

STATE OF MICHIGAN
IN THE 22ND JUDICIAL CIRCUIT COURT FOR THE COUNTY OF
WASHTENAW

The People of the State of Michigan,

Petitioner,

No. 25-000990-CP

v

Pure Tonic Marketing Ltd. and
UNKNOWN, UNKNOWN a/k/a Ticket
Squeeze,

HON. JUDGE PATRICK J. CONLIN, JR.

Respondents.

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**ATTORNEY GENERAL'S *EX PARTE* PETITION FOR CIVIL
INVESTIGATIVE SUBPOENAS**

*There is no other pending or resolved civil action arising out of the same
transaction or occurrence as alleged in the petition.*

INTRODUCTION

Whether it's Taylor Swift, Hamilton, or the NFL playoffs, there has been no shortage of controversies surrounding online ticket sales for major events in recent years. While reselling tickets online for a profit is both common and legal in Michigan, ticket resellers must nonetheless conform with laws including the Michigan Consumer Protection Act (MCPA), MCL 445.901 *et seq.*—a law designed

to protect consumers from unfair, unconscionable, or deceptive methods, acts, or practices in trade or commerce. At a minimum, online ticket resellers should not impersonate event venues with which they have no association. Similarly, online ticket resellers should never suggest their ticket prices are low when, in reality, their prices grossly exceed the price the consumer would pay if the consumer bought the ticket in a direct sale.

A Respondent in this case, Pure Tonic Marketing Ltd. (Pure Tonic), operated the website www.thehillauditorium.com. To the ordinary consumer, this website appeared to be the official website for an Ann Arbor venue owned by the University of Michigan—the Hill Auditorium. Only if you examined the website in detail did you find a disclaimer explaining that the website was actually unrelated to the venue or the university. The website offered for sale tickets for upcoming events at the Hill Auditorium and linked to an affiliated website, www.ticketsqueeze.com, to purchase those tickets, which is believed to be operated by another Respondent, whose identity is currently unknown. These websites appeared to work together to squeeze consumers' wallets and sell resale tickets at a grossly excessive price, meanwhile suggesting that the prices were “cheaper” or “low.” Because there is probable cause to believe the operators of these websites violated and continue to violate the MCPA, the Attorney General seeks authority to open an investigation to prevent further violations.

PARTIES, LEGAL AUTHORITY, AND VENUE

1. Petitioner the People of the State of Michigan is represented by Attorney General Dana Nessel. The Attorney General is Michigan's chief law enforcement officer and is authorized to bring this Petition on behalf of the People of the State of Michigan pursuant to MCL 445.907. MCL 445.907(1), provides in pertinent part:

Upon the ex parte application of the attorney general to the circuit court in the county where the defendant is established or conducts business or, if the defendant is not established in this state, in Ingham county, the circuit court, if it finds probable cause to believe a person has engaged, is engaging, or is about to engage in a method, act, or practice which is unlawful under this act, may, after an ex parte hearing, issue a subpoena compelling a person to appear before the attorney general and answer under oath questions relating to an alleged violation of this act. . . . The subpoena may compel a person to produce the books, records, papers, documents, or things relating to an alleged violation of this act. MCL 445.907(1).

2. The Attorney General has probable cause to believe that acts or practices defined as unlawful under the MCPA have occurred, as set forth below.
3. Respondent Pure Tonic appears to be located overseas in Seychelles, a country in East Africa. Further information about Pure Tonic is unknown.
4. The identity of at least one Respondent in this matter—the operator of www.ticketsqueeze.com—is completely unknown. One purpose of this investigation is to ascertain this Respondent's identity. This Petition has been captioned in the matter anticipated by MCR 2.106(C) and MCR 2.201(D).

5. Because the unlawful business practices described in this Petition concern an event venue located in Washtenaw County, this Court is an appropriate venue for the Petition.

