

Federal Court of Appeal



Cour d'appel fédérale

Date: 20220411

Docket: A-102-20

Ottawa, Ontario, April 11, 2022

Present: GLEASON J.A.

BETWEEN:

AIR PASSENGER RIGHTS

Applicant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

and

THE CANADIAN TRANSPORTATION AGENCY

Intervener

ORDER

UPON motions of the applicant and respondent related to documentary disclosure and privilege, the whole as more particularly described in the Reasons for this Order;

AND UPON reading the materials filed;

THIS COURT ORDERS that:

1. The motion of the applicant is granted in part;
2. The motion of the respondent is granted;
3. The portions of the two documents in respect of which the respondent asserts claims of privilege are privileged and shall not be produced. Redacted copies of them shall be produced in accordance with the Reasons for this Order;
4. Within five (5) days of the date of this Order, the Canadian Transportation Agency (the CTA) shall disclose to the parties the materials listed in the Appendix to the Reasons for this Order as items A1, A5 and C2 and B4 (except those that are publicly available on the CTA's Twitter feeds);
5. Within five (5) days of the date of this Order, the CTA shall determine if the statement on vouchers was discussed during the March 19, 22 and 23, 2020 calls. If so, it shall disclose to the parties the documents relating to these calls as listed as items C1, C5 and C6 in the Appendix to the Reasons for this Order. Such disclosure shall be made within five (5) days of the date of this Order;
6. Within 10 days of the date of this Order, the respondent shall serve and file submissions regarding any notes taken by CTA Members, its Chairperson and Vice-Chairperson during the March 24, 2020 call, the whole in accordance with paragraph 43 of the Reasons for this Order;
7. Within 10 days of the date of this Order, the individual at the CTA responsible for compliance with this Court's October 15, 2021 Order shall serve and file an affidavit

- detailing the CTA's efforts to comply with the October 15, 2021 Order, the whole in accordance with the directions provided in the Reasons for this Order at paragraph 47;
8. Within 10 days of the date of this Order, the CTA shall file an updated certificate, attesting to the authenticity of the additional documents it is required to disclose as well as copies of the said documents;
 9. Within 40 days of the date of Order, the applicant shall file any additional affidavit(s) it intends to rely on in support of its application;
 10. All subsequent steps required to perfect this application shall be governed by the *Federal Courts Rules*, S.O.R./98-106.

"Mary J.L. Gleason"

J.A.