



AIR CANADA

Julianna Fox
Counsel
Litigation and Regulatory

Air Canada Center
P.O. Box 7000, Airport Station
Dorval, Quebec H4Y 1J2
Canada

Direct: (514) 422-5959
Facsimile: (514) 422-5839

By Email

September 25, 2012

The Secretary
CANADIAN TRANSPORTATION AGENCY
Complaints and Investigation Division
Air & Marine Investigations Directorate
15, Eddy Street, 19th Floor,
Hull/Ottawa, Canada
K1A 0N9

Attention: Mr. Mike Redmond

Re: Complaint by Mr. Gábor Lukács against Air Canada
CTA File No. M 4120-3/11-06673

We write following receipt of Dr. Lukács' letter dated September 24th, 2012.

Air Canada objects to Dr. Lukács's continuous allegations that Air Canada intentionally misleads the Agency by making misleading representations. For example, just in his submissions of September 24th, 2012, Dr. Lukács makes at least three gratuitous and un-warranted allegations in which he imputes, on Air Canada, *mauvaise foi* in the manner in which Air Canada has responded to the Agency.

- On page 3, he indicated that Air Canada engaged in conduct to effectively mislead the Agency.
- On page 4, he indicated that Air Canada made a colorable attempt to forcefully get an extension by illegitimate means.
- On page 4, he alleged that Air Canada embarked on vexatious conduct (by simply objecting to certain submissions by Dr. Lukács).

Air Canada requests that the Agency directs the complainant to act in a respectful manner worthy of the proceedings before the Agency.

The proceedings set out in the *Canadian Transportation Agency General Rules* at articles 19 and 20 provide the procedures that must be followed where questions are directed to a party. This procedure is set up so that questions may be asked, where relevance is justified, and answered. However, a party is

entitled to not provide a full answer where it argues that the information is not relevant and where the information is not in existence. Air Canada has been cooperative from the beginning of the present proceedings, by furnishing information that it deems to be relevant and within the scope of the complaint. Air Canada is entitled to object to the issuance of certain information on the basis of relevance and on the basis that the information does not exist.

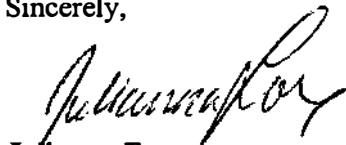
With respect to specific items in Dr. Lukács' correspondence of September 24th, 2012, Air Canada underlines that the information provided by Air Canada in the Answer of September 17th, 2012, regarding the Jetz configuration and aircraft type was accurate. As the content of the website and brochure have been brought to our attention, we have already began the process of updating their content.

With respect to the decisions requested by Dr. Lukács, Air Canada attaches them to the present correspondence.

With respect to Air Canada's request for an extension dated September 12th, 2012, Air Canada wishes to clarify that the request was made given the extent of Dr. Lukács' previous submissions, given that the undersigned does not only have Dr. Lukács' files but must also contend with a number other files (including files before the Agency and, at that time, a two-day consultation process held by the Agency regarding safety attendants) and given that Air Canada was still in the process of determining whether the information was and was not in existence. Further, as Air Canada's request for an extension was opposed by Dr. Lukács and as the Agency had not responded to said request for extension, Air Canada had no choice but to file a response by September 17th, 2012.

Finally, Air Canada reiterates its arguments on the basis of relevancy and of non-existence of the requested information, as set out in its Answers of September 17th, 2012. Air Canada further reiterates that it reserves its right to make submissions on the basis of the highly confidential nature of the information requested, should the Agency direct Air Canada to provide said information. Air Canada also respectfully requests that the Agency provide sufficient time to Air Canada, in the event that it directs the production of the requested information, and consider that the undersigned (who has been the handler of the present file since the beginning) will have limited access to the office over the next two weeks due to her participation in conferences, one of which will be held in Vancouver. As such, the undersigned will not be available to coordinate an adequate response due a projected extended absence from October 5th to October 14th, 2012, inclusively, unless sufficient time is granted by the Agency.

Sincerely,



Julianna Fox
Counsel – Regulatory Law & Litigation