

Federal Court of Appeal



Cour d'appel fédérale

Date: 20220719

Docket: A-102-20

Ottawa, Ontario, July 19, 2022

Present: GLEASON J.A.

BETWEEN:

AIR PASSENGER RIGHTS

Applicant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

and

THE CANADIAN TRANSPORTATION AGENCY

Intervener

ORDER

UPON motion of the intervener, the Canadian Transportation Agency (the CTA), seeking relief from being required to produce for inspection the materials requested in a Direction to Attend that the applicant served on senior counsel for the CTA, who is the deponent of an affidavit filed pursuant to an earlier Order of this Court;

AND UPON motion of the applicant for an order requiring the affiant to attend for cross-examination, at the CTA's expense, and to produce the materials requested in a Direction to Attend as well as other ancillary relief;

AND UPON receipt of correspondence from counsel for the parties and the CTA, the whole as more particularly described in the reasons that accompany this Order:

THIS COURT ORDERS that:

1. The undersigned will remain seized of all issues that require adjudication in this application that arise prior to the filing of a requisition for hearing;
2. Any future pre-hearing motions may be made informally, via way of letter, which will be referred to the undersigned for disposition, which disposition, if deemed necessary, may direct that a formal motion be filed;
3. Within 30 days of this Order, the parties and the CTA shall file an agreed-upon timetable for completion of the remaining steps to perfect this application, or failing agreement, file their respective proposals for the timetable;
4. The parties and the CTA shall comply with the process for obtaining rulings on privilege as outlined in the Reasons for this Order;
5. The CTA shall disclose the documents mentioned in paragraph 40 of the Reasons for this Order as soon as possible and in any event by no later than 10 days from the date of this Order;

6. Within the timeframe set out in paragraphs 42 and 43 of the Reasons for this Order, the parties shall take the steps outlined in those paragraphs regarding documents associated with the March 24, 2020 call;
7. The documents listed as items 9, 12 and 13 on the applicant's Direction to Attend shall be produced in accordance with the Reasons for this Order; and
8. Costs of these motions are in the cause.

"Mary J.L. Gleason"

J.A.