

**AMENDMENT TO SETTLEMENT AGREEMENT AND RELEASE**

**THIS AMENDMENT TO SETTLEMENT AGREEMENT AND RELEASE (“Amendment”)** is entered into by and between plaintiff Rebecca Vigil, individually and in her representative capacity on behalf of all others similarly situated (the “*Named Plaintiff*”), on the one hand, and defendant SeatGeek, Inc. (“*SeatGeek*”) on the other (collectively referred to as the “*Parties*”).

WHEREAS on November 8, 2022 the Parties filed the Settlement Agreement and Release (the “Agreement”) in Case No. 1:20-cv-03248-JPC (S.D.N.Y), and the Court preliminarily approved the Agreement on November 28, 2022; and

WHEREAS the Parties have subsequently determined that the existing Class definition excludes persons that the parties intended to be part of the Class. Specifically, the definition of “Covered Transaction” (which is incorporated in the Class definition) currently requires that “the purchase did not occur after the creation of a SeatGeek account by the purchaser.” However, SeatGeek accounts can be created in more than one way, and although the Parties’ intend to exclude only those otherwise eligible persons who created SeatGeek accounts *through SeatGeek’s website or mobile application*, the existing definition is not limited to people who created SeatGeek accounts through those avenues.

THEREFORE, by this Amendment the Parties agree that Section 1.6(d) in the Agreement shall be modified to read “the purchase did not occur after the creation of a SeatGeek account through SeatGeek’s website or mobile application by the Purchaser;”. The Parties further agree that they will request that the Court approve this modification, including all necessary modifications to notice and claim documents, and any deadline modifications necessary to accommodate the modification.

IN WITNESS WHEREOF, the Parties hereto, acting by and through their respective Counsel of record, have so AGREED.

Dated: March 2, 2023



Nicholas A. Coulson  
Counsel for Plaintiff and Proposed Class  
Counsel

Dated: February 17, 2023



Kathleen Hartnett  
Counsel for SeatGeek, Inc.