FACTUAL ALLEGATIONS

6. Last year, the Department of Attorney General was contacted by Sara [REDACTED], Vice President of Marketing and Communications for the University Musical Society (UMS), a non-profit performing arts presenter affiliated with the University of Michigan. ([REDACTED] Affidavit, **Attachment 1.**)
7. Although UMS is a separate 501(c)(3) organization, it uses the University of Michigan's venues to present performances, including but not limited to the Hill Auditorium in Ann Arbor.
8. UMS sells tickets for its events, including events presented at the Hill Auditorium at the <https://ums.org> website (the legitimate website).
9. Ms. [REDACTED] became aware of a website, www.thehillauditorium.com (the misleading website), which offered tickets to UMS events at the Hill Auditorium.
10. Although the misleading website was not affiliated with UMS or the University, it utilized the Hill Auditorium name, a venue owned by the University, in its Uniform Resource Locator (URL).
11. The homepage of the misleading website included background information on the venue, along with a list of upcoming events and an opportunity to get "\$5

off your first order!” by signing up for “our newsletter.” At the very top of the page, it noted that the venue is on the University of Michigan’s campus in Ann Arbor. But, in small font that appeared near the bottom of a block of text, the homepage also indicated: “This site is not affiliated or sponsored by Hill Auditorium. This site links to resale tickets to events at Hill Auditorium. See Disclaimer.” (Hiltner Affidavit, **Attachment 2.**)

12. The “Upcoming Events” tab of the misleading website linked to a list of upcoming events at the Hill Auditorium. Each event included a “GET TICKETS” button. Clicking on that button redirected the website visitor to a page for purchasing tickets at www.ticketsqueeze.com (Ticket Squeeze website), a website that offers resale tickets. Nowhere on the “Upcoming Events” tab was it expressly stated that the website is not affiliated with the venue or the University of Michigan.
13. Another tab on the misleading website, “Ticket Info,” stated that “[o]ur listings use the most reputable online ticket marketplace to sell and distribute tickets for Hill Auditorium.” Furthermore, it advertised: “You will also benefit from cheaper last minute tickets, as we promote the best online ticket marketplace to buy and sell tickets. LOW FEES. LOW TICKET PRICES. ALWAYS DELIVERED ON TIME.” It also included a graphic that stated: “100% AUTHENTIC TICKETS.” Nowhere on the “Ticket Info” tab was it expressly stated that the website is not affiliated with the venue or the University of Michigan.

14. The aforementioned “Disclaimer” tab of the misleading website provided as follows:

The Hill Auditorium is a hugely popular fantastic indoor entertainment venue on University of Michigan campus in Ann Arbor, Michigan.

The Hill Auditorium is owned by University of Michigan

This website “<http://thehillauditorium.com>” acts as a [sic] information site for the music venue.

We have no official relation to the venue, we are NOT University of Michigan... just great fans who know how to make one kick-ass fan site! We find this website provides the most amount of information possible on any of the events and about the venue itself. If you want to contact the actual venue directly, we have listed their phone number on the contact page.

We also use this website to promote what we feel is the best ticket Marketplace on the internet. We were tired of paying insane amounts for tickets and on top of that being charged service or booking fees!

If you like this site and found us helpful, please like us on FACEBOOOK and tell your friends!

15. The misleading website included several links to a Facebook page—“Fans of Hill Auditorium”—which is likewise unaffiliated with UMS or the university.

The “About” tab of the Facebook page does not expressly state that the page is not affiliated with the venue or the University of Michigan. The Facebook page remains publicly accessible today.

16. Meanwhile, content in other tabs of the misleading website suggested it was the legitimate website. For example, the “Seating Chart” tab both described the available seating and provided a visual map of the seating. It also stated: “For physically-challenged patrons, wheelchair-accessible spaces are

available, and are held until one hour before the start of a performance, or until such time as all other permanent seats are sold out. Please bear in mind that these spaces are sold on a ‘first-come, first-served’ basis, and should be requested upon point of purchase by whoever is buying the tickets. Tickets for accessible seats should include the space for the companion seat also.”

This type of “policy” statement suggested that it is the official policy of the venue or the University of Michigan. And nowhere on the “Seating Chart” tab was it expressly stated that the website was not affiliated with the venue or the University of Michigan.

17. The misleading website was listed as the official website for the Hill Auditorium when searching the venue on Google. (**Attachment 1.**) After receiving complaints from UMS, Google corrected the website listing.
([REDACTED] email, **Attachment 3.**)
18. Ms. [REDACTED] reported that despite the disclaimer, the misleading website confused consumers. (**Attachment 1.**)
19. UMS has received complaints from consumers that have paid much more than face value for tickets sold through the misleading website.
20. Consumers also called UMS and complained about the high prices listed on the misleading website, believing the misleading website is legitimate.
21. Ms. [REDACTED] was also concerned that the misleading website’s suggestion that it was providing lower-priced tickets is false.

