

**FEDERAL COURT**

**B E T W E E N:**

**ROGERS MEDIA INC.  
ROGERS COMMUNICATIONS INC.  
BCE INC.  
BELL MEDIA INC.  
CTV SPECIALTY TELEVISION ENTERPRISES INC.  
THE SPORTS NETWORK INC.  
LE RESEAU DES SPORTS (RDS) INC.  
GROUPE TVA INC.**

Plaintiffs

- and -

**JOHN DOE 1  
JOHN DOE 2  
OTHER UNIDENTIFIED PERSONS WHO OPERATE UNAUTHORIZED STREAMING  
SERVERS PROVIDING ACCESS TO NHL LIVE GAMES IN CANADA**

Defendants

- and -

**BELL CANADA  
BRAGG COMMUNICATIONS INC. dba EASTLINK  
COGECO CONNEXION INC.  
DISTRIBUTEL COMMUNICATIONS LIMITED  
FIDO SOLUTIONS INC.  
ROGERS COMMUNICATIONS CANADA INC.  
SASKATCHEWAN TELECOMMUNICATIONS  
SHAW COMMUNICATIONS INC.  
TEKSAVYY SOLUTIONS INC.  
TELUS COMMUNICATIONS INC.  
VIDEOTRON LTD.  
2251723 ONTARIO INC. dba VMEDIA**

Third Party Respondents

- and -

**SAMUELSON-GLUSHKO CANADIAN INTERNET POLICY  
AND PUBLIC INTEREST CLINIC**

Intervener

**AFFIDAVIT OF GREG SANSONE  
(Public Version)**

I, Greg Sansone, having a professional residence in the City of Toronto, in the Province of Ontario, Canada, SOLEMNLY AFFIRM THAT:

1. I am the Senior Vice-President of Sportsnet at Rogers Media Inc., operating as Rogers Sports & Media (“**Rogers Media**”).
2. In my current position, which I have held since January 2023, my responsibilities and duties include overseeing all aspects of Sportsnet’s multi-platform production, programming, rights acquisitions, distribution channels and product innovation. The rights included in Sportsnet’s multi-platform production portfolio are Major League Baseball, including Toronto Blue Jays baseball (“**Blue Jays**”), National Hockey League (“**NHL**”) hockey, National Basketball Association (“**NBA**”) basketball, *Sportsnet Central*, and *Blue Jays Central*.
3. Prior to my current position, I was Vice-President of Sportsnet’s programming at Rogers Media, a position I held since 2014. In that role, my responsibilities and duties included overseeing all aspects of program planning and presentation of the Sportsnet stations and online services (discussed further below), assisting in developing Rogers Media’s sports content strategy and working closely with sales and marketing teams to ensure maximized revenue opportunities and optimized promotion of sports content.
4. In my current and former roles, I have worked closely with various professional sports leagues for which Rogers Media owns broadcasting rights, including MLB, the NHL, and the NBA, as well as some of their respective teams in promoting Rogers Media’s sports content.
5. Between 2008 and 2013, I held various senior executive roles at Rogers Media (or its predecessors/affiliates), including General Manager of the Sportsnet 360 station (known at the time as the “Score Television Network”) and Vice-President, programming & production of the Sportsnet 360 station.
6. Prior to this, I worked as a sports talk-show host, including on the programs *Score Tonight* and *To the Point* in which I reported on the NHL and other major sports leagues.
7. I swore a first affidavit in this proceeding on June 30, 2021, in the context of a motion by the Plaintiffs, including Rogers Media, for a live and dynamic “site blocking order” (“**First**

**Affidavit**”). The Order sought in that case aimed to enjoin Canadian Internet Service Providers (“ISPs”) to block or attempt to block their subscribers’ access to Internet servers that distribute infringing live streams of NHL games for the 2021-2022 NHL season.

8. It is my understanding that this motion was granted by Order of Mr. Justice Pentney dated May 27, 2022 (the “**2021-2022 Order**”). I understand that the 2021-2022 Order was implemented during the 2022 NHL playoffs and terminated following the last game of the playoffs (i.e., the Stanley Cup final) on June 26, 2022.

