

Form 23.03

2015



Hfx No. 438657

**SUPREME COURT OF NOVA SCOTIA**

BETWEEN:

**KATHLEEN CARROLL-BYRNE, ASHER HODARA and  
GEORGES LIBOY**

PLAINTIFFS

– AND –

**AIR CANADA, AIRBUS S.A.S., NAV CANADA, HALIFAX  
INTERNATIONAL AIRPORT AUTHORITY, THE  
ATTORNEY GENERAL OF CANADA** representing His  
Majesty the King in Right of Canada, **JOHN DOE #1** and **JOHN  
DOE #2**

DEFENDANTS

Proceeding under the *Class Proceedings Act*, S.N.S. 2007, c.28

**NOTICE OF MOTION  
(Motion to Approve Fee and Disbursements)**

**TO: AIR CANADA**  
Head Office  
7373 C6te-Vertu Blvd, West  
Saint-Laurent, QC H4S 1Z3

**AND TO: AIRBUS S.A.S.**  
Airbus Headquarters in Toulouse  
1, Rond Point Maurice Bellonte  
31707 Blagnac Cedex  
France

**AND TO: NAV CANADA**  
77 Metcalfe Street  
Ottawa, ON K1P 5L6

**AND TO: HALIFAX INTERNATIONAL AIRPORT AUTHORITY**  
1 Bell Boulevard  
Enfield, NS B2T 1K2

**AND TO: THE ATTORNEY GENERAL OF CANADA**  
Atlantic Regional Office  
Department of Justice Canada  
Suite 1400, Duke Tower  
5251 Duke Street  
Halifax, NS B3J 1P3

**AND TO: JOHN DOE # 1**  
**JOHN DOE # 2**  
c/o Air Canada  
Head Office 7373  
Côte-Vertu Blvd,  
West Saint-Laurent, QC H4S 123

### **Motion**

The Plaintiffs in this proceeding move for an Order:

- i. approving a Class Counsel Fee in the amount of \$5,039,521.34, plus applicable taxes of \$705,532.99, for a total of \$5,745,054.33; and
- ii. approving Class Counsel Disbursements in the amount of \$888,806.42, plus HST of \$125,907.28, for a total of \$1,014,713.70.

### **The Grounds for the Motion**

The Parties have reached a proposed settlement of this class action. The Plaintiffs bring this motion under section 41 of the *Class Proceedings Act* seeking approval of the Class Counsel Fee and Class Counsel Disbursements as being fair and reasonable. The Plaintiffs will bring a separate motion seeking an Order approving the Settlement Agreement.

### **Time and Place**

The motion is to be heard by the Honourable Justice Ann Smith on June 22, 2026 at 11:00 am at the Law Courts, 1815 Upper Water St. Halifax, Nova Scotia, B3J 1S7.

### **References**

The moving party relies on the following legislation, Rules, or points of law:

*Class Proceedings Act*, S.N.S. 2007, c. 28

## Evidence

The evidence in support of the motion is as follows:

- 1) Affidavit of Kate Boyle, affirmed May 11, 2026, and filed with this Notice;
- 2) Affidavit of Kathleen Carroll-Byrne, affirmed May 11, 2026, and filed with this Notice;
- 3) Affidavit of Asher Hodara, affirmed April 30, 2026, and filed with this Notice;
- 4) Affidavit of Georges Liboy, affirmed April 29, 2026, and filed with this Notice.

## Possible Order Against You

You may file an affidavit and a brief, attend the hearing of the motion, and state your position on whether the proposed order should be made. If you do not attend, the judge may grant an order without further notice to you.

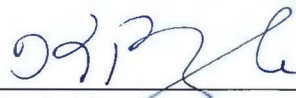
## Signature

Signed this 11<sup>th</sup> day of May, 2026.



---

**Raymond Wagner, K.C.**  
**Madeleine Carter**  
**Kate Boyle**  
**Wagners**  
1869 Upper Water Street  
Suite PH 301, Historic Properties  
Halifax, NS B3J 1S9  
Email: [raywagner@wagners.co](mailto:raywagner@wagners.co)  
[mcarter@wagners.co](mailto:mcarter@wagners.co)  
[kboyle@wagners.co](mailto:kboyle@wagners.co)  
*Counsel for the Plaintiffs*



*for*

---

**Jamie Thornback**  
**Chya Mogerman**  
**Brenna Krause**  
**CFM Lawyers LLP**  
856 Homer Street  
Suite 400  
Vancouver, BC V6B 2W5  
Email: [jthornback@cfmlawyers.ca](mailto:jthornback@cfmlawyers.ca)  
[cmogerman@cfmlawyers.ca](mailto:cmogerman@cfmlawyers.ca)  
[bkrause@cfmlawyers.ca](mailto:bkrause@cfmlawyers.ca)  
*Counsel for the Plaintiffs*