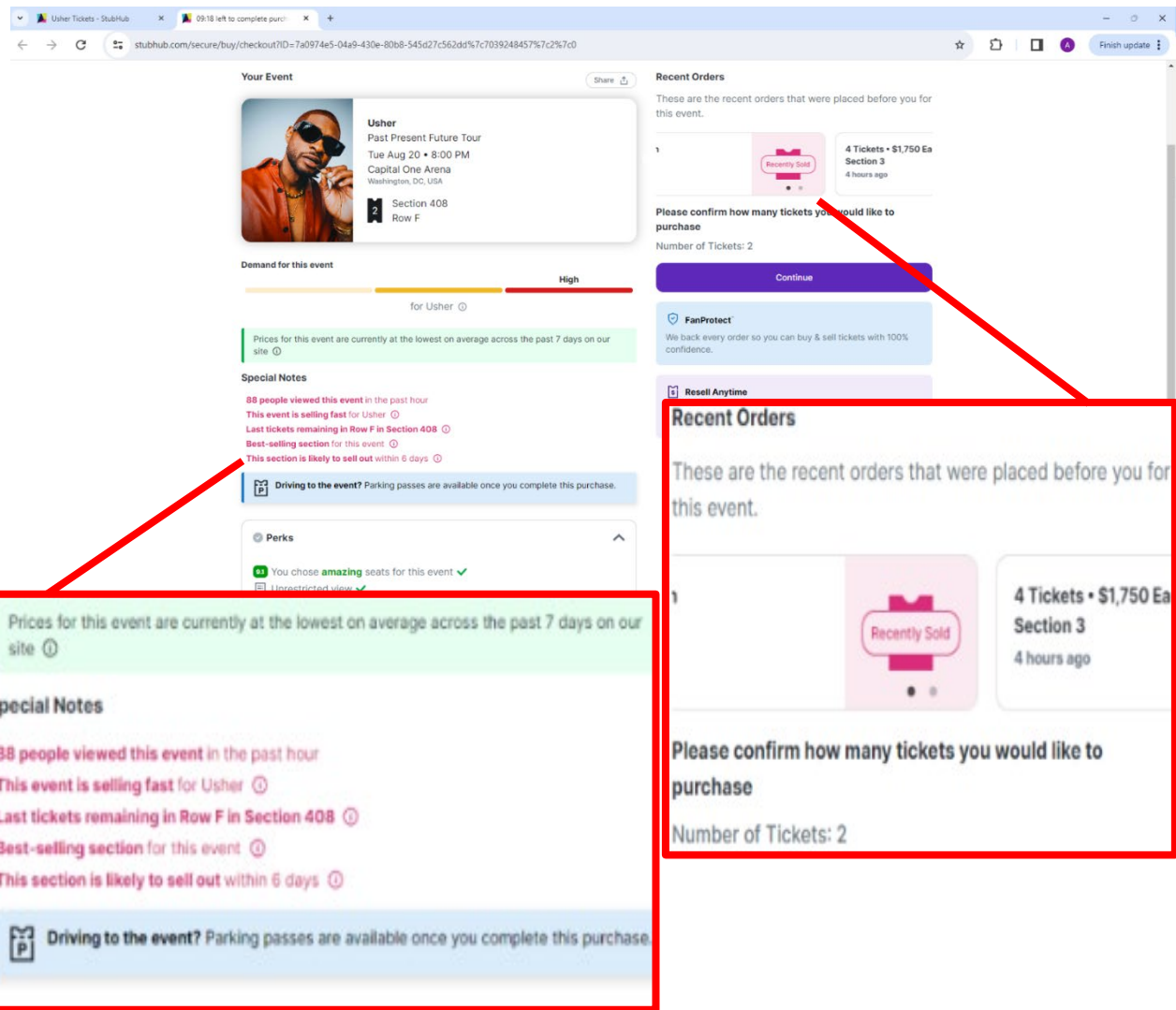
19. When the consumer selects a ticket option, StubHub displays a pop-up window that, again, emphasizes the deceptively low price of each ticket without including or referencing mandatory fees (“Screen 2”). For this example, the consumer selects two tickets in Section 408, Row F for the advertised price of \$178 per ticket (\$356 for the pair):



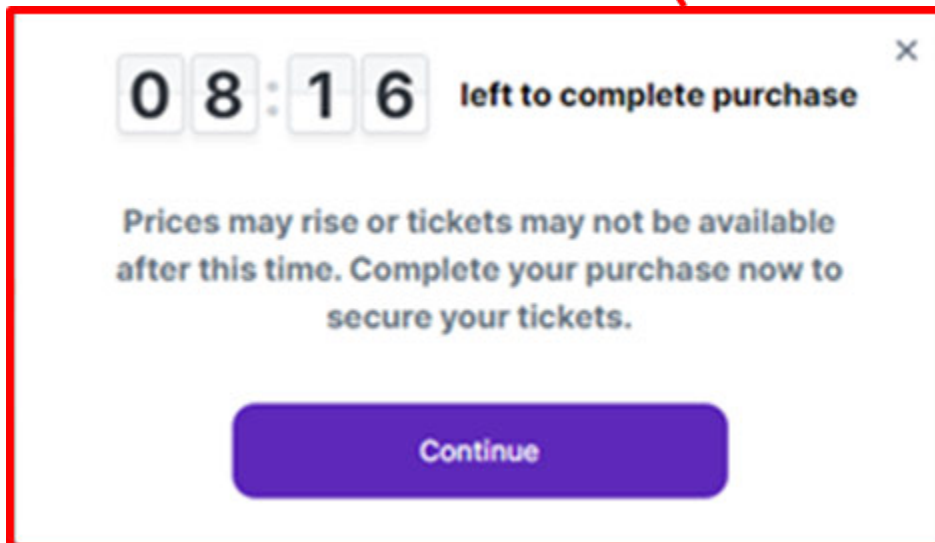
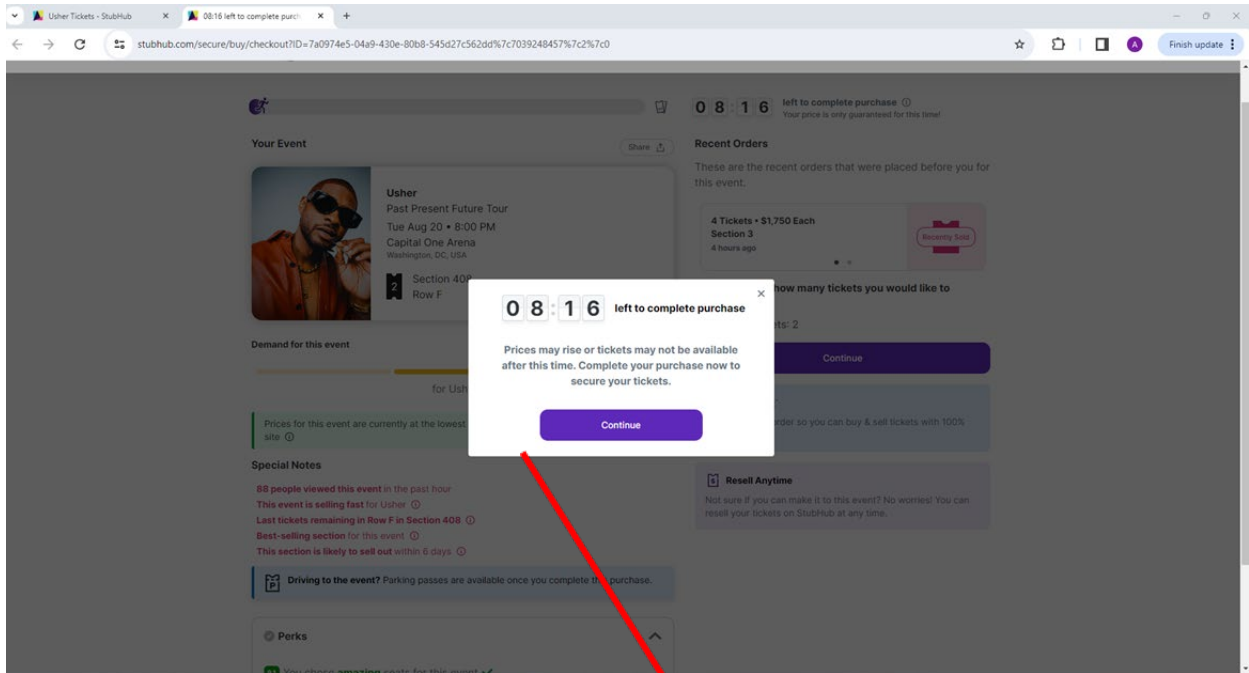
20. After the consumer presses “select” on that pop-up screen, StubHub redirects the consumer to another window that starts a ten-minute countdown clock (“Screen 3”). The clock pressures consumers to complete the purchase and minimizes the time they have to make informed decisions. From this page forward, no ticket price is displayed until checkout:



