

RE: Motion to compel answers and additional questions [RE: Complaint regarding United Air Lines, Inc.'s prohibition against onboard photograph and audio or video]

1 message

Drew Tyler <dt Tyler@conlinbedard.com>

Fri, Apr 12, 2013 at 5:10 PM

To: "secretaire-secretary@otc-cta.gc.ca" <secretaire-secretary@otc-cta.gc.ca>

Cc: "jeff.wittig@united.com" <jeff.wittig@united.com>, Ben Bedard <bbedard@conlinbedard.com>,

"Sylvie.Giroux@otc-cta.gc.ca" <Sylvie.Giroux@otc-cta.gc.ca>, Gabor Lukacs <lukacs@airpassengerrights.ca>

Madam Secretary,

United Air Lines objects to Dr. Lukács request for an extension to file his reply.

In Decision LET-C-A-53-2013, the Agency made it clear that it “will only grant extensions of time in exceptional circumstances” (emphasis in original), a view also expressed in the Agency’s publication “Practice Regarding Requests for Extensions of Time to File Submissions”. Further, Decision LET-C-A-53-2013 states that it is the responsibility of the parties to file their submissions within the timelines. The Decision provided that Dr. Lukács must file his reply on April 11, 2013. Dr. Lukács filed his request for an extension at 4:10 pm (EST) on the day his reply was due.

There is no exceptional circumstance that warrants granting the extension. United submits that Dr. Dr. Lukács had sufficient time to reply to United’s submission. Further, Dr. Lukács had an opportunity to bring his motion in a timely manner, but instead chose to file it at the very last possible hour.

United is reserving its opinion on the propriety of the questions posed and documents requested by Dr. Lukács at this time. However, United submits that in the circumstances of this case the questions posed and documents requested by Dr. Lukács do not give rise to an exceptional circumstance that warrant granting Dr. Lukács an extension to file his reply.

The Agency is a quasi-judicial body and all parties must respect its procedures. Dr. Lukács was aware of the Agency’s Decision with respect to timelines and chose not to file a reply within the designated timeline. Given the absence of exceptional circumstances, the Agency should deny his request for an extension.

At this time United is reserving its answer to the remainder of Dr. Lukács motion. That being said, United submits that having missed the deadline for the filing of his reply, the pleadings in this matter should be closed. The filing of a motion minutes before the close of pleadings is an abuse of the Agency’s process. Accordingly, United asks that the Agency should find that the time for the filing of motions was passed and Dr. Lukacs’ motion should be dismissed on that basis.

Sincerely,

Drew Tyler

Conlin Bedard LLP

220 Laurier Avenue West, Suite 700

Ottawa ON K1P 5Z9 CANADA

T: +1 613.782.5755 (Direct Dial)

F:+1 613.249.7226

E: dt Tyler@conlinbedard.com

www.conlinbedard.com

The contents of this message and its attachments are intended for the exclusive use of the addressee, and may be subject to legal privilege. Any use other than by the addressee is prohibited. If you have received this message in error, please notify us immediately and delete your copy of the message.

-----Original Message-----

From: Gabor Lukacs [mailto:dr.gabor.lukacs@gmail.com] On Behalf Of Gabor Lukacs

Sent: April 11, 2013 4:10 PM

To: secretaire-secretary@otc-cta.gc.ca; Sylvie.Giroux@otc-cta.gc.ca

Cc: jeff.wittig@united.com; Ben Bedard; Drew Tyler

Subject: Motion to compel answers and additional questions [Re: Complaint regarding United Air Lines, Inc.'s prohibition against onboard photograph and audio or video]

Dear Madam Secretary and Ms. Giroux,

Enclosed please find my motion seeking an order to compel United to answer outstanding questions as well as setting a deadline for United to answer additional questions directed to it. I am also asking for an extension to file my Reply until United provides full and complete answers.

Kindly please confirm the receipt of this message.

Best wishes,

Dr. Gabor Lukacs

On Thu, 4 Apr 2013, Drew Tyler wrote:

>

> Madam Secretary,

>

>

>

> Pursuant to Canadian Transportation Agency Decision No.

> LET-C-A-53-2013, please accept the attached letter as United Air Lines, Inc.'s answer to Dr.

> Lukács complaint, dated February 24, 2013.

>

>

>

> A copy of the answer has already been provided to Dr. Lukács by email.

>

>

>

>

>

> Sincerely,

>

>

>

>

>

> Drew Tyler

>

> Conlin Bedard LLP

>

> 220 Laurier Avenue West, Suite 700

>

> Ottawa ON K1P 5Z9 CANADA

>

>

>

> T: [+1 613.782.5755](tel:+16137825755) (Direct Dial)

>

> F: [+1 613.249.7226](tel:+16132497226)

>

> E: dtTyler@conlinbedard.com

>

> www.conlinbedard.com

>

>

>

> The contents of this message and its attachments are intended for the

> exclusive use of the addressee, and may be subject to legal privilege.

> Any use other than by the addressee is prohibited. If you have

> received this message in error, please notify us immediately and

> delete your copy of the message.

>

>

>

-

>

>

>