



**This is the 3rd Affidavit
of Brittany Dieno in this proceeding
and was made on July 17, 2025**

No. NEW-S-S-254494
NEW WESTMINSTER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN

AIR PASSENGER RIGHTS

PLAINTIFF

AND

WESTJET AIRLINES LTD.

DEFENDANT

Affidavit #3 of Brittany Dieno

I, Brittany Dieno, paralegal, of 101-5553 16th Avenue, in the City of Delta, in the Province of British Columbia, SOLEMNLY AFFIRM THAT:

1. I am Brittany Dieno, contract paralegal to Simon Lin, (counsel for the Plaintiff) and as such I have personal knowledge of the matters hereinafter deposed to, except where stated to be on information and belief and, where so stated, I verily believe those matters to be true.
2. Attached and marked as **Exhibit "A"** is a copy of an email from Simon Lin to Michael Dery, Nicolas Pimentel, and Elisa Aguiar, attaching a letter to the defendant and the XFD Requests, sent on April 17, 2025.
3. Attached and marked as **Exhibit "B"** is a copy of an email from Diana Klassen to Simon Lin, Michael Dery, Nicolas Pimentel, and Elisa Aguiar, attaching the letter to the defendant from Simon Lin, sent on April 30, 2025.
4. Attached and marked as **Exhibit "C"** is a copy of an email from Simon Lin to Diana Klassen, Michael Dery, Nicolas Pimentel, and Elisa Aguiar, sent on April 30, 2025, disagreeing with the proposed deadline being arbitrary and requesting a Response to the

application.

5. Attached and marked as **Exhibit “D”** is a copy of an email from Michael Dery to Simon Lin, Diana Klassen, Nicolas Pimentel, and Elisa Aguiar, sent on May 1, 2025 at 10:03AM, regarding availability for a chambers motion.

6. Attached and marked as **Exhibit “E”** is a copy of an email from Simon Lin to Michael Dery, Diana Klassen, Nicolas Pimentel, and Elisa Aguiar, sent on May 1, 2025, at 4:56PM, regarding holding dates for chambers motion.

7. Attached and marked as **Exhibit “F”** is a copy of an email from Simon Lin to Michael Dery, Diana Klassen, Nicolas Pimentel, and Elisa Aguiar, sent on June 10, 2025, advising August 6-7, has been secured for the chambers motion in New Westminster.

8. Attached and marked as **Exhibit “G”** is a copy of an email from Diana Klassen to Simon Lin, Michael Dery, Nicolas Pimentel, and Elisa Aguiar, requesting additional time for providing a response.

9. Attached and marked as **Exhibit “H”** is a copy of a response email from Simon Lin to Diana Klassen, Michael Dery, Nicolas Pimentel, and Elisa Aguiar, sent on July 4, 2025, at 2:08PM.

10. Attached and marked as **Exhibit “I”** is a copy of an email from Simon Lin to Michael Dery, Diana Klassen, Nicolas Pimentel, and Elisa Aguiar, sent on July 4, 2025, following up on the discovery requests.

11. Attached and marked as **Exhibit “J”** is a copy of an email from Simon Lin to Diana Klassen, Michael Dery, Nicolas Pimentel, and Elisa Aguiar, sent on July 7, 2025, requesting dates that are not available for September.

12. Attached and marked as **Exhibit “K”** is a copy of an email from Nicolas Pimentel to Simon Lin, Diana Klassen, Michael Dery, and Elisa Aguiar, sent on July 8, 2025, providing availability for September dates.

13. Attached and marked as **Exhibit “L”** is a copy of an email from Simon Lin to Nicolas Pimentel, Diana Klassen, Michael Dery, and Elisa Aguiar, sent on July 8, 2025, regarding securing chambers hearing dates.

14. Attached and marked as **Exhibit “M”** is a copy of an email from Simon Lin to Diana Klassen, Michael Dery, Nicolas Pimentel, and Elisa Aguiar, sent on July 8, 2025, advising of proceeding to book any September time slot available.

15. Attached and marked as **Exhibit “N”** is a copy of an email from Simon Lin to Nicolas Pimentel, Diana Klassen, Michael Dery, and Elisa Aguiar, sent on July 14, 2025, following up on the outstanding discovery requests.

16. Mr. Simon Lin advises, and I believe to be true, that as of the time of signing this affidavit Mr. Lin has not received a response to the follow-ups to the examination for discovery requests.

Remote Commissioning of this Affidavit

17. I acknowledge the solemnity of making a solemn declaration and acknowledge the consequences of making an untrue statement.

18. I was not physically present before the person before whom this affidavit was affirmed but was in that person’s presence using video conferencing.

AFFIRMED before me
at the City of Coquitlam, British Columbia
on July 17, 2025



A Commissioner for Taking Affidavits for Ontario

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Brittany Dieno

Simon Lin, Barrister & Solicitor
Evolink Law Group
4388 Still Creek Drive, Suite 237
Burnaby BC V5C 6C6

This is **Exhibit “A”** to the Affidavit of Brittany Dieno
affirmed before me on July 17, 2025

A handwritten signature in cursive script that reads "Simon Lin".

Simon Lin

Brittany Dieno

From: Simon Lin <simonlin@evolinklaw.com>
Sent: April 17, 2025 4:27 PM
To: Michael (mdery@AHBL.CA) DERY
Cc: PIMENTEL, Nicolas; AGUIAR, Elisa
Subject: Air Passenger Rights v. WestJet Airlines Ltd., NEW-S-S-254494 (Requests from Ms. McKenzie's Examination for Discovery)
Attachments: XFD Requests.pdf; 2025-04-17 LT Defendant.pdf

Hello Mike,

Please see enclosed.

Thank you.

Kind Regards,

Simon Lin
 Barrister & Solicitor

evolink LAW

Evolink Law Group
 237-4388 Still Creek Drive, Burnaby, B.C. V5C 6C6
 T: [604-620-2666](tel:604-620-2666)
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INDEX OF REQUESTS

Reporter's Interpretation of Outstanding Requests

No.	Description	Page
1	Provide the WestJet organizational chart which includes the contact centre (***TAKEN UNDER ADVISEMENT***)	26
2	Advise what options were under the drown-down menu "compensation type" on WestJet's "Submit Expenses" webpage on August 10, 2024	29
3	Provide the percentage of people that choose each option under the drown-down menu "compensation type" on WestJet's "Submit Expenses" webpage from August 3, 2022, to the present (***REFUSED***)	30
4	Advise whether the information transmitting through the website's "Submit a Request For Reimbursement" form arrives at WestJet in the form of an email	32

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1	5	Advise whether passengers receive a	33
2		confirmation email or a copy of what they have	
3		submitted through the website's "Submit a	
4		Request For Reimbursement" form for the period	
5		August 3, 2022 to the present; if they do not	
6		receive a copy, provide the reason why the	
7		passenger is not provided a copy	
8	6	Advise as to how long the Sprinklr system	38
9		retains web form submissions	
10	7	Advise how reimbursement requests were assigned	40
11		between August 3, 2022, and August 10, 2024,	
12		and from August 10, 2024, to the present	
13	8	Provide the full name of Gaby and advise	44
14		whether they are still at WestJet	
15	9	Provide the full name of Angii and advise	45
16		whether they are still at WestJet	
17	10	Advise whether the amounts to reimburse from	52
18		August 3, 2022, to the present are recorded in	
19		Sprinklr; if not, provide the name of the	
20		system in which they are recorded	
21	11	Advise whether the expense reimbursement	54
22		amounts are recorded in the passenger's	
23		passenger name record (PNR), Sprinklr or any	
24		other system during the period August 3, 2022,	
25		to the present	

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1	12	Advise whether the guest support team	54
2		performance or individual employee's	
3		performance is tracked in any way as regards	
4		what is paid out to passengers for expense	
5		reimbursements	
6	13	Advise when the template that is WestJet's	57
7		document 1.6 was first used within the guest	
8		support team during the period August 3, 2022,	
9		to the present	
10	14	Advise whether the template that is WestJet's	57
11		document 1.6 is still being used within the	
12		guest support team	
13	15	Provide a screenshot of the search feature for	60
14		Sprinklr, including any advanced search	
15		features	
16		(***TAKEN UNDER ADVISEMENT***)	
17	16	Provide the names of those that reviewed and	64
18		approved the updated webpage (WestJet document	
19		1.2)	
20	17	Advise what WestJet means by "access to means	65
21		of communication"	
22	18	Advise whether or not WestJet is able to	66
23		ascertain if a meal voucher has been redeemed	
24		or used	
25			

