

July 22, 2022

VIA EMAIL

Judicial Administrator, Federal Court of Appeal
90 Sparks Street, 5th floor
Ottawa, Ontario K1A 0H9

Dear Madam or Sir,

RE: Air Passenger Rights v. AGC and CTA (A-102-20)

We are counsel for the Applicant. This letter is regarding the Reasons issued by Gleason, J.A. on July 19, 2022, particularly paragraph 43 where the Court directed the Applicant to forthwith advise the Court if a ruling is necessary with regards to “the March 24, 2020 call”, after the CTA has advised the Court in regards to paragraph 42. Please bring this letter to Gleason J.A.’s attention.

The Applicant has reviewed the CTA’s PDF file containing a letter and thirteen pages of disclosure and one MS Word Document. The Applicant submits that the ruling regarding the March 24, 2020 call should be deferred until completion of the cross-examination for the reason stated below.

These latest documents raise a serious concern whether there was only one March 24, 2020 Members call, or two calls. Pages 11-13 of the PDF file refers to a Members call at 10:30AM. There is no reference to that 10:30AM call being “in camera.” However, the “scheduler” that the CTA disclosed (page 15 of the PDF file) is for an “in camera” Members call that commences at 11:00AM, which appears to be a *different* call. In other words, the “scheduler” for the March 24, 2020 10:30AM Members call continues to be missing, and the CTA’s response today seems to conflate the 10:30AM call with the 11:00AM call.

The Applicant expects to explore this discrepancy at the cross-examination and respectfully requests the Court to defer the ruling regarding the March 24, 2020 call(s) until after the cross-examination is concluded.

Should the Court have any directions, we would be pleased to comply.

Yours truly,

EVOLINK LAW GROUP

SIMON LIN, Barrister & Solicitor

Cc: (1) Mr. Sandy Graham and Mr. Lorne Ptack, counsel for the Attorney General of Canada, and (2) Mr. Kevin Shaar, counsel for the Canadian Transportation Agency