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June 24, 2014

VIA EMAIL

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

Dear Madam or Sir:

**Re: Gábor Lukács v. Canadian Transportation Agency
Federal Court of Appeal File No.: A-218-14
Request for directions**

I am the Applicant in the above-noted application for judicial review. I am writing to ask for directions and guidance from the Honourable Court in relation to two matters.

I. Revision of schedule for filing of facta (on consent)

I am currently on a family visit in Europe, and I will be travelling for personal and professional purposes throughout July 2014. These circumstances significantly inhibit my ability to file hard copies of my application record by the deadline set out in Rule 309 of the *Federal Court Rules*. (Indeed, it is my understanding that E-Filing of documents is available in the Federal Court, but not in the Federal Court of Appeal.)

I have conferred with Ms. Lalumière, counsel for the Canadian Transportation Agency, and we have agreed on the following proposed schedule for filing facta:

- Applicant's factum: August 15, 2014
- Respondent's factum: September 15, 2014

I respectfully request that the Honourable Court approve this schedule.

II. Appropriate time and procedure for objections based on Rule 81(1)

I would also like to seek the guidance of the Honourable Court as to the appropriate time and procedure to object to the contents of the affidavit served upon me by the Canadian Transportation Agency pursuant to Rule 307. The affidavit in question appears to contain paragraphs that do not conform to Rule 81(1) of the *Federal Court Rules*.

I found two different practices for dealing with such objections, but I am uncertain as to the principles that govern which of these two a party is expected to follow:

- (a) bringing a motion to strike an affidavit or portions thereof (*Ray v. Canada*, 2003 FCA 317 and *Canadian Tire Corporation v. Canadian Bicycle Manufacturers Association*, 2006 FCA 56);
- (b) raising the admissibility of the affidavit or portions thereof as a preliminary issue in the factum and at the hearing of the application (*Caba v. Canada (Attorney General)*, 2012 FC 1017 and *Kassab v. Bell Canada*, 2008 FC 1181).

While option (b) appears to be more efficient to conserve valuable judicial resources, I am concerned that I may be mistaken due to my inexperience and lack of formal legal training.

Therefore, I am asking for the guidance of the Honourable Court as to which of these two procedures I am to follow.

Sincerely yours,

Dr. Gábor Lukács

Cc: Ms. Odette Lalumière, counsel for the Canadian Transportation Agency