

February 7, 2022

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

Dear Madam or Sir,

RE: Air Passenger Rights v. AGC and CTA (A-102-20)

We are counsel for the Applicant. Please bring this letter to Gleason J.A.'s attention. Her Ladyship is seized with the Applicant's motion served and filed on January 17, 2022.

We enclose the Applicant's Reply submissions to the written representations filed by the Intervener, the Canadian Transportation Agency [CTA]. Furthermore, we respectfully request the Court to accept this letter as an informal motion to file the Supplementary Affidavit of Dr. Gabor Lukacs, affirmed on February 6, 2022 [**Supplementary Lukacs Affidavit**].

The Supplementary Lukacs Affidavit attaches two exhibits, consisting of three email chains, as summarized below. The CTA delivered these emails on January 31, 2022 and February 1, 2022,¹ after the Applicant's motion was served. The emails are **not** entirely new materials. Rather, they are unredacted versions of emails, or a refreshed copy of an email that the CTA previously delivered. The Applicant has pinpointed the emails to the January 17, 2022 Motion Record below.

The documents are relevant for the Applicant's motion and the CTA will suffer no prejudice.²

Supplementary Lukacs Affidavit	Lukacs Affidavit, Jan. 16, 2022	Applicant's Submissions on the Informal Motion for a Further Affidavit
Exhibit "A" (p. 6)	Exhibit "G" (p. 73)	No further submissions other than the above.
Exhibit "A" (pp. 7-9)	Exhibit "T" (pp. 117-118)	The email reveals that Transport Canada was pressuring the CTA behind the scenes. The CTA cited "the Minister of Transport's Chief of Staff" at para. 75 of its submissions, which is text that appears in the unredacted document only.
Exhibit "B" (pp. 13-14)	Exhibit "AA" (p. 140)	The CTA referred to the newly delivered document at paras. 44-45 of the CTA's Written Representations.

¹ Supplementary Lukacs Affidavit, para. 3 and Exhibit "A" (p. 5).

² [Air Passenger Rights v. Canada \(A.G.\)](#), 2021 FCA 201 at paras. 14-18.

Should the Court have any directions, we would be pleased to comply.

Yours truly,

EVOLINK LAW GROUP

Simon Lin

SIMON LIN

Barrister & Solicitor

Encls: (1) Applicant's Reply to the Intervener's Written Representations; **(2)** Affidavit of Dr. Gabor Lukacs on February 6, 2022.

Cc: Mr. Sandy Graham and Mr. Lorne Ptack, counsel for the Attorney General of Canada, and Ms. Barbara Cuber, counsel for the Canadian Transportation Agency.