7

1 19 Provide the date that the flight disruption 73

2 hotel availability template was first used

3 (WestJet document 1.30)

4 20 Provide details of what has been updated on the 74

5 template and also when it was updated (WestJet

6 document 1.30)

7 21 Advise what system was used to send out the 78

8 email template from August 3, 2022, to the

9 present (WestJet document 1.30)

10 22 Provide emails using the template that were 79

11 actually sent out to passengers from August 3,

12 2022, to the present (WestJet document 1.30)

13 (***TAKEN UNDER ADVISEMENT***)

14 23 Advise whether a passenger's PNR would reflect 82

15 that a booking was made through WestJet Biz

16 24 Advise who recommended and approved the \$150 85

17 and \$200 figures within the general guidelines

18 (WestJet document 1.1)

19 25 Advise whether the numbers that are applied by 87

20 the WestJet employee for hotel reimbursements

21 are recorded in Sprinklr

22 26 Advise who proposed and approved the \$45 amount 88

23 and advise what materials were used to come up

24 with this number (WestJet document 1.1)

25

			8
1	27	Advise who proposed and approved the \$150 and	89
2		\$200 amounts for hotel reimbursements and	
3		advise what materials were used to come up with	
4		those numbers (WestJet document 1.1)	
5	28	Advise when the template that is WestJet	94
6		document 1.12 was first used and whether it is	
7		still being used	
8	29	Advise whether there is any WestJet policy in	94
9		relation to responding to passengers' claims	
10		that are made under section 19 of the Montreal	
11		Convention	
12	30	Advise when the template that is WestJet	95
13		document 1.13 was first used	
14	31	Advise whether the template that is WestJet	96
15		document 1.13 is still being used, and if not,	
16		then advise what template has replaced it	
17	32	Advise whether a guest support employee would	102
18		need to document their decision to pay for	
19		expenses that are outside WestJet's control and	
20		advise where those decisions are recorded	
21	33	Advise when the form for declining requests for	103
22		reimbursement was first used and whether it is	
23		still being used (WestJet document 1.17)	
24			
25			

9

1 34 Advise when the template that is WestJet 106

2 document 1.18 was first used and whether it is

3 still being used; identify and provide any

4 variation of the template that is currently

5 being used

6 35 Provide the policy documents in the WestJet 113

7 Information Network as they relate to expense

8 reimbursement, or if they have been provided,

9 advise what documents they are in the

10 production

11 (**TAKEN UNDER ADVISEMENT**)

12 36 Provide the policy documents that covers guests 118

13 experiencing a delay or cancellation within

14 WestJet's control

15 37 Advise whether WestJet tracks the number of 124

16 instances where hotel accommodations were made

17 available to guests versus the number of

18 situations where hotel accommodations were not

19 made available to guests

20 38 Provide any data related to the number of 124

21 passengers that receive hotel vouchers versus

22 those that need to book their own hotels, for

23 the period from August 3, 2022, to the present

24

25

10

1 39 Advise whether WestJet document 1.2 is the page 126
2 that the reimbursement request is submitted
3 through
4 40 Advise whether WestJet has records in the PNR, 127
5 in Sprinklr or any other system that a
6 passenger has received the email with the
7 template entitled "flight disruptions-hotel
8 availability" (WestJet document 1.31)
9 41 Advise whether in terms of emails sent out to 128
10 passengers it is part of the protocol to
11 include the text contained at page 15 of
12 plaintiff's document 1.5, resembling the
13 request form itself
14 42 Provide all the reimbursement emails that 130
15 WestJet sent to passengers from
16 expensedelays@westjet.com between August 16,
17 2024, to October 31, 2024, relating to hotel
18 reimbursements or meal reimbursements
19 (**TAKEN UNDER ADVISEMENT**)
20 43 Advise when the template that is WestJet 133
21 document 1.20 was first used and if it is still
22 being used; if it is not currently in use, then
23 advise when was the last time it was used
24
25

11

1 44 Provide all copies of outgoing emails from the 134
2 email address expensedelays@westjet.com that
3 utilize the template that is WestJet document
4 1.20 between the dates of August 3, 2022, to
5 the present
6 45 Advise when the template that is WestJet 135
7 document 1.23 was first used and it is still
8 being used; if it is not currently in use, then
9 advise when was the last time it was used
10 46 Provide all copies of outgoing emails from the 136
11 email address expensedelays@westjet.com that
12 utilize the template that is WestJet document
13 1.23 between the dates of August 3, 2022, to
14 the present
15 (**TAKEN UNDER ADVISEMENT**)
16 47 Provide the date that the version of the SOP 138
17 expense reimbursement request document was
18 effective and advise whether it is still in
19 effect; if it is not in effect, then advise
20 when it ceased to have been in effect (WestJet
21 document 1.33)
22 48 Provide the guest pay and claim spreadsheet for 144
23 the time period August 3, 2022, to the present
24
25

12

1 49 Advise whether there is a list of irregular 145
2 operation (IROP) reasons that are utilized as
3 part of the reimbursement policy
4 (***TAKEN UNDER ADVISEMENT***)
5 50 Advise why there is a difference in the amounts 146
6 for reimbursement for meals between the two
7 types of passengers
8 51 Advise who established the distinction of \$15 147
9 for all passengers except for platinum and gold
10 reward members
11 52 Provide all emails that were sent from 147
12 expensedelays@westjet.com from August 3, 2022,
13 to the present where the \$150 CAD in Canada
14 figure, \$200 CAD outside Canada figure, \$15 per
15 meal per person per day or \$30 per meal per day
16 figure was utilized or applied
17 (***TAKEN UNDER ADVISEMENT***)
18 53 Advise when the decision was made to include 149
19 entertainment, tickets, cellphone charges and
20 missed events in the policy and who recommended
21 or approved this decision and also what
22 documents were used by that person to arrive at
23 this policy
24
25

13

1 54 Provide all emails that were sent from 150

2 expensedelays@westjet.com from August 3, 2022,

3 to the present where there were payouts for

4 entertainment tickets, cellphone charges or

5 missed events

6 (**TAKEN UNDER ADVISEMENT**)

7 55 Provide all emails that were sent from 150

8 expensedelays@westjet.com from August 3, 2022,

9 to the present where entertainment tickets,

10 cellphone charges or missed events were not

11 paid out

12 (**TAKEN UNDER ADVISEMENT**)

13 56 Advise what the GSUP worksheet is used for and 153

14 provide the names of the fields or columns that

15 are in the GSUP worksheet

16 57 Provide a copy of the IROP delay and cancel 154

17 codes

18 (**TAKEN UNDER ADVISEMENT**)

19 58 Provide a copy of the Decision Tree IROP 154

20 Standards that were in effect between August 3,

21 2022, to the present

22 59 Provide a list of the categories in relation to 156

23 the macro in Sprinkl

24

25

14

1 60 Advise when WestJet document 1.34 came into 159

2 effect, if it is still in effect and if it is

3 not in effect, then when did it cease to be in

4 effect

5 61 Advise who approved WestJet documents 1.33 and 161

6 1.34 to be posted on the WestJet Information

7 Network

8 62 Advise what system is being used to reference 164

9 whether a disruption is controllable,

10 uncontrollable or safety, and if this

11 information is in a spreadsheet then provide

12 the names of the columns or fields for that

13 spreadsheet

14 (**TAKEN UNDER ADVISEMENT**)

15 63 Advise when the \$15, \$30 and \$150 figures for 166

16 meal reimbursement were decided and who made

17 the decision, relating to WestJet document

18 1.34, the three dollar figures on the right

19 side on the "uncontrollable" column

20 64 Advise of any articles or postings contained in 168

21 WestJet Information Network that could be used

22 for ascertaining whether an amount claimed for

23 expenses is reasonable, including a list of

24 factors to consider such as location

25 (**UNDER ADVISEMENT**)

15

1 65 Advise whether the amounts \$150 and \$200 for a 171
2 hotel, \$15 and \$30 for meals are applied to
3 disruptions that are controllable or
4 disruptions that are for safety, with respect
5 to WestJet document 1.33
6 66 Advise whether any previous templates or 172
7 currently in use templates have explicit
8 reference to passengers making claims under the
9 Montreal Convention
10 67 Advise whether the guest support team utilizes 174
11 or references the Policy: Irregular operations
12 (IROP) document for processing reimbursement
13 requests (WestJet document 1.35)
14 68 Advise when the IROP policy document came into 175
15 effect, if it is still in effect and if it is
16 not in effect, then when did it cease to be in
17 effect (WestJet document 1.35)
18 69 Advise who recommended or approved the 176
19 distinction on IROP Vouchers between \$15 and
20 \$30 for meal reimbursement and when this policy
21 was first in place
22 (***)TAKEN UNDER ADVISEMENT(***)