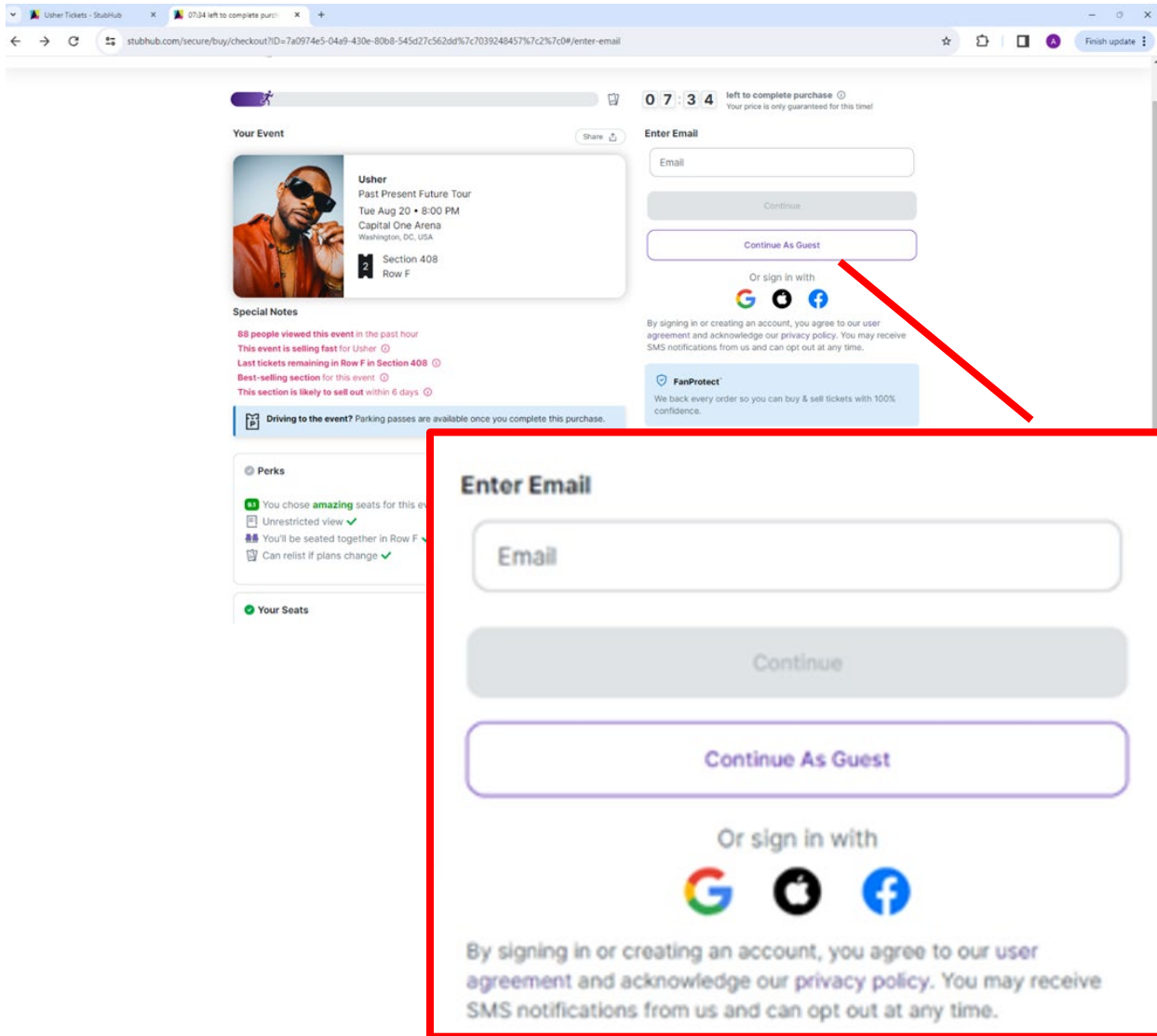
21. Then, StubHub directs the user to an unnecessary filler page, asking the user to confirm the number of tickets even though the user already entered this information at a previous step (“Screen 4”). As the consumer clicks through, the countdown clock keeps running down, increasing the pressure towards a purchase. Adding to that pressure, StubHub gives users the impression that the tickets are scarce. For example, below, StubHub includes the number of people who viewed the event in the past hour, states that the event is selling fast and that the tickets are the last remaining tickets in that section, and estimates that the section is likely to sell out:



