

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20220915**

**Docket: A-102-20**

**Ottawa, Ontario, September 15, 2022**

**Present: GLEASON J.A.**

**BETWEEN:**

**AIR PASSENGER RIGHTS**

**Applicant**

**and**

**THE ATTORNEY GENERAL OF CANADA**

**Respondent**

**and**

**CANADIAN TRANSPORTATION AGENCY**

**Intervener**

**ORDER**

**UPON** informal motion of the applicant seeking an order requiring the intervener to forthwith disclose Item 9 on the Direction to Attend, without redactions, and to provide an affidavit addressing the intervener's assertions that there are no documents responsive to Item 12 on the Direction to Attend;

**AND UPON** informal motion of the intervener seeking a confidentiality order with respect to the portion of Item 9 that it has redacted in the documents disclosed to the applicant;

**AND UPON** reading the submissions, made by way of letter, filed in respect of the motions;

**AND UPON** concluding that the Court needs to see an unredacted copy of Item 9 to rule on the motions pending in respect of it:

**AND UPON** determining that it is not necessary that the intervener be ordered to file a supplementary affidavit in the manner requested by the applicant and that the applicant can pose questions to Ms. Cuber regarding the documents responsive to Item 12;

**THIS COURT ORDERS THAT:**

1. The intervener shall forthwith file, on a confidential basis, an unredacted copy of Item 9;
2. The pending motions in respect of Item 9 shall then be returned to the undersigned for disposition;
3. The applicant's motion in respect of Item 12, is dismissed; and
4. Costs in respect of these motions are in the cause.

"Mary J.L. Gleason"

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J.A.