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October 21, 2014

**VIA FAX**

Judicial Administrator  
Federal Court of Appeal  
Ottawa, ON K1A 0H9

Dear Madam or Sir:

**Re: Dr. Gábor Lukács v. Canadian Transportation Agency and British Airways Plc  
Federal Court of Appeal File No.: A-366-14  
Improper submissions in the reply of the Agency, dated October 21, 2014**

I am the appellant in the present proceeding. I am writing to alert the Court that paragraph 5 of the Agency's reply, dated October 21, 2014, in relation to the motion for an extension, may amount to an abuse of process because it contradicts the Agency's prior submissions at paragraph 15 of its written representations in support of the motion, dated October 7, 2014.

The Agency cited *Air Canada v. Canada (Canadian Transportation Agency)*, 2008 FCA 168 in support of its position, and included it as an authority in its motion record. Thus, it is improper for the Agency to argue in its reply that the case is not relevant.

The principle that the Agency may not take an adversarial position on an appeal from its own decision is not new, and was articulated by this Honourable Court in no uncertain terms in *VIA Rail Canada Inc. v. Canadian Transportation Agency*, 2005 FCA 79, at para. 94.

Sincerely yours,

Dr. Gábor Lukács

Cc: Ms. Odette Lalumière, counsel for the Canadian Transportation Agency  
Ms. Carol McCall, counsel for British Airways