



By Facsimile: (613) 952-7226

August 26, 2014

The Registrar
Federal Court of Appeal
1st Floor
90 Sparks Street
Ottawa, Ontario

Dear Sir/Madam:

Re: Dr. Gabor Lukacs v. Canadian Transportation Agency
– Court File No.: A-357-14

I am writing on behalf of the respondent Canadian Transportation Agency (Agency) to seek the direction of this Honourable Court on how to proceed in requesting a determination on the contents of the appeal book in the above-mentioned file.

Pursuant to subsection 343(3) of the *Federal Courts Rules*, SOR/98-106 (Rules), in the event that no agreement is reached on the contents of the appeal book, the appellant shall make a motion for a determination on its contents. In this case, however, the appellant is seeking to exclude a document that the respondent wishes to include in the appeal book.

In this circumstance, the Agency considers that it would be appropriate for it to be permitted to file the motion respecting the contents of the appeal book. This would allow the Agency to put the document before the Court in a motion and to explain its reasons for seeking inclusion of the document. The appellant could then present his arguments against its inclusion in a response. The Agency considers that, in light of the fact that the appellant is self-represented and that the Agency is seeking to include a document to which the appellant does not agree, the responsibility should fall on the Agency to make the motion in this case.

The Agency has contacted the appellant, who has indicated that he agrees with the proposal that the Agency be responsible for making the motion to determine whether any version of the document in question should be included in the appeal book.

Moreover, in this case, the Agency intends to make a motion in the alternative that, in the event the Court should order that the document will not form part of the appeal book, it should be included as new evidence on appeal pursuant to section 351 of the Rules.

In light of this, the Agency seeks the Court's direction with respect to the above, and specifically whether it may be permitted to file the motion under subsection 343(3) of the Rules, with a motion under section 351 in the alternative, in this case.

All of which is respectfully submitted.



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