



INDEPENDENT PRACTITIONERS
IN THE PRACTICE OF LAW

303-668 Carnarvon St.
New Westminster, BC
V3M 5Y6

JEFFRY R. RAY, K.C.
DOUGLAS SOGA
KAREN MIRSKY
PAUL W. JANZEN
REBECCA LIN
LISA JUNG
VINCENT GUO*

*Denotes a law corporation

January 17, 2023

Judicial 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)

I am locum for Simon Lin, who is counsel for the Applicant. Please bring this letter to Gleason J.A.'s attention. Her Ladyship is seized of all pre-hearing issues, pursuant to the order of July 19, 2022.

We write to seek directions from the Court on the procedure to be followed to seek an extension of the deadline contained in paragraph 1(d) of Gleason J.A.'s order dated September 2, 2022 (the "Scheduling Order").

Paragraph 1(d) of the Scheduling Order requires that any motion under Rule 41 be brought by the Applicant within 20 days of the disposition of the motions mentioned in paragraphs 1(b) and (c) of the Scheduling Order. The motions mentioned in paragraphs 1(b) and (c) were in the event disposed of by Gleason J.A.'s order dated January 4, 2023. As such, the deadline for the Applicant to bring its Rule 41 motion would fall on or around January 24, 2023, without taking into account the seasonal recess.

Simon Lin is away from practice from December 5, 2022 to January 29, 2023. I am looking after Mr. Lin's files during his absence. I understand that this proceeding has been ongoing for over 2 years and has a complex factual and procedural history. While the Applicant fully intends to bring the Rule 41 motion, I am unable to familiarize myself with the file sufficiently to do so on behalf of the Applicant within the current deadline, and as such the Applicant is unable to bring the Rule 41 motion within the current deadline. The Applicant would need to seek an extension of the deadline to allow Mr. Lin sufficient time to deal with the matter after his return.

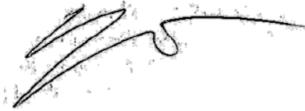
We have contacted counsel for the Respondent and the Intervenor to seek their consent to the extension sought. The Respondent has not consented to the proposed extension.

The Applicant seeks direction from the Court as to whether it should seek the extension as part of the Rule 41 motion, which would be brought after Mr. Lin's return, or whether it should seek the extension as a separate informal motion pursuant to paragraph 3 of the Scheduling Order. With the former course, the Court would have the benefit of being able to assess the merits of the Rule 41 motion in its

consideration of whether to grant the extension. In either event, the Applicant would be proposing an extension of the deadline contained in paragraph 1(d) of the Scheduling Order to February 27, 2023, to allow Mr. Lin sufficient time to deal with the matter after his return.

The Applicant would be pleased to comply with any directions from the Court.

Yours truly,

A handwritten signature in black ink, appearing to read 'Vincent Guo', with a long horizontal flourish extending to the right.

Vincent Guo
Barrister & Solicitor

cc. Sandy Graham and Lorne Ptack, solicitors for the respondent
Kevin Shaar, solicitor for the intervener