

SUPERIOR COURT

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No: 500-06-001039-201

DATE: March 5, 2021

PRESIDING: THE HONOURABLE THOMAS M. DAVIS, J.S.C.

WALTER EDWARD DAVIES
Plaintiff

v.

AIR CANADA
Defendant

JUDGMENT

OVERVIEW

[1] Plaintiff, Walter Edward Davies (**Mr. Davies**), seeks to be replaced by his spouse, Carole Davies, as plaintiff in the proposed class action against Air Canada.

[2] The application is motivated by Mr. Davies advancing age. Carole Davies is also a retired employee of Air Canada and, hence has experienced similar issues in the use of her flight passes

[3] Air Canada does not contest the substitution under reserve of its rights, but asks that the following judgments already rendered by the Court be applicable with respect to Carole Davies as the new plaintiff in the proposed class action, with the necessary adjustments:

1. Judgment rendered on October 8, 2020 by the Honourable Justice Thomas M. Davis, J.S.C., on Air Canada's application to examine the Plaintiff;

2. Judgment rendered on November 27, 2020 by the Honourable Justice Thomas M. Davis, J.S.C., on Air Canada's application to produce relevant evidence (the "**Judgment on Relevant Evidence**").

[4] As to the relevant evidence, Air Canada asks that the collective agreement applicable to Carole Davies at the time of her retirement in 1991 (i.e., the collective agreement between Air Canada and The Canadian Union of Public Employees (Airline Division) effective from September 1, 1990 to October 31, 1992) replace Annex A of Exhibit AC-2 (the Sworn Statement of Anthony Burse), the production of which has already been authorized by the Court.

[5] Class counsel agrees that these requests are appropriate in the circumstances, as does the Court.

FOR THESE REASONS, THE COURT:

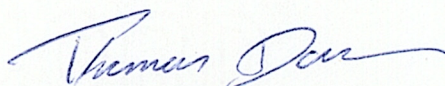
[6] **GRANTS** Plaintiff's Application to substitute Carole Davies as Plaintiff in the proposed class action;

[7] **DECLARES** that the judgments of October 8, and November 27, 2020 continue to apply to this matter with the necessary adjustments;

[8] **AUTHORIZES** Defendant to substitute the collective agreement between Air Canada and The Canadian Union of Public Employees (Airline Division) effective from September 1, 1990 to October 31, 1992 for the one already authorized as Annexe A of the solemn declaration of Anthony Burse;

[9] **AUTHORIZES** the examination of Carole Davies in conformity with paragraph 23 of the judgment of October 8, 2020;

[10] **WITHOUT JUDICIAL COSTS.**



THOMAS M. DAVIS, J.S.C.

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Hearing date: February 9, 2021