

Federal Court



Cour fédérale

**Date: 20200609**

**Docket: T-553-19**

**Citation: 2020 FC 677**

**Ottawa, Ontario, June 9, 2020**

**PRESENT: The Honourable Mr. Justice Lafrenière**

**PROPOSED CLASS PROCEEDING**

**BETWEEN:**

**ANNICK WARD**

**Plaintiff**

**and**

**FLAIR AIRLINES LTD.**

**Defendant**

**ORDER**

**UPON MOTION** by the Plaintiff in writing pursuant to Rule 369 of the *Federal Court Rules*, SOR/98-106 for the following relief:

1. An Order in the form enclosed as Schedule “1” to this Motion, namely that:
  - a) This Action is discontinued against Flair Airlines Ltd. under Rule 334.3;
  - b) The parties shall bear their own cost for this action, pursuant to Rule 334.39;

- c) Pursuant to Rule 334.35, the parties shall distribute a notice of the discontinuance to the putative class members in a manner approved by the Court; and
- d) Such further and other relief as this Honourable Court deems just.

**AND UPON** noting the consent of the Defendant to the relief requested by the Plaintiff, as reflected in the affidavit of Jim Scott, President and Chief Executive Officer of the Defendant, sworn April 29, 2020;

**THIS COURT ORDERS that:**

1. The discontinuance of the proceeding is approved.
2. All claims in this Action against Flair Airlines Ltd. are discontinued under Rule 334.3.
3. No costs are awarded to any party under Rule 334.39(1).
4. Within five (5) business days of the date of this Order, the parties shall cause the Notices (French version in Schedule A and English version in Schedule B) to be disseminated as follows:
  - a) Counsel for the Plaintiff shall cause this Order and Notices to be posted on counsel's website at <http://evolinklaw.com/flair-air-class-action/> with a prominent heading indicating that "Flair Air Proposed Class Action Discontinued".

- b) Counsel for the Plaintiff shall send an e-mail containing the text of the Notices to all individuals that are asserting a claim against Flair Airlines Ltd. that have subscribed to counsel's mailing list.
- c) Flair Airlines Ltd. shall, at its own cost, cause the Notices to be published in a nationwide press release via Canada Newswire.

“Roger R. Lafrenière”

Judge

Schedule A to the Order of Mr. Justice Lafrenière  
dated June 9, 2020 in T-553-19

## **AVIS**

### **Le recours collectif proposé contre Flair Air Ltd. pour ses vols aux États-Unis fait l'objet d'un désistement**

Le recours collectif proposé concerne l'annulation par Flair Airlines Ltd. d'une variété de vols aux États-Unis vers février et mars 2019. Un recours collectif proposé avait été déposé le 29 mars 2019 en Cour fédérale demandant un dédommagement pour les passagers visés.

Le 9 juin 2020, la Cour fédérale a approuvé la demande de la demanderesse de se désister du recours collectif proposé contre Flair Airlines Ltd. Ce désistement veut dire que le recours collectif proposé n'ira plus de l'avant.

Ainsi, tout membre potentiel du groupe qui désire faire valoir sa réclamation devra le faire sur une base individuelle.

Le présent avis a été approuvé pour publication par la Cour fédérale.

Schedule B to the Order of Mr. Justice Lafrenière  
dated June 9, 2020 in T-553-19

**NOTICE**

**Flair Airlines USA Routes Proposed Class Action Discontinued**

The proposed class action involved Flair Airlines Ltd.'s cancellation of various USA routes in or about February-March 2019. A proposed class action was filed on March 29, 2019 at the Federal Court seeking compensation for the affected passengers.

On June 9, 2020, the Federal Court approved the Plaintiff's application to discontinue the proposed class action against Flair Airlines Ltd. This discontinuance means that the proposed class action will no longer proceed.

As such, any potential class members who wish to proceed with their claims on an individual basis should consider doing so.

This notice has been approved for distribution by the Federal Court