9. I also swore a second affidavit on October 19, 2022, in the context of a motion by the Plaintiffs to obtain a live and dynamic site blocking Order for the 2022-2023 NHL season (“**Second Affidavit**”), which I understand was issued by Associate Chief Justice Gagné on November 21, 2022 (the “**2022-2023 Order**”).

10. For the sake of brevity, I do not repeat the entire contents of my First and Second Affidavits, and elements of my First and Second Affidavits that are not included in this affidavit can be considered incorporated by reference.

11. I also understand that pursuant to paragraph 33 of the 2022-2023 Order, the Plaintiffs are required to serve and file with the Court affidavit evidence comprising the following elements within 60 days of the last NHL game of the 2022-2023 NHL season (which took place on June 13, 2023):

- a) a confidential list of all IP addresses that were notified for blocking pursuant to the 2022-2023 Order with the dates and times on which they were required to be blocked;
- b) the details of any complaint received from operators of Target Servers, their hosting provider or any other third party (including customers of the Third Party Respondents);
- c) any material technical issues encountered with the implementation of the 2022-2023 Order, including any issues reported by the Third Party Respondents to the Plaintiffs; and

d) any relevant available data pertaining to the effectiveness of the Order.

12. The present affidavit pertains to points b) to d) from the perspective of Rogers Media.

13. I have personal knowledge of all the facts stated in this affidavit, unless indicated otherwise.

**I. COMPLAINTS AND TECHNICAL ISSUES**

14. As of the date of this affidavit, Rogers Media did not receive any complaints with respect to the implementation of the 2022-2023 Order.

15. I was informed by Rogers Media’s legal team that the Plaintiffs’ agent in this matter, Friend MTS Limited (“**FMTS**”), detected one technical issue with the implementation of the 2022-2023 Order.

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19. To my knowledge, no issue similar to the one described above has taken place since the implementation of these measures.

**II. ASSESSMENT OF THE 2022-2023 ORDER'S EFFECTIVENESS**

***A. Effectiveness of the 2021-2022 Order***

20. As explained at paragraphs 58 to 61 of my Second Affidavit, during the blocking period for the 2022 NHL playoffs, the Plaintiffs made active efforts to monitor the effectiveness of the 2021-2022 Order, notably to provide data to the two independent experts appointed by the Court.

21. However as outlined at paragraph 60 of my Second Affidavit, the Plaintiffs were unable to collect commercial data on the effectiveness of the 2021-2022 Order due to the short period of time for which the 2021-2022 Order was in place (i.e., from May 31 to June 26, 2022).

***B. Effectiveness of the 2022-2023 Order***

22. In the context of the 2022-2023 Order, Rogers Media once again attempted to assess its commercial effectiveness.

23. Although it can be challenging to quantify this type of data and to determine with certainty the correlation between anti-piracy efforts (including the 2021-2022 and 2022-2023 Orders) and the company's business performance, Rogers Media has made the following preliminary observations throughout the 2022-2023 NHL season:

[REDACTED]

[REDACTED]

b) For the 18-34 age group, viewership<sup>1</sup> on Rogers Media's Sportsnet channels increased by 13% for "National Games" and 9% for games between two US teams and for "Regional Games" (defined at paragraph 35 of my First Affidavit);

[REDACTED]

24. In conclusion, notwithstanding the limitations referenced in paragraph 21, Rogers Media considers that the 2022-2023 Order has been effective from a commercial standpoint.

SOLEMNLY AFFIRMED before me, through videoconference, in accordance with the Notice from the Ministère de la Justice du Québec, in Montreal, Province of Quebec, this 10<sup>th</sup> day of August 2023.

AND I HAVE ELECTRONICALLY SIGNED



Commissioner for Oaths  
Julie Morin  
(number: 193,000)

(S) Greg Sansone

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GREG SANSONE

<sup>1</sup> Calculated in « average minute audience » or "AMA". This is a standard viewership metric used in broadcasting, which corresponds how many viewers are tuned in during an average minute of content.

<sup>2</sup> [REDACTED]