22. If a user pauses on any screen in the purchase flow for approximately thirty seconds—for example, to read the displayed content—the countdown clock pop-up window reappears, showing the time left counting down (“Screen 5”). This further pressures consumers and discourages informed decisions:

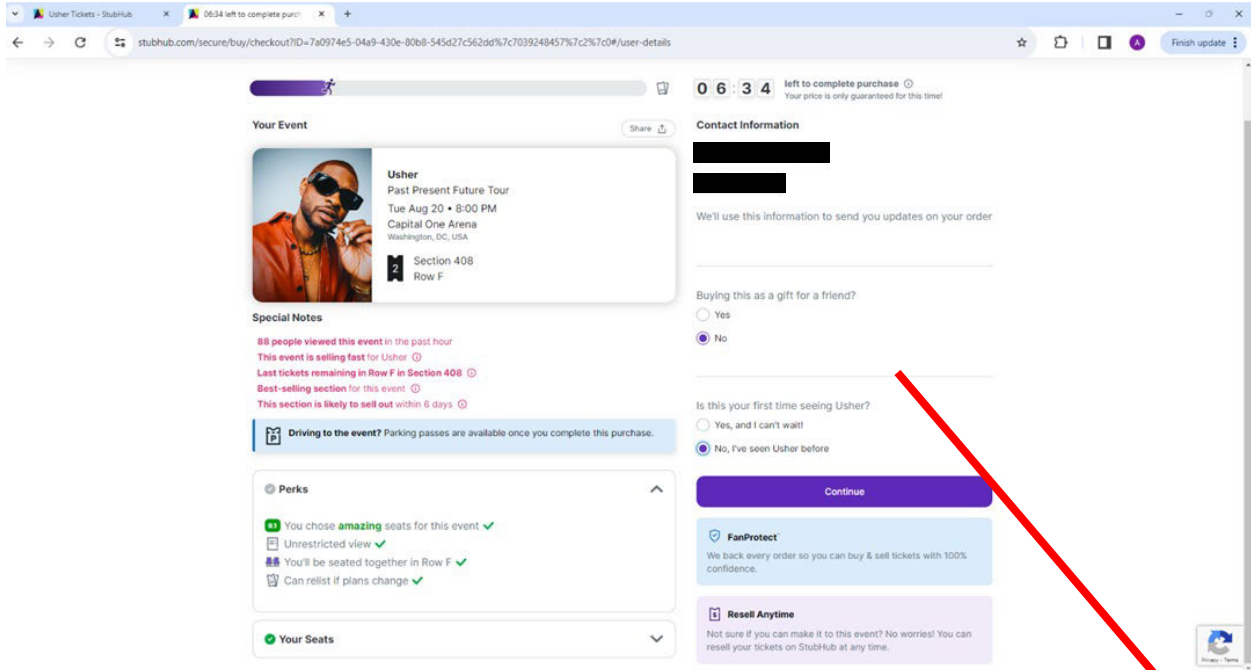


23. After the consumer re-confirms the number of tickets, they are taken to the next page and asked to enter an email and phone number to “Continue As Guest” or to sign into their StubHub account—i.e., they must input their personal information before they see the full ticket price (“Screen 6”).



24. While the countdown clock continues to run, StubHub follows up with another unnecessary filler page that confirms the contact information, asks whether the consumer is buying

the gift for a friend, and asks whether it is the consumer's first time seeing the artist or event (“Screen 7”):



Buying this as a gift for a friend?

Yes

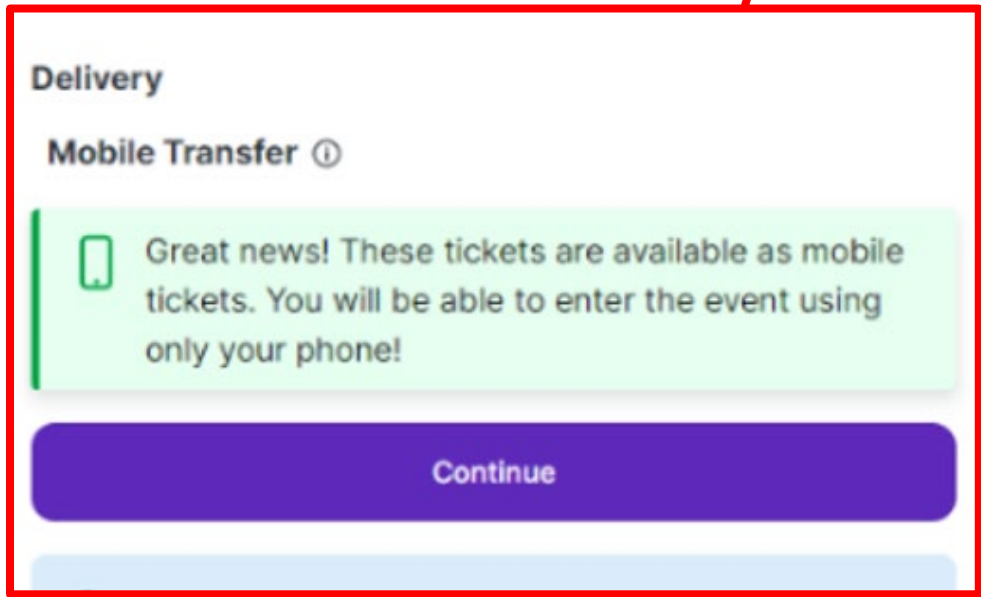
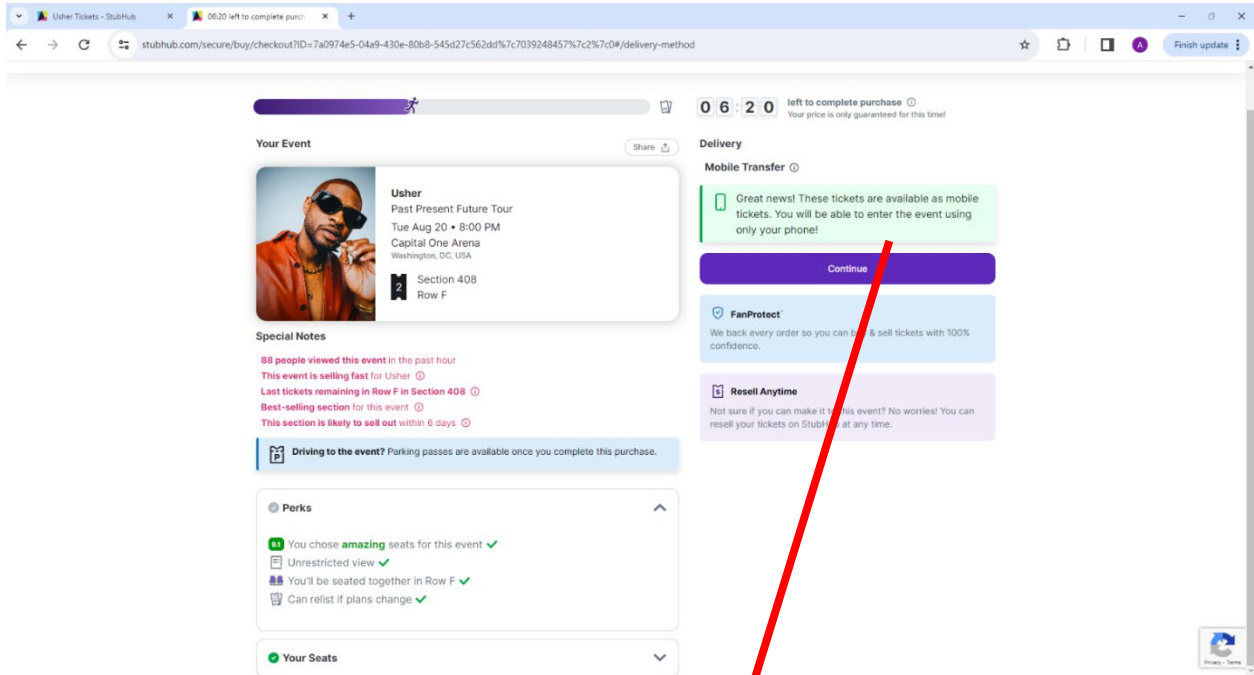
No

