

January 6, 2022

VIA EMAIL

Judicial Administrator, Federal Court of Appeal
90 Sparks Street, 5th floor
Ottawa, Ontario K1A 0H9

Dear Madam or Sir,

RE: Air Passenger Rights v. Attorney General of Canada and the Canadian Transportation Agency (A-102-20)

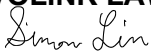
We write to object to the Respondent's letter from today and their request for case management. The Respondent was fully aware that the Applicant has not consented to case management. Case management requests should not be made by way of a letter when it is not by consent. Rather, the Respondent should have brought their request by way of a motion, with evidence.

The Applicant notes that the Respondent's request for case management at this juncture is extremely peculiar. By Order dated October 15, 2021, Gleason JA is already seized with the next procedural steps of this Application.¹ Gleason JA has also stipulated the timing for the steps after the procedural steps are concluded.² In light of Gleason JA's order, there is evidently no need for case management. The Respondent's request appears to be a form of judge shopping or, to echo the letter from the Canadian Transportation Agency (CTA) on December 24, 2021, to open a forum to indirectly relitigate Gleason JA's order on October 15, 2021.

On December 30, 2021, the Applicant responded to the CTA's letter of December 24, 2021 and continues to take steps to seek the CTA's compliance with the Court's Order. Justice and the rule of law demand that any defiance of a court order should be dealt with openly and formally by way of a motion, not informally as the CTA and the Respondent propose.

Should the Court see fit to designate this Application for case management, the Applicant submits that Gleason JA should be formally designated as the case management judge. Her Ladyship has presided over numerous motions for this Application, issued numerous directions for this case, and has been *de facto* case managing this matter for the past year.

Yours truly,

EVOLINK LAW GROUP
SIMON LIN, Barrister & Solicitor

¹ [Air Passenger Rights v. Canada \(AG\)](#), 2021 FCA 201 at paras. 29-31; Order at paras. 8-10.

² *Ibid.*