

Federal Court of Appeal



Cour d'appel fédérale

Date: 20141114

Docket: A-366-14

Ottawa, Ontario, November 14, 2014

Present: GAUTHIER J.A.

BETWEEN:

DR. GÁBOR LUKÁCS

Appellant

and

CANADIAN TRANSPORTATION AGENCY AND BRITISH AIRWAYS PLC

Respondents

**ORDER**

**UPON** considering the Canadian Transportation Agency (CTA)'s request that it be allowed to withdraw its motion for an extension of the time to file its memorandum without cost as it has now had the opportunity to review the memorandum of the other respondent British Airways PLC (BA) and has no further argument to add;

**HAVING** reviewed the appellant's letter dated October 28, 2014, as well as the material filed by both parties in respect of the original motion filed by CTA on October 9, 2014;

**UPON** considering that in the normal course of events and in the absence of exceptional circumstances, the original motion would have been granted on consent and on a without cost

basis, as it is in the interest of justice that duplication of arguments be avoided. In this particular case and in any event, the motion that CTA now seeks to withdraw would have been granted, but for the fact that the Court did not have an opportunity to deal with the motion before CTA had a chance to review BA's memorandum and advise the Court that it no longer needed to file a distinct memorandum of fact and law. This should not unduly benefit the respondent;

**THIS COURT ORDERS** that the motion shall be withdrawn without cost.

"Johanne Gauthier"

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J.A.