Is this your first time seeing Usher?

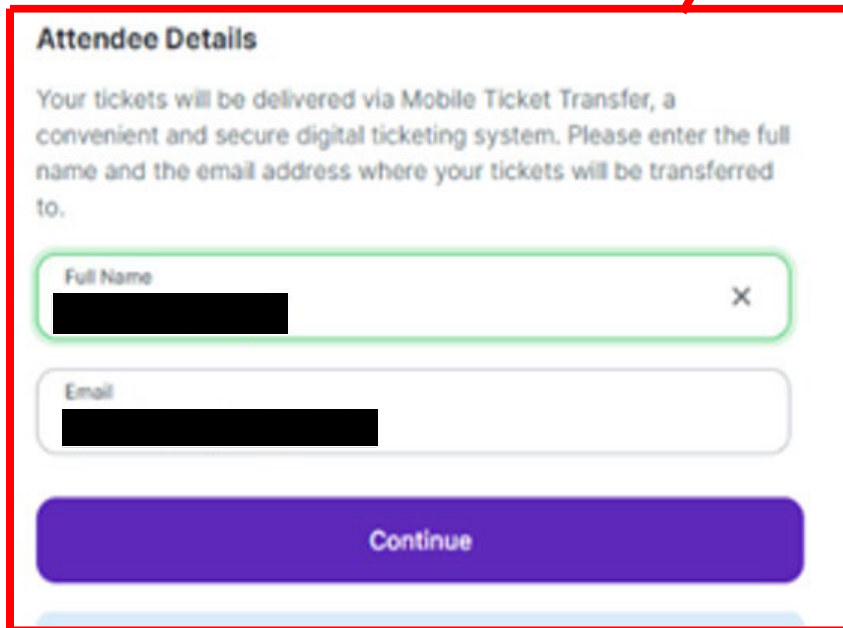
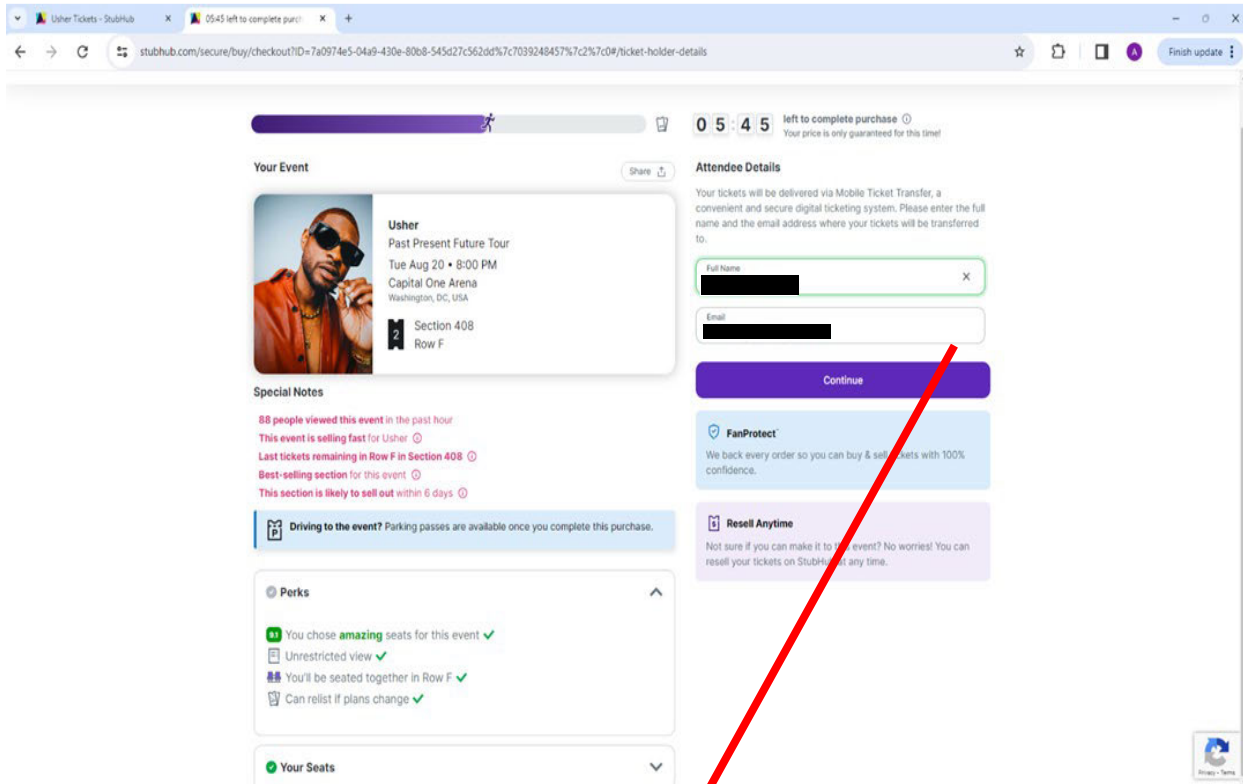
Yes, and I can't wait!

