

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
(Settlement Approval)**

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 the Settlement Agreement, including the schedules attached thereto, dated February 20, 2026, as being fair and reasonable and in the best interests of the Class, pursuant to s. 38 of the *Class Proceedings Act*;
- ii. approving the Phase II Notice and Phase II Notice Plan;
- iii. dismissing this action with prejudice, effective on the Effective Date;
- iv. approving the payment of honoraria to the Representative Plaintiffs.

The Grounds for the Motion

The Parties have reached a proposed settlement of this class action. The Plaintiffs bring this motion under section 38 of the *Class Proceedings Act*, seeking an Order approving the Settlement Agreement as being fair and reasonable and in the best interests of the Class, as well as ancillary relief such as the approval of notice of settlement approval, approval of the distribution protocol, the dismissal of this action with prejudice on the Effective Date, and the approval of the payment of honoraria to the Representative Plaintiffs.

The Plaintiffs will also bring a separate motion, under section 41 of the *Class Proceedings Act* seeking the approval of the Class Counsel Fee and Class Counsel Disbursements as being fair and reasonable, to be heard on the same day.

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 11th day of May, 2026.



Raymond Wagner, K.C.

Madeleine Carter

Kate Boyle

Wagners

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