



Department of Justice
Canada

Ministère de la Justice
Canada

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WITH COPY TO COUNSEL BY EMAIL

November 21, 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
Respondent's Motion to Claim Privilege
Public and Court versions

Dear Administrator:

I would be grateful if this letter were brought to the attention of the Honourable Justice Gleason at your earliest convenience.

I write further to my letter of November 14, 2022, and the Court of Appeal's September 2, 2022 Order. Please note that nothing below or attached hereto reflects any position taken to date or in the future by the Intervener *Canadian Transportation Agency*.

Attached please find the Respondent's Motion Record, informally seeking an extension of time to serve and file the Motion Record, and to maintain claims of privilege in respect of two documents which arise in the underlying proceeding.

I note for the Court of Appeal's information that the same two documents are the subject of the Applicant's November 14, 2022 Motion to Compel Production. It is the Respondent's understanding that the November 14, 2022 motion will be opposed by the Intervener, including in respect of the relevance of the two documents.

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Also attached please find redacted versions of the Affidavit of E. Schmidt, affirmed November 21, 2022, and the Respondent's written submissions, which may be used in the public version of the Court of Appeal's file. These redacted documents have been served on counsel for the Applicant. The unredacted affidavit and submissions should be held as confidential pending a decision by the Court of Appeal, and thereafter if appropriate.

Should the Court of Appeal require further information or submissions, counsel for the Respondent will be pleased to respond.

Yours truly,

A handwritten signature in black ink, appearing to read "Lorne Ptack". The signature is written in a cursive style with a long horizontal stroke at the end.

Lorne Ptack
Counsel for the Respondent

c.c. Simon Lin, Counsel for the Applicant
Kevin Shaar, Counsel for the Intervener