No, I've seen Usher before

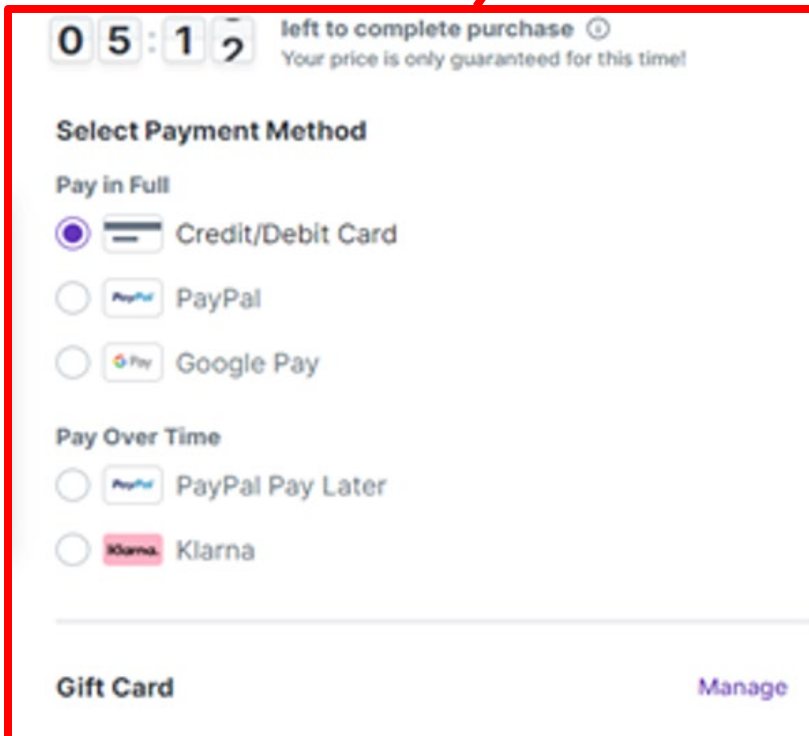
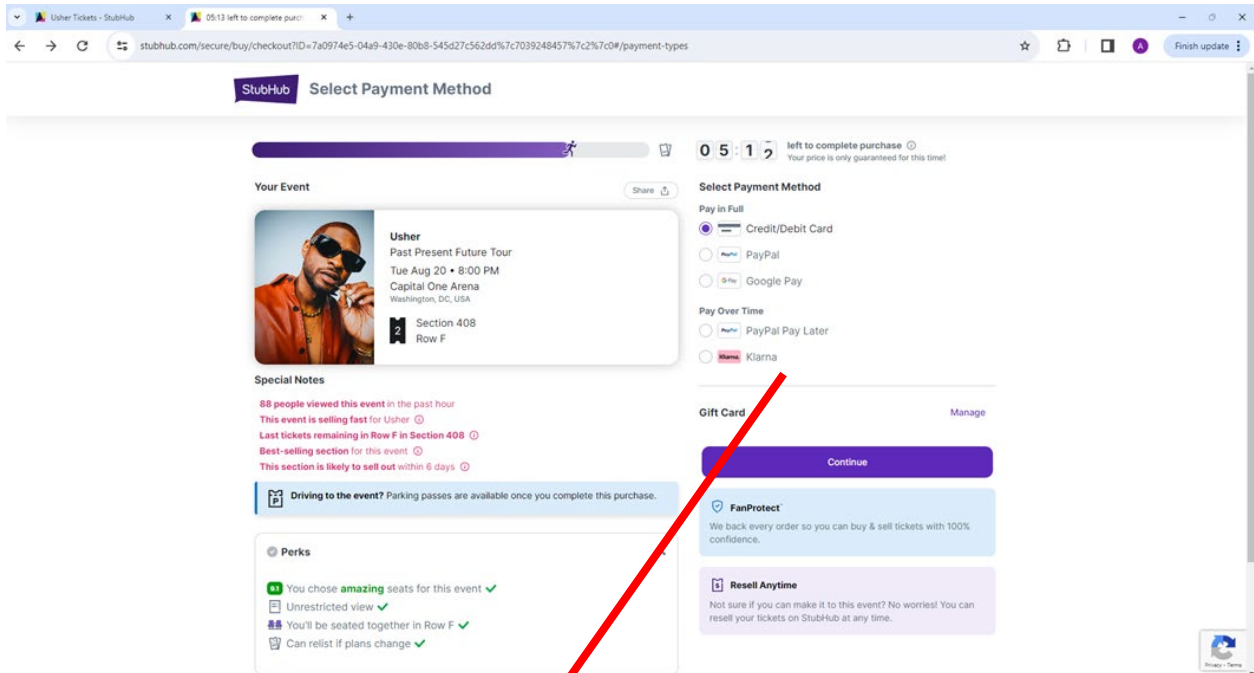
25. Next, in yet another needless page, StubHub shows the consumer that the tickets selected are available as mobile tickets and prompts the consumer to click “continue” (“Screen 9”):



26. On still *another* screen, StubHub prompts the consumer to enter the event attendee details—even though it already collected and confirmed the consumer’s contact information several screens ago (“Screen 11”):



27. StubHub then requires the consumer to review and respond to more prompts, all while the countdown clock continues to run. These include selecting (but not yet entering) a payment method and providing billing address information (despite previously providing contact information twice) (“Screen 12”):



28. Finally, as the clock ticks down, StubHub—for the very first time—discloses the true price of each ticket (“Screen 13”). These prices include steep unexplained charges, which StubHub titles “Fulfillment and Service Fees.”:

The screenshot shows the StubHub payment interface. On the left, event details for Usher's 'Past Present Future Tour' are listed, including the date (Tue Aug 20, 8:00 PM) and location (Capital One Arena, Washington, DC, USA). The selected tickets are Section 408, Row F. A progress bar at the top indicates 0.344 left to complete purchase. The 'Your Order Summary' section is highlighted with a red box and contains the following information:

Item	Quantity	Price
Ticket Price	2	US\$ 178
Fulfillment and Service Fee	2	US\$ 70
Total Price		US\$ 497

Below the summary, a price comparison slider shows the selected price (US\$ 178) is higher than the average market price (US\$ 276). A text box states: "Great choice! On average, customers paid \$276 (excluding fees) per ticket for this event on our site - more than the \$178 (excluding fees) tickets you've selected."

29. In this example, StubHub advertised two tickets at \$178 each (\$356 total), but the mandatory fees increased the advertised price by *nearly 40%*, to \$248.50 each (\$497 total)—an increase of \$70.50 per ticket (\$141 total).