23
24
25

16

1 70 Advise whether WestJet has any written guidance 179
2 or article that would assist the contact centre
3 employee to draw the line between a
4 controllable IROP versus a schedule change
5 (**TAKEN UNDER ADVISEMENT**)
6 71 Provide any articles from WestJet's Information 182
7 Network on WestJet reimbursing or not
8 reimbursing cellular roaming charges, missed
9 nights in a hotel room, missed entertainment/
10 sporting/excursion events, lost wages or missed
11 connections to non-partner airlines or cruises
12 72 Advise whether WestJet document 1.35 is used by 185
13 the guest support team
14 73 Advise whether the documented items are 188
15 contained with the SOP in WestJet document 1.33
16 or 1.34 or if there is more than that
17 74 Advise when WestJet document 1.36 came into 189
18 effect, if it is still in effect and if it is
19 not in effect, then when did it cease to be in
20 effect
21 75 Advise whether an employees in the guest 192
22 support team would need to document how they
23 arrived at reasonable amounts for meals and/or
24 hotels
25

17

1 76 Advise whether there are any templates that are 193
2 used by the guest support employees that
3 explains to the passengers how they arrived at
4 the reasonable amounts for meals and hotels

5 77 Provide any emails that were sent from 193
6 expensedelays@westjet.com using templates
7 explaining the reasonable amounts for meals and
8 hotels for the months of September 2024,
9 October 2024 and December 2024

10 78 Advise when the "Policy Irregular Operations 195
11 (IROP)" document came into effect, if it is
12 still in effect, and if it is not in effect,
13 then when did it cease to be in effect

14 79 Advise which WestJet team and who within the 195
15 team was involved in drafting the "Policy
16 Irregular Operations (IROP)" document

17 80 Provide all versions of the IROP Standards of 196
18 Treatment decision tree from August 3, 2022, to
19 the present

20 81 Provide the date on which the matrix at page 20 197
21 of the IROP document came into force or started
22 being used by WestJet

23 82 Advise what "CODI request" is 200
24
25

18

1 83 Advise whether there are any written documents 202
2 on determining current market value for the day
3 and if so, provide those documents, for the
4 period August 3, 2022, until the present
5 84 Advise what template "limited hotel 203
6 authorizations" is referring to
7 85 Provide a printout of all the guest pay and 206
8 claim instances that were activated between
9 August 3, 2022, to the present, including the
10 current market value information
11 (**TAKEN UNDER ADVISEMENT**)
12 86 Provide the guest pay limit increase 207
13 authorization form
14 87 Provide the versioning history of the IROP 208
15 Hotels (KM1019894) article from August 3, 2022,
16 to the present
17 88 Provide the versioning history for WestJet 209
18 documents 1.33 and 1.34 from August 3, 2022, to
19 the present
20
21
22
23
24
25

April 17, 2025

VIA EMAIL

Alexander Holburn Beaudin + Lang LLP

ATTN: Mr. Michael Dery

2700-700 West Georgia

Vancouver BC, V7Y 1B8

Dear Mr. Dery,

RE: Air Passenger Rights v. WestJet Airlines Ltd., NEW-S-S-254494 (Requests from Ms. McKenzie's Examination for Discovery)

Enclosed please find the list of outstanding requests from Ms. McKenzie's examination for discovery. We would propose that WestJet provides us a response to the requests by May 30, 2025. If WestJet proposes an alternative date, please advise by no later than April 30, 2025 what date WestJet would propose. We trust that, to the extent any clarification is required for the requests, WestJet will advise our office by April 30, 2025.

Moreover, we intend to request the Court to decide the validity of the objections that WestJet has made at the examination for discovery. We expect that one day would be sufficient but out of an abundance of caution, we will set two days. Please advise by April 30, 2025 what dates you are not available in July 2025 for a two-day chambers hearing. We will reserve the timeslot at the next phone in reservation day.

We look forward to hearing from you.

Yours truly,

EVOLINK LAW GROUP



SIMON LIN

Barrister & Solicitor

This is **Exhibit “B”** to the Affidavit of Brittany Dieno
affirmed before me on July 17, 2025

A handwritten signature in cursive script that reads "Simon Lin".

Simon Lin

Brittany Dieno

From: KLASSEN, Diana <dklassen@AHBL.CA>
Sent: April 30, 2025 8:29 AM
To: Simon Lin
Cc: DERY, Michael; PIMENTEL, Nicolas; AGUIAR, Elisa
Subject: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]
Attachments: 2025-04-17 LT Defendant.pdf

Good morning Simon,

I am assisting Michael with the above noted claim and write in response to your letter dated April 17, 2025 (attached above).

In response to the suggested deadline for responses to EFD requests (May 30, 2025), this does not provide us with sufficient time to respond and we do not agree to this arbitrary deadline being imposed. We are in the process of going through the 88 requests and will endeavour to provide you with our completed responses as soon as reasonably possible. We will aim to have responses to you by June 30, 2025, if possible. We will let you know if this deadline is not achievable.

As for an application to deal with the objections to EFD requests, we are available July 14 to 17, 2025.

Should you have any questions, please do not hesitate to contact us.

Kind regards,

DIANA KLASSEN
 Associate
 she/her/hers

Tel: 604 484 1786
 Fax: 604 484 9786
 Email: dklassen@AHBL.CA
 Social: [in](#) [twitter](#)

 **ALEXANDER
HOLBURN**
 Professional Bio

ALEXANDER HOLBURN BEAUDIN + LANG LLP
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 Barristers + Solicitors | Vancouver | Kelowna | Toronto

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April 17, 2025

VIA EMAIL

Alexander Holburn Beaudin + Lang LLP

ATTN: Mr. Michael Dery

2700-700 West Georgia

Vancouver BC, V7Y 1B8

Dear Mr. Dery,

RE: Air Passenger Rights v. WestJet Airlines Ltd., NEW-S-S-254494 (Requests from Ms. McKenzie's Examination for Discovery)

Enclosed please find the list of outstanding requests from Ms. McKenzie's examination for discovery. We would propose that WestJet provides us a response to the requests by May 30, 2025. If WestJet proposes an alternative date, please advise by no later than April 30, 2025 what date WestJet would propose. We trust that, to the extent any clarification is required for the requests, WestJet will advise our office by April 30, 2025.

Moreover, we intend to request the Court to decide the validity of the objections that WestJet has made at the examination for discovery. We expect that one day would be sufficient but out of an abundance of caution, we will set two days. Please advise by April 30, 2025 what dates you are not available in July 2025 for a two-day chambers hearing. We will reserve the timeslot at the next phone in reservation day.

We look forward to hearing from you.

Yours truly,

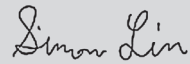
EVOLINK LAW GROUP



SIMON LIN

Barrister & Solicitor

This is **Exhibit “C”** to the Affidavit of Brittany Dieno
affirmed before me on July 17, 2025

A handwritten signature in cursive script that reads "Simon Lin".

Simon Lin

Brittany Dieno

From: Simon Lin <simonlin@evolinklaw.com>
Sent: April 30, 2025 7:37 PM
To: KLASSEN, Diana
Cc: DERY, Michael; PIMENTEL, Nicolas; AGUIAR, Elisa
Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

Hello Diana,

Thank you for your email.

We disagree with your assertion that our proposed deadline is arbitrary. The XFD occurred on April 2, where WestJet counsel already made detailed notes of each request that were made. Our letter of April 17, 2025 was a formality to put WestJet on notice that we expect a response, especially considering there are trial dates in January. From April 2, 2025 to May 30, 2025 is almost two months and nowhere near arbitrary and unreasonable.

We trust that you have overlooked the eight clear business day requirements for serving an application. The proposed July 14-17 dates, coupled with an "aim" (not a firm commitment) to provide responses by June 30 is clearly unworkable under the Rules. July 14 would be outside the eight clear business day requirements. Even assuming the two-day hearing is on July 16-17, 2025, that would only give us one business day to prepare and file the application, which is wholly unreasonable.

We propose either the following: (a) WestJet commits to providing all their responses by June 16, 2025; or (b) WestJet provides us availability for the week of July 28.

We look forward to hearing from you by close of business on May 2.

Thank you.

