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September 6, 2015

URGENT

VIA FAX

Justice presiding over the Commercial List
Ontario Superior Court of Justice (in Bankruptcy and Insolvency)
330 University Avenue, Toronto

Your Honour:

**Re: *In the matter of the Notice of Intention to Make a Proposal of SkyGreece Airlines S.A.*
Court File No.: 31-2032828
Notice of Motion of SkyGreece Airlines S.A. returnable on September 8, 2015**

On Saturday, September 5, 2015, at 5:50 pm (Atlantic Time), counsels for SkyGreece Airlines S.A. ("SkyGreece") sent me by email a Notice of Motion returnable on September 8, 2015 and the affidavit of Mr. Brooks Pickering, sworn on September 4, 2015.

I am a resident of Halifax, Nova Scotia. SkyGreece did not provide me with a 7-day notice as required by *Rule 37.07(6)*, and I will be unable to attend court in person on September 8, 2015.

I intend to oppose the motion, which raises important and novel questions of public policy and law, including whether the motion is statute-barred and/or preempted by ss. 41, 54, 25, and 30-31 of the *Canada Transportation Act*, S.C. 1996, c. 10. I intend to file an affidavit, I will likely choose to cross-examine Mr. Pickering, and I intend to file a factum.

I am writing to ask that the Honourable Court:

- adjourn the hearing of the motion; and
- approve the attached proposed Case Timetable.

I would also like to advise the Court that I will be unavailable during normal business hours on September 14-25, 2015 due to two hearings before the Federal Court of Appeal in Halifax, and my duties as a member of a provincial adjudicative board (Assistance Appeal Board).

The proceeding involves at least two out-of-province parties, namely, the undersigned (Halifax, Nova Scotia), and the Canadian Transportation Agency (Gatineau, Quebec). In order to allow the most expeditious and efficient hearing of the motion, I respectfully ask that the Honourable Court:

- permit out-of-province parties to participate in all hearings relating to the proceeding by telephone (*Rule 1.08(3)*);
- adopt the *E-Service Guide of the Commercial List* in the proceeding; and
- permit out-of-province parties to file all court documents electronically, in the manner set out in the *Guide Concerning e-Delivery of Documents in the Ontario Superior Court of Justice*, without filing a hard copy.

All of which is most respectfully submitted.

Dr. Gábor Lukács
Respondent

Cc: Mr. Kenneth T. Rosenberg, counsel for SkyGreece
Mr. Massimo Starnino, counsel for SkyGreece
Ms. Debra McKenna, counsel for SkyGreece
Mr. Tim Jolly, counsel for the Canadian Transportation Agency
Mr. Clifton P. Prophet, counsel for Ernst & Young (Proposal Trustee)

**SUPERIOR COURT OF JUSTICE
IN BANKRUPTCY AND INSOLVENCY**

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF
SKYGREECE AIRLINES S.A., an insolvent person,
pursuant to section 50.4(1) of the *Bankruptcy and Insolvency Act* (“BIA”)**

CASE TIMETABLE

1. Service of responding affidavits by: October 9, 2015.
2. Cross-examinations, to be conducted by videoconference (Skype), and to be completed by: October 16, 2015.
3. Transcripts of cross-examinations to be exchanged by: November 6, 2015.
4. Service of SkyGreece’s factum and motion record: November 13, 2015.
5. Service of Respondents’ facta and motion records: November 23, 2015.