B. StubHub affirmatively misrepresents the purpose of its Fulfillment and Service Fees and fails to explain how the fees are calculated and used.

30. Even when StubHub finally discloses the additional mandatory “Fulfillment and Service” fees near the end of this lengthy purchasing process, it misrepresents the nature and purpose of those fees, while failing to adequately explain to consumers how they are calculated and what they are used for.

31. These fees can vary wildly, anywhere from a few dollars to upwards of 40% of the advertised ticket price (as reflected in the example above). But StubHub never explains to consumers throughout the purchase process how the fees for a particular ticket purchase are calculated. Even consumers who seek out this information elsewhere on the website are told only that “[t]here is no set percentage for fees, and fees can change based on ticket price, time to event, updated event information, and supply and demand,” and that “[o]ur fees and prices are competitive with other marketplaces.”⁶ Thus, even consumers who have used StubHub before and may expect that *some* fees will be added at the end of the purchasing process can never predict how much those fees will be—until they invest time and effort completing StubHub’s burdensome purchase flow.

32. StubHub misrepresents the nature of the fee. In the purchase process, StubHub identifies the fee as a “Fulfillment and Service” fee and states only that the fees “help us bring you

⁶ StubHub Support Page, *StubHub’s ticket fees*, available at <https://support.stubhub.com/articles/61000276392-stubhubs-ticket-fees> (last visited July 23, 2024).

a safe, global marketplace where you can get tickets to your favorite events.” Consumers who look elsewhere on StubHub’s website for this information are only provided a laundry list of StubHub’s overhead costs: StubHub’s “FanProtect Guarantee” (its refund/replacement policy), “Customer support,” “The world’s largest ticket inventory,” and “Our platform and functionality.”⁷ But these costs—many of which are fixed—do not appear to have any connection to the wildly varying amount of the fees charged. Furthermore, StubHub admits that fees can vary based on factors such as ticket price or supply and demand, none of which are related to service or fulfillment.⁸

33. When consumers make purchasing decisions, they want to know how much they are being charged and what they are being charged for. StubHub’s affirmative misrepresentation of the purpose of its fees and failure to adequately explain the calculations and uses of their mandatory fees deprives consumers of this important information.

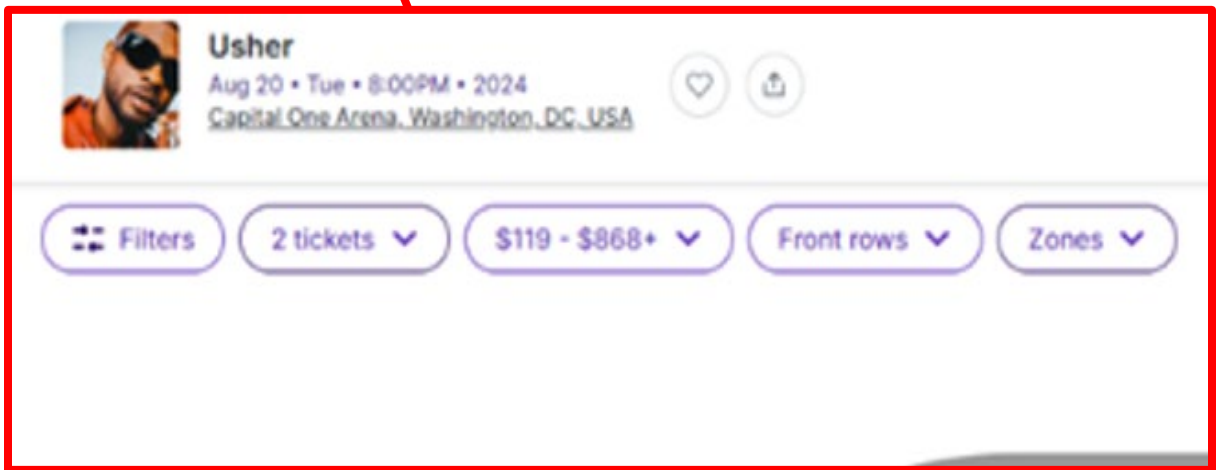
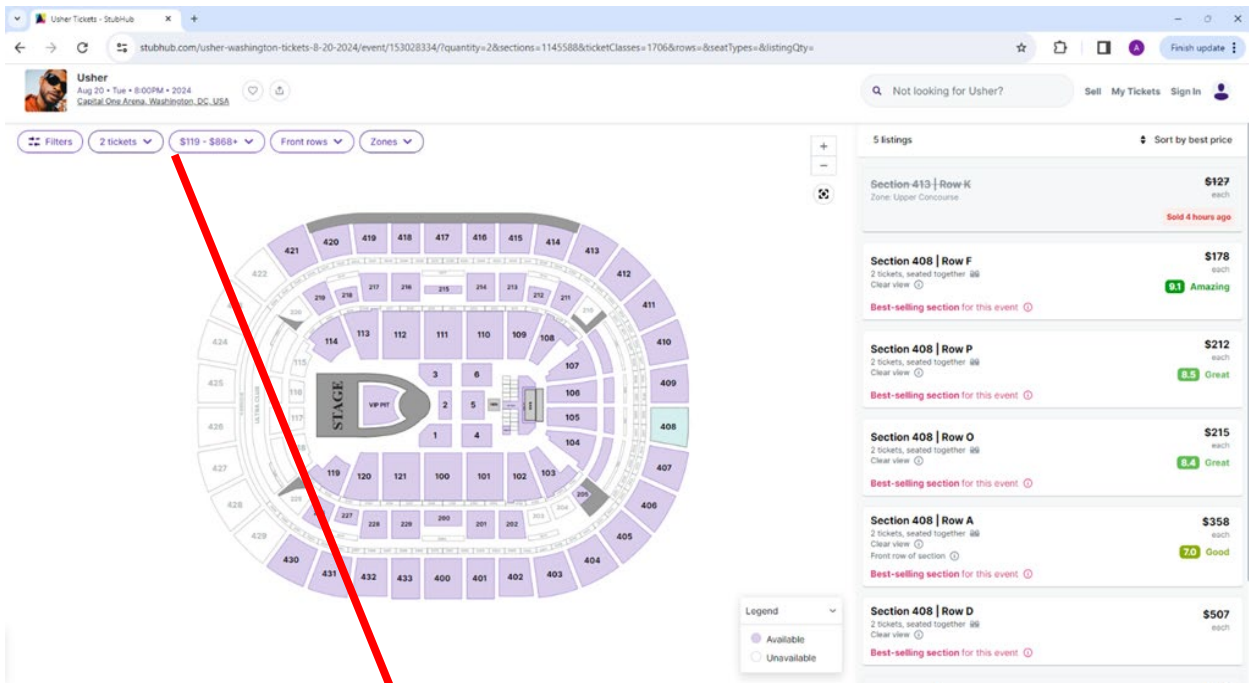
C. StubHub’s Estimated Fees Filter was blatantly unfair and deceptive until at least March 2024.