Kind Regards,

Simon Lin
 Barrister & Solicitor



Evolink Law Group
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 F: [778-805-9830](tel:778-805-9830)

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On Thu, May 1, 2025 at 12:29 AM KLASSEN, Diana <dklassen@ahbl.ca> wrote:

Good morning Simon,

I am assisting Michael with the above noted claim and write in response to your letter dated April 17, 2025 (attached above).

In response to the suggested deadline for responses to EFD requests (May 30, 2025), this does not provide us with sufficient time to respond and we do not agree to this arbitrary deadline being imposed. We are in the process of going through the 88 requests and will endeavour to provide you with our completed responses as soon as reasonably possible. We will aim to have responses to you by June 30, 2025, if possible. We will let you know if this deadline is not achievable.

As for an application to deal with the objections to EFD requests, we are available July 14 to 17, 2025.

Should you have any questions, please do not hesitate to contact us.

Kind regards,

DIANA KLASSEN
Associate
she/her/hers

 **ALEXANDER
HOLBURN**
Professional Bio

Tel: 604 484 1786
Fax: 604 484 9786
Email: dklassen@AHBL.CA
Social:  

ALEXANDER HOLBURN BEAUDIN + LANG LLP
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This is **Exhibit “D”** to the Affidavit of Brittany Dieno
affirmed before me on July 17, 2025

Simon Lin

Simon Lin

Brittany Dieno

From: DERY, Michael <mdery@AHBL.CA>
Sent: May 1, 2025 10:03 AM
To: Simon Lin; KLASSEN, Diana
Cc: PIMENTEL, Nicolas; AGUIAR, Elisa
Subject: RE: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

Simon,

We are not available during the week of July 28 because we are scheduled to be in trial. We are available during the week of August 5 to 9. Shall we set your chambers motion within that window of time?

Yours Truly,

Michael.

MICHAEL DERY*
Partner, Aviation Practice Group Leader
 he/him/his

Tel: 604 484 1742
 Fax: 604 484 9742

ALEXANDER HOLBURN BEAUDIN + LANG LLP

Asst: Elisa Aguiar
 Direct: 604 643 2117
 Email: eaguia@ahbl.ca

2700 - 700 West Georgia Street, Vancouver, BC, V7Y 1B8
 Barristers + Solicitors | Vancouver | Kelowna | Toronto
 *Professional Law Corporation

From: Simon Lin <simonlin@evolinklaw.com>
Sent: Wednesday, April 30, 2025 7:37 PM
To: KLASSEN, Diana <dklassen@AHBL.CA>
Cc: DERY, Michael <mdery@AHBL.CA>; PIMENTEL, Nicolas <npimentel@AHBL.CA>; AGUIAR, Elisa <eaguia@ahbl.ca>
Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

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Hello Diana,

Thank you for your email.

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We trust that you have overlooked the eight clear business day requirements for serving an application. The proposed July 14-17 dates, coupled with an "aim" (not a firm commitment) to provide responses by June 30 is clearly unworkable under the Rules. July 14 would be outside the eight clear business day requirements. Even assuming the two-day hearing is on July 16-17, 2025, that would only give us one business day to prepare and file the application, which is wholly unreasonable.

We propose either the following: (a) WestJet commits to providing all their responses by June 16, 2025; or (b) WestJet provides us availability for the week of July 28.

We look forward to hearing from you by close of business on May 2.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



Evolink Law Group

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Associate
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**ALEXANDER
HOLBURN**

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Email: dklassen@AHBL.CA
Social: [!\[\]\(a30b5314efefb0416f322d92d9011828_img.jpg\)](#) [!\[\]\(6d87ab017da0eb53c9eb3a34e7541618_img.jpg\)](#)

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This is **Exhibit “E”** to the Affidavit of Brittany Dieno
affirmed before me on July 17, 2025

Simon Lin

Simon Lin

Brittany Dieno

From: Simon Lin <simonlin@evolinklaw.com>
Sent: May 1, 2025 4:56 PM
To: DERY, Michael
Cc: KLASSEN, Diana; PIMENTEL, Nicolas; AGUIAR, Elisa
Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

Hello Mike,

August 5-8 would work for me. August 9 is a Saturday.

Please hold August 5-8 until the phone in date for June. We will try to obtain two days within that time period or alternatively a booking on the assize list.

Thank you.

Kind Regards,

Simon Lin
 Barrister & Solicitor



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Simon,

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Yours Truly,

Michael.

MICHAEL DERY*
Partner, Aviation Practice Group Leader
 he/him/his

Tel: 604 484 1742
 Fax: 604 484 9742

ALEXANDER HOLBURN BEAUDIN + LANG LLP

Asst: Elisa Aguiar
 Direct: 604 643 2117
 Email: eaquiar@ahbl.ca

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 *Professional Law Corporation

From: Simon Lin <simonlin@evolinklaw.com>

Sent: Wednesday, April 30, 2025 7:37 PM

To: KLASSEN, Diana <dklassen@AHBL.CA>

Cc: DERY, Michael <mdery@AHBL.CA>; PIMENTEL, Nicolas <npimentel@AHBL.CA>; AGUIAR, Elisa <eaquiar@ahbl.ca>

Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

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We look forward to hearing from you by close of business on May 2.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



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Should you have any questions, please do not hesitate to contact us.

Kind regards,

DIANA KLASSEN

Associate
she/her/hers



**ALEXANDER
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Social: [in](#) [twitter](#)

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This is **Exhibit “F”** to the Affidavit of Brittany Dieno
affirmed before me on July 17, 2025

Simon Lin

Simon Lin

Brittany Dieno

From: Simon Lin <simonlin@evolinklaw.com>
Sent: June 10, 2025 10:01 AM
To: DERY, Michael
Cc: KLASSEN, Diana; PIMENTEL, Nicolas; AGUIAR, Elisa
Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

Hello Mike,

We were able to secure Aug 6-7 in New West. A requisition will be filed shortly to hold those dates.

Thank you.

Kind Regards,

Simon Lin
 Barrister & Solicitor



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On Thu, May 1, 2025 at 4:55 PM Simon Lin <simonlin@evolinklaw.com> wrote:

Hello Mike,

August 5-8 would work for me. August 9 is a Saturday.

Please hold August 5-8 until the phone in date for June. We will try to obtain two days within that time period or alternatively a booking on the assize list.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



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Simon,

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Yours Truly,

Michael.

MICHAEL DERY*
Partner, Aviation Practice Group Leader
he/him/his

ALEXANDER HOLBURN BEAUDIN + LANG LLP
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Direct: 604 643 2117
Email: eaquiar@ahbl.ca

Tel: 604 484 1742
Fax: 604 484 9742

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Barristers + Solicitors | Vancouver | Kelowna | Toronto
*Professional Law Corporation

From: Simon Lin <simonlin@evolinklaw.com>

Sent: Wednesday, April 30, 2025 7:37 PM

To: KLASSEN, Diana <dklassen@AHBL.CA>

Cc: DERY, Michael <mdery@AHBL.CA>; PIMENTEL, Nicolas <npimentel@AHBL.CA>; AGUIAR, Elisa <eaguiar@ahbl.ca>

Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

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Hello Diana,

Thank you for your email.

We disagree with your assertion that our proposed deadline is arbitrary. The XFD occurred on April 2, where WestJet counsel already made detailed notes of each request that were made. Our letter of April 17, 2025 was a formality to put WestJet on notice that we expect a response, especially considering there are trial dates in January. From April 2, 2025 to May 30, 2025 is almost two months and nowhere near arbitrary and unreasonable.

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We look forward to hearing from you by close of business on May 2.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



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As for an application to deal with the objections to EFD requests, we are available July 14 to 17, 2025.

Should you have any questions, please do not hesitate to contact us.

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DIANA KLASSEN

Associate

she/her/hers



**ALEXANDER
HOLBURN**

Professional Bio

Tel: 604 484 1786

Fax: 604 484 9786

Email: dklassen@AHBL.CA

Social: [!\[\]\(a26d5df96f6bcda614f5e7fce5a1ea9a_img.jpg\)](#) [!\[\]\(960bead697c04aea7c590ff92654b0a8_img.jpg\)](#)

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This is **Exhibit “G”** to the Affidavit of Brittany Dieno
affirmed before me on July 17, 2025

Simon Lin

Simon Lin

Brittany Dieno

From: KLASSEN, Diana <dklassen@AHBL.CA>
Sent: July 4, 2025 1:58 PM
To: Simon Lin; DERY, Michael
Cc: PIMENTEL, Nicolas; AGUIAR, Elisa
Subject: RE: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

Hi Simon,

While I noted that we were aiming to provide our responses by the end of June, I had suggested that this might not be possible. I can advise that we are working on these but will still need some additional time for the same.

