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BY EMAIL WITH COPY TO COUNSEL

January 18, 2022

Our File Number: LEX-500074803

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

**Re: Air Passenger Rights v The Attorney General of Canada
Court File No.: A-102-20**

Dear Administrator:

I write in respect of cfn. A-102-20, *Air Passenger Rights v. Attorney General of Canada and the Canadian Transport Agency*. The matters addressed below are time-sensitive and therefore we would be grateful if this letter were brought to the attention of the Honourable Justice Gleason at the Registry's earliest convenience.

On Monday, January 17, 2022, counsel for the Applicant served and filed a Notice of Motion and Motion Record, seeking to require the Intervener CTA to show cause why the Agency and its principals should not be held in contempt of court for non-compliance with the Order for production of documents issued on October 15, 2021.

This latest motion brings to five the number of motions or procedural matters currently outstanding in this proceeding, which has been ongoing since April 9, 2020. Summarily:

1. The AGC's December 14, 2021, motion for an extension of time to provide documents responsive to the October 15, 2021 Order;
2. The AGC's December 14, 2021, motion to maintain redactions on irrelevant or privileged portions of documents otherwise disclosed by the CTA;
3. The CTA's December 24, 2021, letter requesting directions regarding disclosure;
4. The AGC's January 6, 2022, letter requesting the assignment of a Case Management Judge; and,
5. The Applicant's January 17, 2022, show cause motion.

I write to propose that a CMC be scheduled in the immediate future to facilitate the Court setting down a schedule for dealing with these various matters and moving the

proceeding forward in the most reasonable and expeditious manner possible. This approach would promote the “interests of judicial economy and efficiency”, as raised by the Applicant at paragraph 15 of the January 17, 2022 Notice of Motion. The Attorney General further submits that the parties should focus their efforts on determining whether additional disclosure is warranted. Indeed, at paragraph 16 of the Notice of Motion the Applicant implies that if the disclosure order is complied with, there will be no need for a contempt of court hearing. The AGC is in agreement with this approach. It may be that a further or other Order from the Court of Appeal is required to facilitate disclosure or clarify the appropriate steps to be taken, and a CMC would afford the Court and Parties the opportunity to formulate such a Order.

As the Rules provide for a period of ten days for the AGC and CTA to respond to the January 17, 2022 motion, the Court of Appeal's Directions towards a CMC, or otherwise how best to proceed, are requested as quickly as possible if it pleases the Court to issue such. Counsel for the AGC are generally available between 10:00 and 16:00 for the next two weeks.

Should the Court of Appeal require any further information, we would be pleased to make ourselves available.

Yours truly,

A handwritten signature in black ink, appearing to read "Lorne Ptack", with a long horizontal stroke extending to the right.

Lorne Ptack, Senior Counsel
J. Sanderson (Sandy) Graham, Senior General Counsel

c.c. Simon Lin, Counsel for the Applicant
Barbara Cuber, Counsel for the Intervener