34. Although StubHub’s default setting hides its mandatory fees, it claims to offer consumers the option—through an Estimated Fees Filter buried deep in its settings—to view the actual price of tickets (*including all mandatory fees*) at the beginning of the purchase process. Until at least March 2024, that claim was false, as StubHub still added surprise fees even for the subset of consumers who were able to find and enable that filter.

35. On Screen 1, after the selection of the event and the number of tickets, StubHub displays a seating map of the venue. The seating map has five search menu buttons on the top lefthand corner, one of which is labeled “Filters.”

⁷ *Id.*

⁸ *Id.*



36. If a consumer clicks the “Filters” menu button, a side panel appears containing six search filter menu options, one of which is a “Price Display Options” menu:

Usher Tickets - StubHub

stubhub.com/usher-washington-tickets-8-20-2024/event/153028334/?quantity=2§ions=1145588&ticketClasses=1706&rows=8&seatTypes=&listingQty=8&estimatedFees=true

Usher
Aug 20 • Tue • 8:00PM • 2024
Capital One Arena, Washington, DC, USA

Not looking for Usher? Sell My Tickets Sign In

5 listings Sort by best price

Section 408 | Row F **\$245** each
2 tickets, seated together
Clear view
9.1 Amazing
Best-selling section for this event

Section 407 | Row D **\$263** each
Zone: Upper Concourse
Sold 20 hours ago

Section 408 | Row P **\$292** each
2 tickets, seated together
Clear view
8.5 Great
Best-selling section for this event

Section 408 | Row O **\$295** each
2 tickets, seated together
Clear view
8.4 Great
Best-selling section for this event

Section 408 | Row A **\$492** each
2 tickets, seated together
Clear view
Front row of section
7.0 Good
Best-selling section for this event

Section 408 | Row D **\$697** each
2 tickets, seated together
Clear view
Best-selling section for this event

Filters

2 tickets

Seats are guaranteed to be next to each other.

Price Per Ticket

Popular Filters

Recommended tickets

Features

Zones

Price Display Options

Include estimated fees

Reset filters View 5 tickets

Section 408 | Row F **\$245** each
2 tickets, seated together
Clear view
9.1 Amazing
Best-selling section for this event

37. The “Price Display Options” menu contains a single toggle option to “Include Estimated Fees.” A reasonable consumer would understand that the filter is meant to display the true price of the ticket, including all mandatory fees. When selected, the advertised price of the tickets increases on Screen 1 from \$178 to \$245, underscoring that reasonable interpretation of the filter. The Estimated Fees Filter is toggled off by default.

38. Yet from August 2022 until at least March 2024—after the Office of the Attorney General contacted StubHub expressing concern over the tactics described in this Complaint—Stubhub *always* charged more in fees than it advertised *even when* the Estimated Fees Filter was toggled on.

39. For example, in paragraph 37, where the Estimated Fees Filter was toggled on, the advertised price of each ticket with fees was \$245. But, as shown below, after completing the many steps detailed in paragraphs 18 to 28, StubHub charged an additional \$3.50 per ticket, charging \$248.50 instead of the fee-filter advertised price of \$245. In fact, the itemized summary of transaction StubHub displays to the consumer understates the fee—reflecting an additional \$3.00 in fees rather than \$3.50—further misleading the consumer.

the end of the transaction. StubHub sought to explore two hypotheses: “first, that consumers are more likely to purchase goods if fees are obfuscated; and second, that consumers are more likely to purchase expensive, high-quality goods if fees are obfuscated.”⁹

43. Consumers using StubHub’s website during the testing were randomly assigned into two different purchasing flows. Consumers in the first flow experienced the All-in Pricing strategy, where the site showed consumers the final price, including fees and taxes, at the beginning of the process. Consumers in the second flow experienced the back-end-fee strategy, where mandatory fees were shown only after consumers had selected a particular ticket and proceeded through multiple steps to the checkout page.

44. The results confirmed that even when the true price was the same, consumers were less likely to purchase tickets when the full price was transparently displayed at the outset compared to when fees were hidden until the end of the transaction.¹⁰ Accordingly, the researchers concluded that StubHub could drive consumers to buy tickets at higher prices than they otherwise would have by hiding the fees until the end.

45. Following this testing, StubHub abandoned All-in-Pricing and began using the back-end fee strategy for all purchases—knowing that it could extract more and higher fees from its consumers through this unfair and deceptive practice.

E. StubHub’s dark patterns substantially harm District consumers.

46. StubHub’s misconduct described above—employing a deceptive and unfair purchase flow that advertises an artificially low price, charging mandatory fees that are never adequately explained, and using a false Estimated Fees Filter—constitute what are known as

⁹ Blake et al., *supra* note 1.

¹⁰ *Id.*

digital “dark patterns.”

47. As explained above, these dark patterns include:
- a. **Scarcity**: StubHub creates pressure to purchase by creating a false sense of high demand when it repeatedly states the event is selling fast and is likely to sell out, the chosen ticket is the last ticket remaining in a particular section, and/or the number of users who purportedly viewed the ticket in the last hour;
 - b. **Urgency**: StubHub uses a countdown clock, which pops up if users pause on a page in the transaction for 30 seconds, creating a false sense of urgency to purchase;
 - c. **Obstruction**: StubHub stops users from comparing prices because the overall amount is hidden until consumers reach the final stage of the transaction, including after the consumer has provided personally identifying information;
 - d. **Information Hiding**: StubHub hides the true price of the tickets until users have built purchasing commitment by using a lengthy transaction flow comprising over a dozen steps that only discloses the true price at the end. And even when disclosing the “fees,” StubHub does so without any specificity, leaving the customer in the dark about how the fees are calculated and what the fees cover;
 - e. **Interface Interference**: StubHub uses style and design to distract and misdirect consumer attention from the lack of up-front fee disclosure and the true amount of fees. These style and design choices include a countdown clock that pops-out to cover and grey-out the underlying page if a consumer pauses to, for example, look for any fine print, and unnecessary filler pages containing duplicative or irrelevant information and questions;
 - f. **Coerced Action**: StubHub forces consumers to provide contact information and to

sign in or check out as a guest before disclosing the true cost of the tickets, further inhibiting consumers' effective ability to price compare; and

- g. **Asymmetric Choice**: StubHub preselects showing the price of “each” ticket without fees as the default option, a choice that is good for StubHub, but not the user.

