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July 22, 2016

URGENT

VIA FAX/EMAIL

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

Dear Madam or Sir:

**Re: Dr. Gábor Lukács v. Canadian Transportation Agency
Federal Court of Appeal File No.: A-242-16
Urgent motion for an interlocutory injunction/stay pending appeal
Reply to the letter of Mr. Meronek, dated July 22, 2016**

I am writing to reply to the letter of Mr. Meronek.

Credit card refund does not cover repatriation costs

Mr. Meronek erroneously suggests that credit cards provide the same or even better protection as the provincial schemes. This is not the case.

Credit cards can refund only the fare paid by passengers to NewLeaf. They do not cover repatriation costs. For example, a passenger who paid NewLeaf's low fare of \$99 would have to pay 5-10 times that amount for a last-minute one-way Air Canada or WestJet ticket in order to get home.

The Agency never considered financial risk to the public

The Agency addressed consumer protection at paragraph 38 of the Decision Under Appeal, and relied entirely on the provincial travel protection schemes, which do not apply to NewLeaf. The Agency never considered the financial risks that NewLeaf may pose for the public.

In granting leave to appeal, this Honourable Court was of the view that there is an arguable case that the Agency's decision is wrong.

Timelines for the motion

Rule 88(2) permits cross-examinations by way of video-conference. In a number of past cases before this Honourable Court, cross-examinations were conducted over Skype. In the interest of expediting matters, it would be most practical to do the same in the present case.

Although I am currently travelling in Europe, due to the urgent nature of the motion and its profound impact on the travelling public, I will be happy to make myself available for cross-examination over Skype today (Friday), tomorrow (Saturday), or next week.

Sincerely yours,

Dr. Gábor Lukács
Applicant

Cc: Mr. Allan Matte, counsel for the Canadian Transportation Agency
(Allan.Matte@otc-cta.gc.ca)
Mr. Brian J. Meronek, counsel for NewLeaf (bmeronek@DarcyDeacon.com)
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