



Department of Justice
Canada

Ministère de la Justice
Canada

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BY EMAIL WITH COPY TO COUNSEL

November 14, 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
Request for Directions and/or Special Management

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 the Court of Appeal's September 2, 2022 Order, and specifically paragraph 1 subparagraph c.: "Any motions regarding privilege - to be brought by the respondent by no later than November 14, 2022. Subsequent materials in respect of any such motions shall be filed within the time limits set out in the Rules;"

At this time, to the Respondent's counsel's knowledge, the Applicant and Intervener CTA are engaged in an exchange regarding certain documents. Relevance and privilege are among the issues raised.

It is the Respondent's position that the Intervener and Applicant should determine whether a document is relevant, or that its relevance is in issue, before it is appropriate for the Respondent to bring a motion to assert privilege over it.

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At this time, Respondent's counsel is aware that the subject has been raised, but not whether it has been resolved, or will be raised before the Court of Appeal. Accordingly, it appears that a motion regarding privilege – with the attendant engagement of Court and Respondent time and resources - is not yet necessary or appropriate.

In the event that such a motion becomes necessary, the Respondent will proceed in compliance with the Court of Appeal's Order, and seek an extension of time from Court of Appeal to do so.

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 blue ink, appearing to read "Lorne Ptack". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lorne Ptack
Counsel for the Respondent

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