I also note that, unfortunately there was a period of time that WestJet was unable to provide us with any information or records due to the effects of the cyber attack, so this has slowed things down.

We will endeavour to provide you with our completed responses as soon as reasonably possible.

Kind regards,

DIANA KLASSEN <i>Associate</i> she/her/hers	ALEXANDER HOLBURN BEAUDIN + LANG LLP
Tel: 604 484 1786 Fax: 604 484 9786	2700 - 700 West Georgia Street, Vancouver, BC, V7Y 1B8 Barristers + Solicitors Vancouver Kelowna Toronto

From: Simon Lin <simonlin@evolinklaw.com>
Sent: Friday, July 4, 2025 8:00 AM
To: DERY, Michael <mdery@AHBL.CA>
Cc: KLASSEN, Diana <dklassen@AHBL.CA>; PIMENTEL, Nicolas <npimentel@AHBL.CA>; AGUIAR, Elisa <eaguiar@ahbl.ca>
Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mike and Diana,

I am writing to follow-up on the discovery requests below. Diana had indicated that the responses would be provided by June 30, but I have not yet received them or heard from you.

Please advise.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



Evolink Law Group

237-4388 Still Creek Drive, Burnaby, B.C. V5C 6C6

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Michael.

MICHAEL DERY*

Partner, Aviation Practice Group Leader
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From: Simon Lin <simonlin@evolinklaw.com>

Sent: Wednesday, April 30, 2025 7:37 PM

To: KLASSEN, Diana <dklassen@AHBL.CA>

Cc: DERY, Michael <mdery@AHBL.CA>; PIMENTEL, Nicolas <npimentel@AHBL.CA>; AGUIAR, Elisa <eauiar@ahbl.ca>

Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

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We propose either the following: (a) WestJet commits to providing all their responses by June 16, 2025; or (b) WestJet provides us availability for the week of July 28.

We look forward to hearing from you by close of business on May 2.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



Evolink Law Group

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As for an application to deal with the objections to EFD requests, we are available July 14 to 17, 2025.

Should you have any questions, please do not hesitate to contact us.

Kind regards,

DIANA KLASSEN

Associate
she/her/hers



**ALEXANDER
HOLBURN**

Professional Bio

Tel: 604 484 1786
Fax: 604 484 9786
Email: dklassen@AHBL.CA
Social:  

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This is **Exhibit “H”** to the Affidavit of Brittany Dieno
affirmed before me on July 17, 2025

Simon Lin

Simon Lin

Brittany Dieno

From: Simon Lin <simonlin@evolinklaw.com>
Sent: July 4, 2025 2:08 PM
To: KLASSEN, Diana
Cc: DERY, Michael; PIMENTEL, Nicolas; AGUIAR, Elisa
Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

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Thank you for your email.

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Please advise what timeframe we are looking at. As you are aware, the chambers hearing has already been booked and we had already raised the concern that we would also need time to review WestJet's response and file an application, if necessary. I estimate that it would require at least two weeks on our side.

Thank you.

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Simon Lin
 Barrister & Solicitor



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I also note that, unfortunately there was a period of time that WestJet was unable to provide us with any information or records due to the effects of the cyber attack, so this has slowed things down.

We will endeavour to provide you with our completed responses as soon as reasonably possible.

Kind regards,

DIANA KLASSEN <i>Associate</i> she/her/hers Tel: 604 484 1786 Fax: 604 484 9786	ALEXANDER HOLBURN BEAUDIN + LANG LLP 2700 - 700 West Georgia Street, Vancouver, BC, V7Y 1B8 Barristers + Solicitors Vancouver Kelowna Toronto
--	--

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Sent: Friday, July 4, 2025 8:00 AM
To: DERY, Michael <mdery@AHBL.CA>
Cc: KLASSEN, Diana <dklassen@AHBL.CA>; PIMENTEL, Nicolas <npimentel@AHBL.CA>; AGUIAR, Elisa <eaguiar@ahbl.ca>
Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

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Yours Truly,

Michael.

MICHAEL DERY*

Partner, Aviation Practice Group Leader
he/him/his

Tel: 604 484 1742
Fax: 604 484 9742

ALEXANDER HOLBURN BEAUDIN + LANG LLP

Asst: Elisa Aguiar
Direct: 604 643 2117
Email: eaquiar@ahbl.ca

2700 - 700 West Georgia Street, Vancouver, BC, V7Y 1B8
Barristers + Solicitors | Vancouver | Kelowna | Toronto
*Professional Law Corporation

From: Simon Lin <simonlin@evolinklaw.com>

Sent: Wednesday, April 30, 2025 7:37 PM

To: KLASSEN, Diana <dklassen@AHBL.CA>

Cc: DERY, Michael <mdery@AHBL.CA>; PIMENTEL, Nicolas <npimentel@AHBL.CA>; AGUIAR, Elisa <eaquiar@ahbl.ca>

Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

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We look forward to hearing from you by close of business on May 2.

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As for an application to deal with the objections to EFD requests, we are available July 14 to 17, 2025.

Should you have any questions, please do not hesitate to contact us.

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**ALEXANDER
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Professional Bio

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This is **Exhibit “I”** to the Affidavit of Brittany Dieno
affirmed before me on July 17, 2025

A handwritten signature in cursive script that reads "Simon Lin".

Simon Lin

Brittany Dieno

From: Simon Lin <simonlin@evolinklaw.com>
Sent: July 4, 2025 8:00 AM
To: DERY, Michael
Cc: KLASSEN, Diana; PIMENTEL, Nicolas; AGUIAR, Elisa
Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

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Partner, Aviation Practice Group Leader
he/him/his

Tel: 604 484 1742
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ALEXANDER HOLBURN BEAUDIN + LANG LLP

Asst: Elisa Aguiar
Direct: 604 643 2117
Email: eauiar@ahbl.ca

2700 - 700 West Georgia Street, Vancouver, BC, V7Y 1B8
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From: Simon Lin <simonlin@evolinklaw.com>

Sent: Wednesday, April 30, 2025 7:37 PM

To: KLASSEN, Diana <dklassen@AHBL.CA>

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Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

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Simon Lin

Simon Lin

Brittany Dieno

From: Simon Lin <simonlin@evolinklaw.com>
Sent: July 7, 2025 9:02 AM
To: KLASSEN, Diana
Cc: DERY, Michael; PIMENTEL, Nicolas; AGUIAR, Elisa
Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

Hello Diana,

Out of abundance of caution, please let us know if there are any dates that you are not available for September. As tomorrow is the phone in date, we will try to hold some September dates as well just in case of any unforeseen circumstances (e.g., being bumped on the August dates).

We would appreciate receiving your response before 8AM tomorrow as we would need to phone in at 8:30 a.m.

Thank you.

Kind Regards,

Simon Lin
 Barrister & Solicitor

evolink LAW

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Tel: 604 484 1786 Fax: 604 484 9786	2700 - 700 West Georgia Street, Vancouver, BC, V7Y 1B8 Barristers + Solicitors Vancouver Kelowna Toronto

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Hello Mike,

August 5-8 would work for me. August 9 is a Saturday.

Please hold August 5-8 until the phone in date for June. We will try to obtain two days within that time period or alternatively a booking on the assize list.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



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Simon,

We are not available during the week of July 28 because we are scheduled to be in trial. We are available during the week of August 5 to 9. Shall we set your chambers motion within that window of time?

Yours Truly,

Michael.

MICHAEL DERY*

Partner, Aviation Practice Group Leader
he/him/his

Tel: 604 484 1742
Fax: 604 484 9742

ALEXANDER HOLBURN BEAUDIN + LANG LLP

Asst: Elisa Aguiar
Direct: 604 643 2117
Email: eaquiar@ahbl.ca

2700 - 700 West Georgia Street, Vancouver, BC, V7Y 1B8
Barristers + Solicitors | Vancouver | Kelowna | Toronto
*Professional Law Corporation

From: Simon Lin <simonlin@evolinklaw.com>

Sent: Wednesday, April 30, 2025 7:37 PM

To: KLASSEN, Diana <dklassen@AHBL.CA>

Cc: DERY, Michael <mdery@AHBL.CA>; PIMENTEL, Nicolas <npimentel@AHBL.CA>; AGUIAR, Elisa <eaquiar@ahbl.ca>

Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

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Hello Diana,

Thank you for your email.

We disagree with your assertion that our proposed deadline is arbitrary. The XFD occurred on April 2, where WestJet counsel already made detailed notes of each request that were made. Our letter of April 17, 2025 was a formality to put WestJet on notice that we expect a response, especially considering there are trial dates in January. From April 2, 2025 to May 30, 2025 is almost two months and nowhere near arbitrary and unreasonable.

