

Halifax, NS

lukacs@AirPassengerRights.ca



August 1, 2016

VIA FAX: (204) 943-4242 / (403) 245-0115

Brian J. Meronek, Q.C.
D'Arcy & Deacon LLP
Winnipeg, MB

Dear Mr. Meronek:

**Re: Media report concerning an action commenced by NewLeaf against myself
Service of the Statement of Claim**

I am writing to express my profound disappointment over what transpires as NewLeaf having notified the media about a lawsuit commenced against me without serving me with the Statement of Claim.

My bewilderment is even greater due to the fact that on July 25, 2016, we spoke for a little over an hour on the telephone about the proceedings before the Federal Court of Appeal in File No. A-242-16, but I have no recollection of you mentioning any lawsuit by NewLeaf against me.

In order to move matters forward, kindly please advise NewLeaf and/or counsel(s) representing NewLeaf in the defamation action as follows:

1. I have not received NewLeaf's Statement of Claim, and I am troubled by NewLeaf's comments published in the attached article, which may leave readers with the false impression that I am trying to evade service. A retraction and/or apology would be most welcome.
2. In order to avoid further inappropriate statements by NewLeaf, I request that NewLeaf serve me with the Statement of Claim without delay by way of personal service and/or in the manner prescribed by the *Convention on Service Abroad of Judicial or Extrajudicial Documents in Civil or Commercial Matters*, 15 November 1965, Canada Treaty Series 1989/2 (see also: Rule 31.09 of the *Nova Scotia Civil Procedure Rules* and/or Rule 17.05 of the *Ontario Rules of Civil Procedure*).

3. Between August 2-5, 2016, I will be attending the *31st Summer Conference on Topology and its Applications*, hosted by the University of Leicester. During the conference, I will be accommodated at Opal Court, 60 Lancaster Road, Leicester, LE1 7HA, England. I trust that this information is more than sufficient to allow NewLeaf to effect service.
4. Neither the present letter nor the subsequent service of the Statement of Claim constitutes submission to the jurisdiction of the issuing court nor concession that the out-of-province service is proper. I explicitly reserve the right to challenge either or both.

I look forward to being served with NewLeaf's Statement of Claim.

Sincerely yours,

Dr. Gábor Lukács

Flights
July 29, 2016 2:53 pm
Updated: July 30, 2016 4:24 pm

NewLeaf launches defamation lawsuit against airline-passenger advocate



By Adrian Cheung Reporter
Global News

WINNIPEG —
NewLeaf Travel is taking the offensive against what it calls “an unrelenting, aggressive and malicious attack” on social media, led by one of its biggest detractors.

The Winnipeg-based air travel service is suing Gabor Lukacs, an airline passenger and consumer advocate, who runs Twitter and Facebook pages under “Air Passenger Rights”. The company accuses Lukacs of defamation, injurious falsehood and intentional interference with economic relations.

Global News acquired the statement of claim filed by NewLeaf against Lukacs.

It cites a number of social media posts, listed with the hashtags “#Dont#GoNewLeaf”. The account launches claims, including one that said “NewLeaf owes over \$130K in unpaid bills according to several consultants who contacted us. Tell NewLeaf to pay its bills #Dont#GoNewLeaf”

RELATED: NewLeaf faced with lawsuit, dire predictions ahead of take-off

NewLeaf Travel, in a partnership with Kelowna B.C.-based Flair Air, resells and charters flights through the airline. It has billed itself as a low-cost carrier and as an alternative to major airlines Air Canada and WestJet.

NewLeaf has also encountered a number of controversies, including a Canadian Transportation Agency review of its licence, which delayed its official launch by several months.

In a statement provided to Global News, Jim Young, President and CEO of NewLeaf Travel said his company launched the suit due to criticism that “crosses the line and provides statements of fact which are incorrect or correct facts which are utilized and converted to unsupported theories and conjecture, NewLeaf Travel Company must take steps to protect its public image.”

Lukacs was reached for comment but said he has not been served with any court documents to date.

"[NewLeaf's lawyer] did not mention any lawsuit against me, which makes me wonder about the whole affair," Lukacs said in a written statement.


He added, "I cannot comment on a lawsuit that I have not been served with, and I do not think it would be appropriate for me to speculate."

NewLeaf, however, disputes Lukacs's claims and said he has been notified of legal action against him.

"[Lukacs] has yet to respond to the NewLeaf Travel Company lawsuit which was sent to the same email address he is utilizing to respond to his federal court matters," the statement read.

NewLeaf adds it delivered a second claim on July 26, 2016.

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