

Federal Court of Appeal



Cour d'appel fédérale

Date: 20230104

Docket: A-102-20

Ottawa, Ontario, January 4, 2023

Present: GLEASON J.A.

BETWEEN:

AIR PASSENGER RIGHTS

Applicant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

and

THE CANADIAN TRANSPORTATION AGENCY

Intervener

**ORDER**

UPON motion of the applicant for an order requiring:

- the Canadian Transportation Agency (the CTA) to conduct additional searches for documents responsive to earlier disclosure Orders issued in this matter;
- the CTA to produce the documents located via the above search, the respondent to bring any motions with respect to privilege claims regarding any such

documents, and the CTA to report back to the Court and the parties as to its search efforts, the whole in accordance with the time frames and details provided by the applicant in its Notice of Motion;

- the CTA to produced the documents that the applicant has identified as the “Withheld C-5 Urgent Debrief Call Documents” and the “Jones-Cuber Email”;  
and
- Transport Canada to take all necessary steps to preserve documents relevant to this application.

**AND UPON** motion of the respondent for an order finding that the “Withheld C-5 Urgent Debrief Call Documents” and the “Jones-Cuber Email” are exempt from disclosure by reason of privilege;

**AND UPON** motion of the applicant for an order permitting the filing of an additional affidavit from Dr. Lukács;

**AND UPON** reading the materials filed;

**THIS COURT ORDERS** that:

1. The motion of the applicant for an order permitting the filing of an additional affidavit is dismissed;
2. The other two motions are granted in part in accordance with the Reasons of this Court; and

3. Costs of these motions are in the cause.

“Mary J.L. Gleason”

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J.A.