



This is the 1st affidavit
of Laine Kern in this case
and was made on July 29, 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

I, Laine Kern, of 2700 – 700 West Georgia Street, in the City of Vancouver, in the Province of British Columbia, AFFIRM THAT:

1. I am a legal administrative assistant at Alexander Holburn Beaudin + Lang LLP, counsel for the Defendant, WestJet Airlines Ltd. in this matter. As such, I have personal knowledge of the facts and matters hereinafter referred to, save and except where stated to be on information and belief, and where so stated I verily believe them to be true.
2. I have reviewed our file and confirm that on February 7, 2025, Nicolas Pimentel, counsel for the Defendant, sent an email to Plaintiff's counsel confirming the availability of Ms. Heidi Mackenzie as WestJet's corporate representative on April 2 or 3, 2025, and asking Plaintiff's counsel to confirm whether Gabor Lukacs, Director of the Plaintiff, was available for an Examination for Discovery on those dates. Attached hereto and marked as **Exhibit "A"** is a copy of the email dated February 7, 2025.

A commissioner for taking affidavits for
British Columbia.

Laine Kern

KERN, Laine

From: PIMENTEL, Nicolas
Sent: Friday, February 7, 2025 3:44 PM
To: 'Simon Lin'
Cc: AGUIAR, Elisa; DERY, Michael
Subject: RE: Courtesy Follow-up on Two Outstanding Issues in Air Passenger Rights v. WestJet Airlines Ltd., NEW-S-S-254494 [IMAN2-IMANAGE.FID886835]

Dear Simon,

Ms. Mackenzie is available for an Examination for Discovery on April 2 or 3, 2025. Please confirm whether Mr. Lukacs is also available for an Examination for Discovery on those dates.

Yours truly,

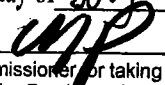
Nicolas.

NICOLAS V. PIMENTEL
Partner

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Barristers + Solicitors | Vancouver | Kelowna | Toronto

This is Exhibit "A" referred to in
the affidavit of Laine Kern
sworn before me at the City of Vancouver
this 29 day of July, 2025

A Commissioner for taking Affidavits
in and for the Province of British Columbia

ALEXANDER HOLBURN CONFIDENTIALITY NOTICE

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From: Simon Lin <simonlin@evolinklaw.com>
Sent: Monday, February 3, 2025 12:20 PM
To: DERY, Michael <mdery@AHBL.CA>
Cc: PIMENTEL, Nicolas <npimentel@AHBL.CA>; AGUIAR, Elisa <eaguiar@ahbl.ca>
Subject: Re: Courtesy Follow-up on Two Outstanding Issues in Air Passenger Rights v. WestJet Airlines Ltd., NEW-S-S-254494 [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,

We are writing to follow up on setting a date for Ms. Mackenzie's XFD. Your office advised in December that you will "respond in the new year with Ms. Mackenzie's availability for March 2025." It is now February and we have not heard back.

Please kindly provide Ms. Mackenzie's availability by the end of this week. Thank you.

Kind Regards,

KERN, Laine

From: Simon Lin <simonlin@evolinklaw.com>
Sent: Monday, February 10, 2025 8:00 AM
To: PIMENTEL, Nicolas
Cc: AGUIAR, Elisa; DERY, Michael
Subject: Re: Courtesy Follow-up on Two Outstanding Issues in Air Passenger Rights v. WestJet Airlines Ltd., NEW-S-S-254494 [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.

Good morning Nicolas,

Thank you for your response.

We can do Ms. Mckenzie's XFD on April 2, 2025. The appointment will follow shortly.

As for Dr. Lukacs, we regret to inform you that he has already booked tickets a couple of weeks ago for travel, leaving Halifax on April 3, returning mid-September. He will be in Hungary for most of that time to visit his family (particularly his aging grandmother). As such, neither April 2, nor 3, would work for his XFD.

Dr. Lukacs can make himself available for XFD via Zoom on any day between June 16-19 or 23-27, starting from 7AM PST until 12PM PST, considering the nine hour time zone difference. Unfortunately, Dr. Lukacs and I do not have mutually available dates for an XFD via Zoom in April or May.

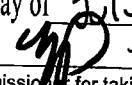
If WestJet wishes for Dr. Lukacs to attend in-person, it would have to be on or after September 23.

Please let us know by the end of this week if WestJet would prefer the June dates via Zoom or in-person in September. I have provided the same June dates for a couple unrelated matters so I would need to promptly inform the other parties if the XFD would be set for any of those dates.

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
F: 778-805-9830 (our fax number has changed as of May 12, 2023)

This is Exhibit " B " referred to in
the affidavit of Laine Kern
sworn before me at the City of Vancouver
this 29 day of July 2025

A Commissioner for taking Affidavits
in and for the Province of British Columbia