22. Ms. [REDACTED] explained that as a non-profit, the organization attempts to sell tickets at a wide variety of prices “to make the arts accessible to all regardless of socio-economic status.”
23. For example, Ms. [REDACTED] pointed to tickets for a concert that was scheduled for April 5, 2025—Marcel Khalife, Rami Khalife & Sary Khalife: Legacy. The tickets sold through the misleading website show balcony seats were selling at a minimum of \$252. Meanwhile, the legitimate UMS website was not even selling balcony tickets at that point—they had yet to go up for sale. And, on the legitimate website, seats in the main front section of the venue were selling for just \$60. One would not expect a balcony seat to cost nearly \$200 more than a seat in the main front section; such a price is grossly excessive. (Cf. **Attachments 1 and 2.**)
24. Baba [REDACTED] is a Michigan consumer that was deceived by the misleading website. (Baba Affidavit, **Attachment 4.**)
25. Baba went online to purchase tickets for the London Philharmonic Orchestra’s performance at the Hill Auditorium scheduled to occur on October 18, 2024.
26. After searching the internet for “London Philharmonic Orchestra Hill Auditorium,” Baba clicked a link related to the misleading website because it appeared to her to be the “official” website for the venue. It was also one of the first links on the search results page.

27. The link Baba clicked took her to a webpage regarding the specific performance she was looking for. She did not see any disclaimer on the webpage.
28. A message displayed on the screen saying that tickets were limited so she needed to “buy fast” or risk losing the opportunity to buy tickets.
29. After clicking on a link to “get tickets,” she was redirected to the Ticket Squeeze website to choose seats and the number of tickets she wanted to buy.
30. Baba then purchased two tickets for \$251.95, comprised of \$110 for each ticket and a service fee of \$31.95.
31. After making the purchase, her credit card statement listed “Ticket Network” as the merchant.
32. Baba then called the Hill Auditorium; the person she spoke to informed her that they were aware of the misleading website and that she was overcharged. She was told the face value of each ticket she purchased was only \$64.00.
33. Baba also contacted the Ticket Squeeze website at a customer service number she found on that website. In response, she received an email from customer support stating: “unfortunately, we are unable to cancel or refund your order . . . the 100% money back guarantee listed on the website does not cover a cancellation request, it backs up our

guarantee that you will receive valid tickets in time for entry to the event.”

34. After attending the concert, UMS asked Baba to complete a feedback survey. She provided feedback regarding her ticket purchasing experience. Baba then received a call from Ms. [REDACTED], who explained that the misleading website was not affiliated with UMS or the Hill Auditorium.
35. Baba was concerned that she paid nearly double the face value for a ticket from a “false website.”
36. Like Baba, Chris [REDACTED] also was deceived by the misleading website. (Chris Affidavit, **Attachment 5**.)
37. Chris was on his way to Michigan to visit his family when he searched online for “Berlin Philharmonic Ann Arbor” to see if he could buy tickets to attend the concert while in Michigan.
38. The search results showed him that the orchestra was performing at the Hill Auditorium, and he clicked on the misleading website, which was one of the top search results.
39. Chris did not see a disclaimer; he thought he was on the correct website to buy tickets for the event, so he bought two tickets for a performance to occur on November 24, 2024.

40. Chris paid \$1,263.95 for the tickets with his credit card. He thought this price seemed high, but having bought expensive Broadway tickets in the past, he did not question it at that time.
41. Chris received immediate confirmation of his order, but it was clear from that confirmation that he had not been assigned particular seats, which he found odd. He was not emailed the tickets until later.
42. After the event, Ms. [REDACTED] reached out to Chris, and he learned the tickets should have only cost about \$175.00 each.
43. Ms. [REDACTED] provided Chris a letter to use to dispute the charge with his credit card company, given the misleading nature of the transaction. At first, his dispute was rejected. Chris later received a refund through his credit card company. (Chris email, **Attachment 6.**)
44. Around the same time he sought a refund from his credit card company, Chris also asked Ticket Squeeze for a refund, but his request was refused. (**Attachment 5.**)
45. The University of Michigan is a governmental entity. Const 1963, art 8, §§ 4, 5.
46. The University of Michigan instituted a domain dispute regarding the misleading website against the registrant of the misleading website's domain, Pure Tonic. (Doman Dispute Decision, **Attachment 7.**)

