

Federal Court of Appeal



Cour d'appel fédérale

Date: 20160609

Docket: 16-A-17

Ottawa, Ontario, June 9, 2016

Present: GLEASON J.A.

BETWEEN:

GÁBOR LUKÁCS

Appellant

and

CANADIAN TRANSPORTATION AGENCY
AND NEWLEAF TRAVEL COMPANY INC.

Respondents

ORDER

UPON review of the correspondence from counsel for the appellant and the respondents regarding the appellant's request for disclosure of materials from the respondent, the Canadian Transportation Agency [the Agency];

AND UPON noting that the respondents claim that the requested materials are irrelevant and should not be produced because they are confidential;

AND UPON considering that the appellant bears the burden of establishing the relevance of the requested materials but the respondents bear the burden of establishing confidentiality;

AND in light of the Order of this Court of today's date granting the appellant leave to appeal and providing for the expedition of the appeal;

THIS COURT ORDERS that:

1. If the appellant wishes to pursue his request for production of materials under Rules 317, 318 and 350 of the *Federal Courts Rules*, SOR/98-106, he shall file a motion in writing, with supporting affidavit(s) and representations, within ten (10) days of the date the Notice of Appeal is filed;
2. The respondents shall file their responding motion records within ten (10) days of the date of service of the appellant's record. To the extent either respondent wishes part of its motion record to be sealed under Rules 151-152, it should request that in its Notice of Motion and support its request with evidence. Any confidential material may be included in a confidential volume within a sealed envelope;
3. The appellant, if he wishes, may file a reply record within five (5) days of receipt of the respondents' records;
4. The Registry shall forward the motion to me for determination immediately after the reply has been filed or the time for reply has expired, whichever occurs first; and

5. The parties shall use their best efforts to forthwith agree on a schedule for completion of all pre-hearing steps in this appeal. If they are unable to do so, they may raise the issue by motion in writing, which the Registry shall forward to me for determination.

"Mary J.L. Gleason"

J.A.