48. Studies confirm that utilizing these dark patterns, including “drip pricing,” serves an effective—yet deceptive—psychological function. First, StubHub’s decision to advertise an artificially low price effectively precludes its consumers from comparing prices across different platforms. Second, once a consumer spends significant time and effort choosing concert dates, selecting seats, and coordinating with friends or family to reach the final stage of the ticket-purchasing process, the consumer is far less likely or willing to abandon a transaction, even once the added fees are exposed.¹¹

49. StubHub’s utilization of dark-pattern-laced drip pricing has caused District consumers substantial harm—approximately \$118 million in hidden, unfair fees since September 2015 alone, in addition to the countless hours of (unnecessary) time and effort they invested in a lengthy purchase flow based on false advertised prices. And because of the cognitive pressures

¹¹ Federal Trade Commission, Staff Report: *Bringing Dark Patterns to Light* 4, (September 2022), available at <https://perma.cc/L8TS-77LC> (finding that “[s]ome dark patterns manipulate consumer choice by inducing false beliefs”, including the use of “countdown timers on offers that are not actually time-limited, claims that an item is almost sold out when there is actually ample supply, and false claims that other people are also currently looking at or have recently purchased the same product.”); see also *id.* at 9 (“Drip pricing interferes with consumers’ ability to price-compare and manipulates them into paying fees that are either hidden entirely or not presented until late in the transaction, after the consumer already has spent significant time selecting and finalizing a product or service plan to purchase.”).

StubHub’s practices impose on consumers, the harm consumers suffer because of StubHub’s conduct is not reasonably avoidable.¹²

COUNT I
VIOLATIONS OF THE CONSUMER PROTECTION PROCEDURES ACT
(Deceptive Acts or Practices)

50. Plaintiff realleges and incorporates by reference paragraphs 1 through 49, as if fully set forth herein.

51. The CPPA is a remedial statute that is to be broadly construed. It establishes an enforceable right to truthful information from merchants about consumer goods and services that are or would be purchased, leased, or received in the District of Columbia.

52. The services that StubHub provides consumers are for personal, household, or family purposes and therefore are consumer goods and services.

53. StubHub, in the ordinary course of business, supplies consumer goods and services and therefore is a merchant under the CPPA.

54. StubHub’s users receive consumer goods (tickets to live events) and services (access to live events, as well as a marketplace to purchase tickets to live events) for personal, household, or family uses and are therefore consumers under the CPPA.

55. The CPPA prohibits misleading and deceptive trade practices in connection with the offer, sale, and supply of consumer goods and services.

56. StubHub, in connection with marketing, promoting, selling, and supplying its goods

¹² See Federal Trade Commission, Trade Regulation Rule on Unfair or Deceptive Fees, 88 FR 77420-01, 77433-77434 (proposed Nov. 9, 2023) (consumers cannot reasonably avoid the harm from drip pricing because “either the consumer must spend additional time searching for full pricing information to engage in comparison shopping, or must make an uninformed decision[]” and “studies suggest that cognitive biases may exist that prevent consumers from avoiding injury”).

and services, has engaged in misleading and deceptive trade practices in violation of the CPPA, including by:

- a. Advertising ticket prices that do not include StubHub’s mandatory fees, in violation of D.C. Code § 28-3904(e);
- b. Failing to adequately disclose material information to consumers concerning the true price of the tickets, in violation of D.C. Code § 28-3904(f);
- c. Representing that the Estimated Fees Filter would show all mandatory fees when in fact it did not, in violation of D.C. Code § 28-3904(e) and (f-1);
- d. Failing to adequately disclose the amount of the fees at the outset of the transaction, which constitutes an ambiguity as to material facts that have the tendency to mislead and are deceptive trade practices, in violation of D.C. Code § 28-3904(f-1);
- e. Advertising or offering goods or services without the intent to sell them at the advertised price, in violation of D.C. Code § 28-3904(h)
- f. Affirmatively misrepresenting the nature and purpose of its mandatory fees, and failing to adequately disclose and making ambiguous statements regarding how its mandatory fees are calculated and what they are used for, in violation of D.C. Code § 28-3904(e), (f), and (f-1).

57. StubHub’s misleading acts or practices harm District consumers, as well as visitors who purchase tickets to events held in the District.

COUNT II
VIOLATIONS OF THE CONSUMER PROTECTION PROCEDURES ACT
(Unfair Acts or Practices)

58. The District realleges and incorporates by reference each of the allegations contained in the preceding paragraphs as if set forth fully herein.

59. The CPPA prohibits any person from engaging in unfair trade practices.

60. By engaging in the acts and practices alleged herein, StubHub engages in unfair acts or practices affecting District consumers, in violation of D.C. Code § 28-3904.

61. StubHub's acts and omissions, as alleged herein, constitute unfair acts or practices within the meaning of the CPPA, including because they cause substantial injury to District consumers that those consumers cannot reasonably avoid. StubHub's conduct—including but not limited to using a deceptive, unfair, and pressure-laden purchase flow that advertises an artificially low price, charging fees that are misrepresented and never adequately explained, and using a false Estimated Fees Filter—deprives consumers of the ability to comparison shop, leads consumers to pay higher fees than they would absent the misconduct, and causes consumers to invest substantial time and effort in a lengthy purchase flow based on a false advertised price.

62. StubHub's use of manipulative design tactics and dark patterns that exploit consumers' cognitive biases renders consumers unable to reasonably avoid these harms.

63. The injuries StubHub has caused are not outweighed by countervailing benefits to consumers or to competition.

64. StubHub's unfair acts or practices harm District consumers, as well as visitors who purchase tickets to events held in the District.

PRAYER FOR RELIEF

WHEREFORE, the District of Columbia respectfully requests this Court enter a judgment in its favor and grant relief against StubHub, as follows:

- (a) Issue injunctive relief to remedy StubHub's violations of the CPPA pursuant to D.C. Code § 28-3909(a);
- (b) Award such relief as the Court finds necessary to redress injury resulting from StubHub's violations of the CPPA, including

requiring StubHub to disgorge monies it secured from its unlawful conduct and requiring StubHub to pay damages and restitution pursuant to D.C. Code § 28-3909(a);

- (c) Order StubHub to pay statutory civil penalties pursuant to D.C. Code § 28-3909(b) for each and every violation of the CPPA;
- (d) Award the District the costs of this action and reasonable attorney's fees pursuant to D.C. Code § 28-3909(b); and
- (e) Grant the District such further relief as the Court deems just and proper.

JURY DEMAND

The District of Columbia demands a trial by jury by the maximum number of jurors permitted by law.

Dated: July 30, 2024

Respectfully submitted,

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