47. In that dispute, Pure Tonic described itself as “a small marketing agency that focuses on entertainment guides for venues.”
48. The University of Michigan was ultimately successful in the dispute, and it was ordered that the misleading website’s domain name be transferred from Pure Tonic to the university. As a result, anyone attempting to access the misleading website today is redirected to the legitimate website.
49. Following this decision, a very similar website to the misleading website can be accessed at www.annarborconcerts.com (the new website). The new website, like the misleading website, exclusively advertises for events at the Hill Auditorium and links to the Ticket Squeeze website to purchase tickets.
50. The Ticket Squeeze website remains operational. The Ticket Squeeze website describes itself as a “TRUSTED TICKET MARKETPLACE” and states it offers “100% BUYER PROTECTION.” Ticket Squeeze purports to offer tickets at “the world’s most beautiful concert venues[.]” (**Attachment 2.**)
51. Special Agent Martin May used the internet domain address lookup database Hexellion to determine that the Ticket Squeeze website is hosted and published by GoDaddy.com, LLC. It also appears to utilize servers from Cloudflare, Inc. (May Report, **Attachment 8.**)

VIOLATIONS OF THE ACT

52. When a person causes a probability of confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services, that person has engaged in an unfair, unconscionable, or deceptive business practice under the MCPA. MCL 445.903(1)(a).
53. Likewise, a person may not make false or misleading statements of facts concerning the reasons for, existence of, or amounts of price reductions. MCL 445.903(1)(i).
54. Similarly, it is unlawful for a person to charge a consumer a price that is grossly in excess of the price at which similar property or services are sold. MCL 445.903(1)(z).
55. The MCPA also contains a specific section describing unfair, unconscionable, or deceptive business practices involving impersonation of governmental entities. MCL 445.903m.
56. A person that is not part of or associated with a governmental entity shall not represent, imply, or otherwise engage in an action that may reasonably cause confusion that the person using or employing the action is a part of or associated with a governmental entity. MCL 445.903m(2)(b); MCL 445.903(1)(ll).
57. And such a person likewise may not represent, imply or otherwise reasonably cause confusion that goods, services, an advertisement, or an offer was disseminated by or has been approved, authorized, or endorsed, in whole or

in part, by a governmental entity, when such is not true. MCL 445.903m(2)(c); MCL 445.903(1)(ll).

58. Such a person also may not use or employ language, symbols, logos, representations, statements, titles, names, seals, emblems, insignia, trade or brand names, business or control tracking numbers, website or email addresses, or any other term, symbol, or other content that represents or implies or otherwise reasonably causes confusion that goods, services, an advertisement, or an offer is from a governmental entity, when such is not true. MCL 445.903m(2)(d); MCL 445.903(1)(ll).
59. The misleading website implied that it was associated with a governmental entity, the University of Michigan, and reasonably caused confusion that it was authorized by the university to sell tickets for events at the Hill Auditorium—a university venue. The URL of the website and other references to the Hill Auditorium throughout the website, as well as statements setting forth policies at the venue, implied or reasonably caused confusion that the tickets the misleading website sells were from the university. Only the “Disclaimer” tab clearly stated that the website was not affiliated with the university, but that disclaimer did not appear throughout the website.
60. There is probable cause to believe the person or persons that operated the misleading website and the associated Ticket Squeeze website have engaged in business practices that violate MCL 445.903(1)(a), (i), (z), and (ll). And,

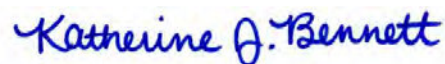
given the recent creation of the new website and ongoing operation of the Ticket Squeeze website, there is probable cause to believe these violations are continuing.

CONCLUSION AND RELIEF REQUESTED

The Attorney General has brought this Petition for the purpose of opening an investigation into this matter. Authorization is sought to subpoena GoDaddy.com, LLC, and Cloudflare, Inc., to learn the identity of the person or persons operating the Ticket Squeeze website and any other relevant information. Once the Ticket Squeeze website operator has been identified, we will subpoena that operator to gain more information about Respondent Pure Tonic. Authorization to issue additional subpoenas based on what is learned through this effort is also requested.

Accordingly, the Attorney General respectfully requests authorization to issues subpoenas pursuant to the proposed order submitted as **Attachment 9**.

Respectfully submitted,



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