We trust that you have overlooked the eight clear business day requirements for serving an application. The proposed July 14-17 dates, coupled with an "aim" (not a firm commitment) to provide responses by June 30 is clearly unworkable under the Rules. July 14 would be outside the eight clear business day requirements. Even assuming the two-day hearing is on July 16-17, 2025, that would only give us one business day to prepare and file the application, which is wholly unreasonable.

We propose either the following: (a) WestJet commits to providing all their responses by June 16, 2025; or (b) WestJet provides us availability for the week of July 28.

We look forward to hearing from you by close of business on May 2.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



Evolink Law Group

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As for an application to deal with the objections to EFD requests, we are available July 14 to 17, 2025.

Should you have any questions, please do not hesitate to contact us.

Kind regards,

DIANA KLASSEN
Associate
she/her/hers

 **ALEXANDER
HOLBURN**
Professional Bio

Tel: 604 484 1786
Fax: 604 484 9786
Email: dklassen@AHBL.CA
Social:  

ALEXANDER HOLBURN BEAUDIN + LANG LLP
2700 - 700 West Georgia Street, Vancouver, BC, V7Y 1B8
Tel: 604 484 1700 | Fax: 604 484 9700 | Toll Free: 877 688 1351
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This is **Exhibit “K”** to the Affidavit of Brittany Dieno
affirmed before me on July 17, 2025

A handwritten signature in black ink that reads "Simon Lin". The signature is written in a cursive style with a horizontal line underneath it.

Simon Lin

Brittany Dieno

From: PIMENTEL, Nicolas <npimentel@AHBL.CA>
Sent: July 8, 2025 8:10 AM
To: Simon Lin; KLASSEN, Diana
Cc: DERY, Michael; AGUIAR, Elisa
Subject: RE: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

Dear Simon,

You will have received Michael and Diana's out of office messages.

We are available September 15-18. Those are the only days in September we are currently available for a two-day hearing of an application. Please do not book an application on any days we are unavailable.

Nicolas.

NICOLAS V. PIMENTEL <i>Partner</i>	ALEXANDER HOLBURN BEAUDIN + LANG LLP
Tel: 604 484 1745 Fax: 604 484 9745	2700 - 700 West Georgia Street, Vancouver, BC, V7Y 1B8 Barristers + Solicitors Vancouver Kelowna Toronto

From: Simon Lin <simonlin@evolinklaw.com>
Sent: Tuesday, July 8, 2025 8:02 AM
To: KLASSEN, Diana <dklassen@AHBL.CA>
Cc: DERY, Michael <mdery@AHBL.CA>; PIMENTEL, Nicolas <npimentel@AHBL.CA>; AGUIAR, Elisa <eaguiar@ahbl.ca>
Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

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Hello Diana,

As we have not received any response, we will proceed to book any September time slot that Scheduling is able to provide.

Thank you.

*Sent from my iPhone

Kind Regards,
 Simon Lin

Barrister & Solicitor (British Columbia/Ontario)
Attorney (California)

Evolink Law Group
237-4388 Still Creek Drive
Burnaby, B.C. V5C 6C6
T: 604-620-2666
F: 778-805-9830 (our fax number has changed as of May 12, 2023)

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We would appreciate receiving your response before 8AM tomorrow as we would need to phone in at 8:30 a.m.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



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Please advise what timeframe we are looking at. As you are aware, the chambers hearing has already been booked and we had already raised the concern that we would also need time to review WestJet's response and file an application, if necessary. I estimate that it would require at least two weeks on our side.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



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I also note that, unfortunately there was a period of time that WestJet was unable to provide us with any information or records due to the effects of the cyber attack, so this has slowed things down.

We will endeavour to provide you with our completed responses as soon as reasonably possible.

Kind regards,

DIANA KLASSEN <i>Associate</i> she/her/hers	ALEXANDER HOLBURN BEAUDIN + LANG LLP
Tel: 604 484 1786 Fax: 604 484 9786	2700 - 700 West Georgia Street, Vancouver, BC, V7Y 1B8 Barristers + Solicitors Vancouver Kelowna Toronto

From: Simon Lin <simonlin@evolinklaw.com>

Sent: Friday, July 4, 2025 8:00 AM

To: DERY, Michael <mdery@AHBL.CA>

Cc: KLASSEN, Diana <dklassen@AHBL.CA>; PIMENTEL, Nicolas <npimentel@AHBL.CA>; AGUIAR, Elisa <eaguiar@ahbl.ca>

Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

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Hello Mike and Diana,

I am writing to follow-up on the discovery requests below. Diana had indicated that the responses would be provided by June 30, but I have not yet received them or heard from you.

Please advise.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



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On Tue, Jun 10, 2025 at 10:01 AM Simon Lin <simonlin@evolinklaw.com> wrote:

Hello Mike,

We were able to secure Aug 6-7 in New West. A requisition will be filed shortly to hold those dates.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



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Simon,

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Yours Truly,

Michael.

MICHAEL DERY*
Partner, Aviation Practice Group Leader
 he/him/his

Tel: 604 484 1742
 Fax: 604 484 9742

ALEXANDER HOLBURN BEAUDIN + LANG LLP

Asst: Elisa Aguiar
 Direct: 604 643 2117
 Email: eaquiar@ahbl.ca

2700 - 700 West Georgia Street, Vancouver, BC, V7Y 1B8
 Barristers + Solicitors | Vancouver | Kelowna | Toronto
 *Professional Law Corporation

From: Simon Lin <simonlin@evolinklaw.com>

Sent: Wednesday, April 30, 2025 7:37 PM

To: KLASSEN, Diana <dklassen@AHBL.CA>

Cc: DERY, Michael <mdery@AHBL.CA>; PIMENTEL, Nicolas <npimentel@AHBL.CA>; AGUIAR, Elisa <eaquiar@ahbl.ca>

Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

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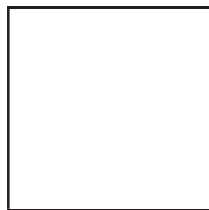
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We look forward to hearing from you by close of business on May 2.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor


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Should you have any questions, please do not hesitate to contact us.

Kind regards,

DIANA KLASSEN

Associate
she/her/hers



Professional Bio

Tel: 604 484 1786
Fax: 604 484 9786
Email: dklassen@AHBL.CA
Social:



ALEXANDER HOLBURN BEAUDIN + LANG LLP
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affirmed before me on July 17, 2025

Simon Lin

Simon Lin

Brittany Dieno

From: Simon Lin <simonlin@evolinklaw.com>
Sent: July 8, 2025 8:24 AM
To: PIMENTEL, Nicolas
Cc: KLASSEN, Diana; DERY, Michael; AGUIAR, Elisa
Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

Hello Nicolas,

Thank you for providing the dates. We will try to book those. For greater certainty, we are still insisting on proceeding in August and we need a response to the discovery requests by no later than the end of this week.

With respect to Diana and Mike's OOO messages, we did receive Mike's OOO message yesterday when we sent the first email. However, we only received Diana's OOO this morning. In other words, Diana seems to have accessed her email between yesterday and this morning but did not respond to my email below.

Thanks.

Kind Regards,

Simon Lin
 Barrister & Solicitor

evolink LAW

Evolink Law Group
 237-4388 Still Creek Drive, Burnaby, B.C. V5C 6C6
 T: [604-620-2666](tel:604-620-2666)
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Nicolas.

NICOLAS V. PIMENTEL <i>Partner</i> Tel: 604 484 1745 Fax: 604 484 9745	ALEXANDER HOLBURN BEAUDIN + LANG LLP 2700 - 700 West Georgia Street, Vancouver, BC, V7Y 1B8 Barristers + Solicitors Vancouver Kelowna Toronto
--	--

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Thank you.

*Sent from my iPhone

Kind Regards,
 Simon Lin
 Barrister & Solicitor (British Columbia/Ontario)
 Attorney (California)

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We will endeavour to provide you with our completed responses as soon as reasonably possible.

Kind regards,

DIANA KLASSEN **ALEXANDER HOLBURN BEAUDIN + LANG LLP**
Associate
she/her/hers

Tel: 604 484 1786 2700 - 700 West Georgia Street, Vancouver, BC, V7Y 1B8
 Fax: 604 484 9786 Barristers + Solicitors | Vancouver | Kelowna | Toronto

From: Simon Lin <simonlin@evolinklaw.com>
Sent: Friday, July 4, 2025 8:00 AM
To: DERY, Michael <mdery@AHBL.CA>
Cc: KLASSEN, Diana <dklassen@AHBL.CA>; PIMENTEL, Nicolas <npimentel@AHBL.CA>; AGUIAR, Elisa <eaguiar@ahbl.ca>
Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mike and Diana,

I am writing to follow-up on the discovery requests below. Diana had indicated that the responses would be provided by June 30, but I have not yet received them or heard from you.

