

Federal Court of Appeal



Cour d'appel fédérale

Date: 20220902

Docket: A-102-20

Ottawa, Ontario, September 2, 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 receipt of correspondence from counsel for the applicant, setting out the schedule agreed upon by the parties further to this Court's Order of July 19, 2022;

AND UPON considering that the *Federal Courts Rules*, S.O.R./98-106 (the Rules) do not entitle an applicant to file a reply memorandum of fact and law;

AND UPON considering that the Rules provide that the affidavits need not be filed before they are included in a party's record;

THIS COURT ORDERS THAT:

1. The time periods for completion of the various steps required to perfect this application shall be as follows:
 - a. Cross-examination on Ms. Cuber's affidavit - to be completed by September 16, 2022;
 - b. Any motions regarding objections or refusals - to be brought by the applicant by no later than November 14, 2022. Subsequent materials in respect of any such motions shall be filed within the time limits set out in the Rules;
 - c. Any motions regarding privilege - to be brought by the respondent by no later than November 14, 2022. Subsequent materials in respect of any such motions shall be filed within the time limits set out in the Rules;
 - d. Any subsequent motion under Rule 41, if necessary - to be brought by the applicant within 20 days of the disposition of the motions mentioned in paragraphs 1(b) and (c) of this Order;
 - e. According to Rules 306 and 307, proof of service of the applicant's affidavit(s) - within 30 days of the disposition of the motion mentioned in paragraph 1(d) of this Order or, if no such motion is brought, within 30 days of the disposition of the motion mentioned in paragraphs 1(b) and (c) of this Order;

- f. According to Rules 306 and 307, proof of service of the respondent's affidavit(s) and any affidavit the intervener chooses to file in accordance with this Court's Order of October 15, 2021 - within 30 days of the service of the applicant's affidavit(s);
 - g. Conduct of cross-examinations - within the time limits set out in Rule 308;
 - h. Filing of the applicant's record - within the time limits contained in Rule 309;
 - i. Filing of the respondent and intervener's records - within 20 days from service of the applicant's record; and
 - j. Filing of the requisition for hearing - within the time limits contained in Rule 314.
2. If the applicant wishes to file a reply memorandum, it shall seek an order authorizing the filing, which order may be sought by way of informal motion filed by no later than 10 days from receipt of the respondent and intervener's records; and
3. Should an amendment to the schedule be required, the party seeking the amendment may seek an order authorizing the amendment by informal motion.

"Mary J.L. Gleason"

J.A.