

Halifax, NS

lukacs@AirPassengerRights.ca



October 27, 2014

VIA FAX

Judicial Administrator
Federal Court of Appeal
Ottawa, ON K1A 0H9

Dear Madam or Sir:

**Re: Dr. Gábor Lukács v. Canadian Transportation Agency
Federal Court of Appeal File No.: A-218-14
Request for directions with respect to the motion for leave to intervene**

I am the applicant in the present application for judicial review. I am seeking directions with respect to the motion of the Privacy Commissioner of Canada (“Commissioner”) for leave to intervene that was served on me on October 17, 2014.

On October 23, 2014, I conducted a cross-examination of Ms. Patricia Kosseim, whose affidavit was submitted in support of the Commissioner’s motion. A transcript of the examination, which was ordered immediately, will be available in 10 business days, on or around November 6, 2014.

Once the transcript is available, it is my intention to bring a motion to compel answers to questions that were refused or not properly answered by Ms. Kosseim and production of documents that she did not produce as directed in the Direction to Attend.

I am therefore asking that the Honourable Court hold the Commissioner’s motion for leave to intervene in abeyance, and not decide the motion until after:

- (a) receipt of the transcript of the cross-examination of Ms. Kosseim; and
- (b) determination of a motion to compel answers and production of documents by Ms. Kosseim, which I intend to bring shortly after I receive the transcript.

I have attempted to obtain the consent of the Commissioner to hold its motion in abeyance as described above, however, I received a noncommittal answer (enclosed).

Sincerely yours,

Dr. Gábor Lukács

Enclosed: Email sent to Ms. Seligy on October 24, 2014
Email received from Ms. Seligy on October 27, 2014

Cc: Ms. Odette Lalumière, counsel for the Canadian Transportation Agency
Ms. Jennifer Seligy, counsel for the Privacy Commissioner of Canada

From lukacs@AirPassengerRights.ca Fri Oct 24 13:05:09 2014
Date: Fri, 24 Oct 2014 13:05:07 -0300 (ADT)
From: Gabor Lukacs <lukacs@AirPassengerRights.ca>
To: Jennifer Seligy <Jennifer.Seligy@priv.gc.ca>
Subject: Consent to holding the motion for leave to intervene in abeyance [A-218-14 -
Lukacs v. Canadian Transportation Agency]

Ms. Seligy,

I am writing to you as per our discussions on the phone today, to seek your consent that the motion for leave to intervene be held in abeyance pending:

- (a) receipt of transcript of the cross-examination of Ms. Kosseim; and
- (b) resolution of a motion to compel answers and production of documents by Ms. Kosseim, which I intend to bring after I receive the transcript.

I would like to thank you in advance for your cooperation.

I look forward to hearing from you.

Best wishes,
Dr. Gabor Lukacs

From Jennifer.Seligy@priv.gc.ca Mon Oct 27 12:27:58 2014
Date: Mon, 27 Oct 2014 15:27:49 +0000
From: Jennifer Seligy <Jennifer.Seligy@priv.gc.ca>
To: "Gabor Lukacs (lukacs@AirPassengerRights.ca)" <lukacs@airpassengerrights.ca>
Subject: Request for consent to holding the motion for leave to intervene in abeyance
[A-218-14 - Lukacs v. Canadian Transportation Agency]

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Dr. Lukacs,

This is further to your email of Friday October 24, 2014 requesting consent from the Office of the Privacy Commissioner (OPC) to holding its motion for leave to intervene in your judicial review application in abeyance. It is not clear from your request how you intend to proceed. If you intend to bring a motion for a time extension to respond to the OPC's motion for leave to intervene, or to bring a motion to hold the OPC's motion for leave to intervene in abeyance, I can, once I receive any such motion, obtain instructions from my client and inform you of the position the OPC will take on your proceedings promptly thereafter. I would need to see precisely what is being presented to the Court before I could seek instructions on the position the OPC would take.

Regards,

Jennifer

Jennifer Seligy
Legal Counsel / Conseil?re juridique
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