

**Form 39.08**

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

**Supplemental Affidavit of Kate Boyle**

**(Supplemental Affidavit re Motion to Approve Settlement and Motion to Approve Fee and  
Disbursements)**

I, Kate Boyle, Solicitor for the Plaintiffs, of the City of Halifax, in the Province of Nova Scotia, hereby affirm and say:

1. I am a partner at the law firm of Wagners, in Halifax, Nova Scotia, which is one of the firms that represents the Plaintiffs in this matter as Class Counsel, along with CFM Lawyers LLP (“CFM”) and MacGillivray Injury and Insurance Law.
2. I have personal knowledge of the matters I have affirmed in this affidavit, except where I state that facts are based on information from other sources.
3. Where I make statements that are not within my personal knowledge, I have stated the source of the information and believe that information to be true.
4. Except where otherwise indicated or required by context, the capitalized terms that are not defined in this affidavit have the meanings given to them in the Settlement Agreement.
5. On May 11, 2026, I affirmed an affidavit in support of the motion to approve Settlement in this Action, and the motion to approve Class Counsel’s fee and disbursements (the “First Boyle Affidavit”). This affidavit is intended to be considered alongside the First Boyle Affidavit.

**I. UPDATED PHI ALLOCATION AND FINAL PROPOSED DISTRIBUTION OF SETTLEMENT AMOUNT**

6. In the First Boyle Affidavit, I explained that Class Counsel was in discussions with Nova Scotia to resolve the PHI claim related to one final passenger, and that once this final claim was resolved, Class Counsel would provide an update to the Court with Nova Scotia’s final PHI amount, as well as the global PHI Allocation.

7. I am informed by Ms. Brenna Krause, lawyer at CFM, and verily believe that Nova Scotia has agreed to receive \$246,254.12 from the Settlement Amount to resolve its PHI Subrogated Claim.
8. The final global PHI Allocation is \$248,172.41.
9. I am informed by Ms. Krause and verily believe that Class Counsel has received signed PHI Releases from all six provinces with PHI Subrogated Claims.
10. Based on the above, the proposed distribution of the Settlement Amount will change very slightly from the proposed distribution that was set out in the First Boyle Affidavit.
11. The chart below shows the proposed distribution that was set out in the First Boyle Affidavit, as well as the final proposed distribution based on the updated PHI Allocation:

	<b>Proposed Distribution from the First Boyle Affidavit</b>	<b>Final Proposed Distribution</b>
<b>Settlement Amount</b>	\$18,075,000.00	\$18,075,000.00
<b>PHI Allocation</b>	\$254,381.84	\$248,172.41
<b>Private Health Insurance Subrogated Claims</b>	\$54,411.82	\$54,411.82
<b>Class-wide Disbursements (inclusive of taxes)</b>	\$568,797.39	\$568,797.39
<b>Individual Disbursements (inclusive of taxes)</b>	\$445,916.31	\$445,916.31
<b>Legal Fee (inclusive of taxes)</b>	\$5,745,054.33	\$5,747,177.95

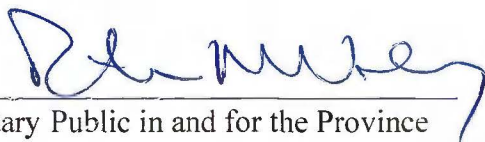
<b>Individual Class Member Payments</b>	\$10,998,938.30	\$11,003,024.12
<b>Representative Plaintiff Honouraria</b>	\$7,500	\$7,500

12. Based on the above, Class Counsel seeks approval for payment of the Class Counsel Fee in the amount of \$5,041,384.17, plus applicable taxes of \$705,793.78, for a total of \$5,747,177.95.
13. Class Counsel intends that the settlement and fee approval briefs, filed on May 11, 2026, be read with the updated numbers set out above at paragraphs 11 and 12.

**II. UPDATE REGARDING PHASE 1 NOTICE**

14. I am informed by Ms. Chya Mogerman, lawyer at CFM, and verily believe that on May 19, 2026, CFM received two returned Mail Notices. CFM followed up with these individuals by email to obtain updated addresses, and these two returned Mail Notices were re-sent to new/corrected addresses on May 19, 2026.

AFFIRMED before me at Halifax, Nova Scotia this 8<sup>th</sup> day of June, 2026:



A Notary Public in and for the Province of Nova Scotia



**KATE BOYLE**

**PETER C. McVEY, K.C.**  
A Barrister of the Supreme Court of Nova Scotia