Please advise.

Thank you.

Kind Regards,

Simon Lin
 Barrister & Solicitor



Evolink Law Group
 237-4388 Still Creek Drive, Burnaby, B.C. V5C 6C6
 T: [604-620-2666](tel:604-620-2666)
 F: [778-805-9830](tel:778-805-9830)

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Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



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Thank you.

Kind Regards,

Simon Lin
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On Thu, May 1, 2025 at 10:03 AM DERY, Michael <mdery@ahbl.ca> wrote:

Simon,

We are not available during the week of July 28 because we are scheduled to be in trial. We are available during the week of August 5 to 9. Shall we set your chambers motion within that window of time?

Yours Truly,

Michael.

MICHAEL DERY*

Partner, Aviation Practice Group Leader
he/him/his

Tel: 604 484 1742
Fax: 604 484 9742

ALEXANDER HOLBURN BEAUDIN + LANG LLP

Asst: Elisa Aguiar
Direct: 604 643 2117
Email: eaquiar@ahbl.ca

2700 - 700 West Georgia Street, Vancouver, BC, V7Y 1B8
Barristers + Solicitors | Vancouver | Kelowna | Toronto
*Professional Law Corporation

From: Simon Lin <simonlin@evolinklaw.com>

Sent: Wednesday, April 30, 2025 7:37 PM

To: KLASSEN, Diana <dklassen@AHBL.CA>

Cc: DERY, Michael <mdery@AHBL.CA>; PIMENTEL, Nicolas <npimentel@AHBL.CA>; AGUIAR, Elisa <eaquiar@ahbl.ca>

Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

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Hello Diana,

Thank you for your email.

We disagree with your assertion that our proposed deadline is arbitrary. The XFD occurred on April 2, where WestJet counsel already made detailed notes of each request that were made. Our letter of April 17, 2025 was a formality to put WestJet on notice that we expect a response, especially considering there are trial dates in January. From April 2, 2025 to May 30, 2025 is almost two months and nowhere near arbitrary and unreasonable.

We trust that you have overlooked the eight clear business day requirements for serving an application. The proposed July 14-17 dates, coupled with an "aim" (not a firm commitment) to provide responses by June 30 is clearly unworkable under the Rules. July 14 would be outside the eight clear business day requirements. Even assuming the two-day hearing is on July 16-17, 2025, that would only give us one business day to prepare and file the application, which is wholly unreasonable.

We propose either the following: (a) WestJet commits to providing all their responses by June 16, 2025; or (b) WestJet provides us availability for the week of July 28.

We look forward to hearing from you by close of business on May 2.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



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On Thu, May 1, 2025 at 12:29 AM KLASSEN, Diana <dklassen@ahbl.ca> wrote:

Good morning Simon,

I am assisting Michael with the above noted claim and write in response to your letter dated April 17, 2025 (attached above).

In response to the suggested deadline for responses to EFD requests (May 30, 2025), this does not provide us with sufficient time to respond and we do not agree to this arbitrary deadline being imposed. We are in the process of going through the 88 requests and will endeavour to provide you with our completed responses as soon as reasonably possible. We will aim to have responses to you by June 30, 2025, if possible. We will let you know if this deadline is not achievable.

As for an application to deal with the objections to EFD requests, we are available July 14 to 17, 2025.

Should you have any questions, please do not hesitate to contact us.

Kind regards,

DIANA KLASSEN
Associate
she/her/hers



Professional Bio

Tel: 604 484 1786
Fax: 604 484 9786
Email: dklassen@AHBL.CA
Social:



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This is **Exhibit “M”** to the Affidavit of Brittany Dieno
affirmed before me on July 17, 2025

Simon Lin

Simon Lin

Brittany Dieno

From: Simon Lin <simonlin@evolinklaw.com>
Sent: July 8, 2025 8:02 AM
To: KLASSEN, Diana
Cc: DERY, Michael; PIMENTEL, Nicolas; AGUIAR, Elisa
Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

Hello Diana,

As we have not received any response, we will proceed to book any September time slot that Scheduling is able to provide.

Thank you.

*Sent from my iPhone

Kind Regards,
 Simon Lin
 Barrister & Solicitor (British Columbia/Ontario)
 Attorney (California)

Evolink Law Group
 237-4388 Still Creek Drive
 Burnaby, B.C. V5C 6C6
 T: 604-620-2666
 F: 778-805-9830 (our fax number has changed as of May 12, 2023)

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On Mon, Jul 7, 2025 at 09:01 Simon Lin <simonlin@evolinklaw.com> wrote:
 Hello Diana,

Out of abundance of caution, please let us know if there are any dates that you are not available for September. As tomorrow is the phone in date, we will try to hold some September dates as well just in case of any unforeseen circumstances (e.g., being bumped on the August dates).

We would appreciate receiving your response before 8AM tomorrow as we would need to phone in at 8:30 a.m.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



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On Fri, Jul 4, 2025 at 2:07 PM Simon Lin <simonlin@evolinklaw.com> wrote:

Hello Diana,

Thank you for your email.

Your initial email seems to suggest you would reach out if the June 30 date could not be achieved. However, I had not heard from you until my follow up below.

Please advise what timeframe we are looking at. As you are aware, the chambers hearing has already been booked and we had already raised the concern that we would also need time to review WestJet's response and file an application, if necessary. I estimate that it would require at least two weeks on our side.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



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On Fri, Jul 4, 2025 at 1:57 PM KLASSEN, Diana <dklassen@ahbl.ca> wrote:

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I also note that, unfortunately there was a period of time that WestJet was unable to provide us with any information or records due to the effects of the cyber attack, so this has slowed things down.

We will endeavour to provide you with our completed responses as soon as reasonably possible.

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2700 - 700 West Georgia Street, Vancouver, BC, V7Y 1B8
Barristers + Solicitors | Vancouver | Kelowna | Toronto

From: Simon Lin <simonlin@evolinklaw.com>

Sent: Friday, July 4, 2025 8:00 AM

To: DERY, Michael <mdery@AHBL.CA>

Cc: KLASSEN, Diana <dklassen@AHBL.CA>; PIMENTEL, Nicolas <npimentel@AHBL.CA>; AGUIAR, Elisa <eaguiar@ahbl.ca>

Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

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Hello Mike and Diana,

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Please advise.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor

evolink LAW

Evolink Law Group

237-4388 Still Creek Drive, Burnaby, B.C. V5C 6C6

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Simon,

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Yours Truly,

Michael.

MICHAEL DERY**Partner, Aviation Practice Group Leader*

he/him/his

Tel: 604 484 1742

Fax: 604 484 9742

ALEXANDER HOLBURN BEAUDIN + LANG LLP

Asst: Elisa Aguiar

Direct: 604 643 2117

Email: eaquiar@ahbl.ca

2700 - 700 West Georgia Street, Vancouver, BC, V7Y 1B8

Barristers + Solicitors | Vancouver | Kelowna | Toronto

*Professional Law Corporation

From: Simon Lin <simonlin@evolinklaw.com>**Sent:** Wednesday, April 30, 2025 7:37 PM**To:** KLASSEN, Diana <dklassen@AHBL.CA>**Cc:** DERY, Michael <mdery@AHBL.CA>; PIMENTEL, Nicolas <npimentel@AHBL.CA>; AGUIAR, Elisa <eaquiar@ahbl.ca>**Subject:** Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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that would only give us one business day to prepare and file the application, which is wholly unreasonable.

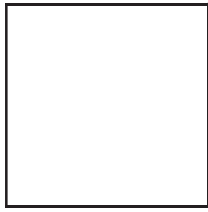
We propose either the following: (a) WestJet commits to providing all their responses by June 16, 2025; or (b) WestJet provides us availability for the week of July 28.

We look forward to hearing from you by close of business on May 2.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



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237-4388 Still Creek Drive, Burnaby, B.C. V5C 6C6

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As for an application to deal with the objections to EFD requests, we are available July 14 to 17, 2025.

Should you have any questions, please do not hesitate to contact us.

