

CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL

SUPERIOR COURT  
(CLASS ACTION)

---

NO: 500-06-001017-199

VLAD MIHAI CALCIU,

Plaintiff

v.

AIR TRANSAT A. T. INC.,

Defendant

---

**NOTICE TO THE CLASS MEMBERS  
(Detailed Notice)**

---

1. **TAKE NOTICE** that on April 28, 2020, the Superior Court of Quebec, district of Montreal, authorized Mr. Vlad Mihai Calciu to institute a class action against Air Transat A.T. Inc. on behalf of all persons in the class defined as follows:

All passengers on Air Transat Flight TS 803, which was scheduled to operate between Cuba and Montreal on August 16, 2019, at 9 p.m.

2. This class action is to proceed in the district of Montreal.
3. The principal issues of fact and law that will be dealt with collectively are:
- A. Did the Defendant's Flight TS 803 depart Holguin on August 16, 2019, at 9:00 p.m. as provided for in the class members' transportation ticket? If not, how long was the flight delayed?
  - B. Did the Defendant have an obligation to transport the class members according to the schedule provided in their transportation ticket? If so, identify the nature and intensity of the Defendant's obligations?
  - C. Is the Defendant presumed liable for the flight delay of August 16, 2019?
  - D. Did the Defendant fail to fulfill its obligations to the class members? If so, is the Defendant liable for damages incurred by the passengers?
  - E. Are class members entitled to claim pecuniary and/or non-pecuniary damages from the defendant?
  - F. What is the quantum of damages to which class members are entitled?
  - G. Are class members entitled to interest and additional indemnity as provided by law on the amount of any condemnation?
4. The conclusions sought in relation to these questions are as follows:

**GRANT** the representative Plaintiff's class action;

**CONDEMN** the Defendant to pay to each class member the following damages, the whole subject to the Court's assessment, and subject to the calculation method and claim process to be determined:

- a) \$1,740 for trouble, inconvenience and fatigue while waiting for Holguin's departure until arrival in Montreal;
- b) \$100 for meal expenses;
- c) An indemnity for telephone charges upon presentation of invoices;
- d) \$400 for lost wages for August 17 and 18, 2019;
- e) \$1,000 for moral damages;
- f) Apply interest and additional indemnity on the amount of any condemnation;

**CONDEMN** the Defendant to pay to the representative Plaintiff the amount of \$3,240 with interest and the additional indemnity provided by law;

**ORDER** the collective recovery of class members' claim for which the evidence allows a sufficiently precise determination, the whole in accordance with articles 595 and 596 C.C.P. and **CONDEMN** the Defendant to pay the amount of the sums subject to collective recovery;

**ORDER** that the particular damages suffered by each class member be subject to individual recovery, the whole according to the terms and conditions that may be determined by the Court, upon a request from the representative Plaintiff;

**RENDER** any other order that this Honourable Court shall determine and that is in the interest of the class members;

**THE WHOLE** with legal costs, including publication fees.

5. The class action to be instituted by the representative Plaintiff for the class members is an action in damages based on article 19 of the *Convention for the Unification of Certain Rules for International Carriage by Air (Montreal Convention)*.
6. If you are concerned by the class action, you do not have to register or do anything else to be part of it.
7. However, if you wish to opt out from the class action, you must notify the clerk of the Superior Court of Quebec, district of Montreal, **before April 30, 2021**, by mail to the following address:

Superior Court of Quebec  
(Class Action Division)  
1, Notre-Dame Street East  
Montreal (Québec) H2Y 1B6

8. You must indicate that you wish to opt out from the class action against AIR TRANSAT A. T. Inc. in the court file bearing number **500-06-001017-199**.
9. A class member who has not requested his or her exclusion will be bound by any judgment that could be rendered in the context of the class action to be instituted, as provided by law.

10. A class member will be deemed to have opted out if he or she does not discontinue an originating application having the same subject matter as the class action before the expiry of the thirty (30) days' delay mentioned above.
11. Any member of this class action, other than a representative or intervener in this class action, cannot be required to pay any legal costs relating to this class action.
12. As a class member, you have the right to intervene in this class action in the manner provided by law.
13. Class members may obtain a copy of the authorization judgment or further information relating to this class action by visiting the Registry of class actions <https://coursuperieureduquebec.ca/> or by contacting class counsel whose contact information is provided below.

(s) Me R. Gauld Joseph

---

**Class Counsel**

**R. GAULD JOSEPH Avocat & Attorney**

1188, Union Avenue, office 134

Montreal (Québec) H3B 0E5

Phone : 514-748-5682

Fax : 514-221-2160

Email : [gauld@gauldavocats.com](mailto:gauld@gauldavocats.com)

Website : [www.gauldavocats.com](http://www.gauldavocats.com)