Kind regards,

DIANA KLASSEN
Associate
she/her/hers



Tel: 604 484 1786
Fax: 604 484 9786
Email: dklassen@AHBL.CA
Social:



ALEXANDER HOLBURN BEAUDIN + LANG LLP
2700 - 700 West Georgia Street, Vancouver, BC, V7Y 1B8
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This is **Exhibit “N”** to the Affidavit of Brittany Dieno
affirmed before me on July 17, 2025

Simon Lin

Simon Lin

Brittany Dieno

From: Simon Lin <simonlin@evolinklaw.com>
Sent: July 14, 2025 5:56 PM
To: PIMENTEL, Nicolas
Cc: KLASSEN, Diana; DERY, Michael; AGUIAR, Elisa
Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

Good afternoon,

We are writing to follow-up regarding the outstanding XFD requests.

There were no available chambers hearing dates for September 2025.

Thank you.

Kind Regards,

Simon Lin
 Barrister & Solicitor



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On Tue, Jul 8, 2025 at 8:24 AM Simon Lin <simonlin@evolinklaw.com> wrote:

Hello Nicolas,

Thank you for providing the dates. We will try to book those. For greater certainty, we are still insisting on proceeding in August and we need a response to the discovery requests by no later than the end of this week.

With respect to Diana and Mike's OOO messages, we did receive Mike's OOO message yesterday when we sent the first email. However, we only received Diana's OOO this morning. In other words, Diana

seems to have accessed her email between yesterday and this morning but did not respond to my email below.

Thanks.

Kind Regards,

Simon Lin
Barrister & Solicitor



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On Tue, Jul 8, 2025 at 8:10 AM PIMENTEL, Nicolas <npimentel@ahbl.ca> wrote:

Dear Simon,

You will have received Michael and Diana's out of office messages.

We are available September 15-18. Those are the only days in September we are currently available for a two-day hearing of an application. Please do not book an application on any days we are unavailable.

Nicolas.

NICOLAS V. PIMENTEL <i>Partner</i> Tel: 604 484 1745 Fax: 604 484 9745	ALEXANDER HOLBURN BEAUDIN + LANG LLP 2700 - 700 West Georgia Street, Vancouver, BC, V7Y 1B8 Barristers + Solicitors Vancouver Kelowna Toronto
--	---

From: Simon Lin <simonlin@evolinklaw.com>
Sent: Tuesday, July 8, 2025 8:02 AM
To: KLASSEN, Diana <dklassen@AHBL.CA>
Cc: DERY, Michael <mdery@AHBL.CA>; PIMENTEL, Nicolas <npimentel@AHBL.CA>; AGUIAR, Elisa <eaguiar@ahbl.ca>
Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

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Thank you.

*Sent from my iPhone

Kind Regards,
Simon Lin
Barrister & Solicitor (British Columbia/Ontario)
Attorney (California)

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On Mon, Jul 7, 2025 at 09:01 Simon Lin <simonlin@evolinklaw.com> wrote:

Hello Diana,

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We would appreciate receiving your response before 8AM tomorrow as we would need to phone in at 8:30 a.m.

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Kind Regards,

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On Fri, Jul 4, 2025 at 2:07 PM Simon Lin <simonlin@evolinklaw.com> wrote:

Hello Diana,

Thank you for your email.

Your initial email seems to suggest you would reach out if the June 30 date could not be achieved. However, I had not heard from you until my follow up below.

Please advise what timeframe we are looking at. As you are aware, the chambers hearing has already been booked and we had already raised the concern that we would also need time to review WestJet's response and file an application, if necessary. I estimate that it would require at least two weeks on our side.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



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On Fri, Jul 4, 2025 at 1:57 PM KLASSEN, Diana <dklassen@ahbl.ca> wrote:

Hi Simon,

While I noted that we were aiming to provide our responses by the end of June, I had suggested that this might not be possible. I can advise that we are working on these but will still need some additional time for the same.

I also note that, unfortunately there was a period of time that WestJet was unable to provide us with any information or records due to the effects of the cyber attack, so this has slowed things down.

We will endeavour to provide you with our completed responses as soon as reasonably possible.

Kind regards,

DIANA KLASSEN <i>Associate</i> she/her/hers Tel: 604 484 1786 Fax: 604 484 9786	ALEXANDER HOLBURN BEAUDIN + LANG LLP 2700 - 700 West Georgia Street, Vancouver, BC, V7Y 1B8 Barristers + Solicitors Vancouver Kelowna Toronto
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From: Simon Lin <simonlin@evolinklaw.com>

Sent: Friday, July 4, 2025 8:00 AM

To: DERY, Michael <mdery@AHBL.CA>

Cc: KLASSEN, Diana <dklassen@AHBL.CA>; PIMENTEL, Nicolas <npimentel@AHBL.CA>; AGUIAR, Elisa <eaguiar@ahbl.ca>

Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

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Hello Mike and Diana,

I am writing to follow-up on the discovery requests below. Diana had indicated that the responses would be provided by June 30, but I have not yet received them or heard from you.

Please advise.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



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On Tue, Jun 10, 2025 at 10:01 AM Simon Lin <simonlin@evolinklaw.com> wrote:

Hello Mike,

We were able to secure Aug 6-7 in New West. A requisition will be filed shortly to hold those dates.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



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On Thu, May 1, 2025 at 4:55 PM Simon Lin <simonlin@evolinklaw.com> wrote:

Hello Mike,

August 5-8 would work for me. August 9 is a Saturday.

Please hold August 5-8 until the phone in date for June. We will try to obtain two days within that time period or alternatively a booking on the assize list.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



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On Thu, May 1, 2025 at 10:03 AM DERY, Michael <mdery@ahbl.ca> wrote:

Simon,

We are not available during the week of July 28 because we are scheduled to be in trial. We are available during the week of August 5 to 9. Shall we set your chambers motion within that window of time?

Yours Truly,

Michael.

MICHAEL DERY*

Partner, Aviation Practice Group Leader
he/him/his

Tel: 604 484 1742
Fax: 604 484 9742

ALEXANDER HOLBURN BEAUDIN + LANG LLP

Asst: Elisa Aguiar
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*Professional Law Corporation

From: Simon Lin <simonlin@evolinklaw.com>

Sent: Wednesday, April 30, 2025 7:37 PM

To: KLASSEN, Diana <dklassen@AHBL.CA>

Cc: DERY, Michael <mdery@AHBL.CA>; PIMENTEL, Nicolas <npimentel@AHBL.CA>; AGUIAR, Elisa <eaguiar@ahbl.ca>

Subject: Re: Air Passenger Rights v WestJet Airlines Ltd. - Requests from Ms. McKenzie's Examination for Discovery [IMAN2-IMANAGE.FID886835]

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Hello Diana,

Thank you for your email.

We disagree with your assertion that our proposed deadline is arbitrary. The XFD occurred on April 2, where WestJet counsel already made detailed notes of each request that were made. Our letter of April 17, 2025 was a formality to put WestJet on notice that we expect a response, especially considering there are trial dates in January. From April 2, 2025 to May 30, 2025 is almost two months and nowhere near arbitrary and unreasonable.

We trust that you have overlooked the eight clear business day requirements for serving an application. The proposed July 14-17 dates, coupled with an "aim" (not a firm commitment) to provide responses by June 30 is clearly unworkable under the Rules. July 14 would be outside the eight clear business day requirements. Even assuming the two-day hearing is on July 16-17, 2025, that would only give us one business day to prepare and file the application, which is wholly unreasonable.

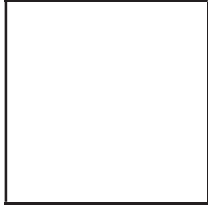
We propose either the following: (a) WestJet commits to providing all their responses by June 16, 2025; or (b) WestJet provides us availability for the week of July 28.

We look forward to hearing from you by close of business on May 2.

Thank you.

Kind Regards,

Simon Lin
Barrister & Solicitor



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On Thu, May 1, 2025 at 12:29 AM KLASSEN, Diana <dklassen@ahbl.ca> wrote:

Good morning Simon,

I am assisting Michael with the above noted claim and write in response to your letter dated April 17, 2025 (attached above).

In response to the suggested deadline for responses to EFD requests (May 30, 2025), this does not provide us with sufficient time to respond and we do not agree to this arbitrary deadline being imposed. We are in the process of going through the 88 requests and will endeavour to provide you with our completed responses as soon as reasonably possible. We will aim to have responses to you by June 30, 2025, if possible. We will let you know if this deadline is not achievable.

As for an application to deal with the objections to EFD requests, we are available July 14 to 17, 2025.

Should you have any questions, please do not hesitate to contact us.

Kind regards,

DIANA KLASSEN

Associate
she/her/hers



ALEXANDER
HOLBURN

Professional Bio

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