

COPY

2025 01G 0990  
SUPREME COURT OF NEWFOUNDLAND AND LABRADOR  
GENERAL DIVISION

BETWEEN:

EMMA BRIDGEMAN

FIRST PLAINTIFF

AND:

LIAM O'LEARY

SECOND PLAINTIFF

AND:

AIR CANADA

FIRST DEFENDANT

AND:

PROVINCIAL AEROSPACE LTD

SECOND DEFENDANT

AND:

ST. JOHN'S INTERNATIONAL AIRPORT  
AUTHORITY

THIRD DEFENDANT

AND:

HALIFAX INTERNATIONAL AIRPORT  
AUTHORITY

FOURTH DEFENDANT

BROUGHT UNDER THE *CLASS ACTIONS ACT*, SNL 2001, c C-18.1

AMENDED STATEMENT OF CLAIM

**Overview**

1. This is a proposed class action brought against Air Canada, Provincial Aerospace Ltd, and the St. John's International Airport Authority, and the Halifax International Airport Authority by proposed representative plaintiffs, Emma Bridgeman, and Liam O'Leary, for damages arising from a crash landing which occurred on Air Canada Flight 2259.

Filed mar 12, 2025

2. Further to paragraph 1, Flight 2259 departed from St. John's International Airport on December 28<sup>th</sup>, 2024 and crash landed at Halifax Stanfield International Airport at approximately 9:30 PM on the same date.
3. There were 73 passengers on board Flight 2259 when it crashed.

### **The Proposed Class**

4. The proposed representative Plaintiff<sup>s</sup> brings this action on her own behalf and on a class consisting of two subclasses:

Class A: All persons ordinarily residing in the Province of Newfoundland and Labrador who were passengers of Air Canada Flight 2259 which crashed at Stanfield International Airport in Halifax, Nova Scotia, at approximately 9:30 P.M. Atlantic Time on December 28<sup>th</sup>, 2024.

Class B: All persons ordinarily residing outside of the Province of Newfoundland and Labrador who were passengers of Air Canada Flight 2259 which crashed at Stanfield International Airport in Halifax, Nova Scotia, at approximately 9:30 P.M. Atlantic Time on December 28<sup>th</sup>, 2024.

### **Proposed Representative Plaintiff<sup>s</sup>**

a. Emma Bridgeman

5. Emma Bridgeman is a resident of the Town of Paradise, in the Province of Newfoundland and Labrador. At all material times, she was a member of Class A. Her address for service is c/o Bob Buckingham Law, St. John's, NL A1C 1T2.
6. The First Plaintiff is a rugby coach and was travelling from St. John's to Halifax with her team. She was sitting in the aisle seat, row 13, on the port side of the airplane. She states that when the plane first touched the runway in Halifax, she knew something was wrong with the plane. She heard a loud noise and the plane began to vibrate. She saw the left side of the plane touch the runway and saw a fire start outside her row's window.
7. The First Plaintiff states that the plane was able to stop, and smoke began filling the cabin. The flight crew were visibly anxious. Passengers were panicked and tearful. Within approximately seven minutes, the First Plaintiff and other passengers were able to disembark by jumping to the ground from the plane's door. All passengers were left on the runway without shelter or assistance for approximately an hour. Most did not have

adequate clothing for the freezing temperatures. The First Plaintiff was wearing a sweatshirt and pants.

8. The First Plaintiff states that since the crash described above, she has suffered psychological injuries including anxiety and a fear of flying. She states these injuries were caused solely by the conduct of the Defendants herein and she seeks compensation from them.

b. Liam O'Leary

9. Liam O'Leary is a resident of the City of Halifax, in the Province of Nova Scotia. At all material times, he was a member of Class B. His address for service is c/o Bob Buckingham Law, St. John's, NL A1C 1T2.
10. The Second Plaintiff is originally a resident of St. John's, Newfoundland and Labrador. On the night of the crash, the Second Plaintiff was returning to Halifax after visiting his family for Christmas. He was travelling alone and was seated in the first row on the port side of the aircraft.
11. The Second Plaintiff states that when the plane landed at the Halifax airport, the plane began vibrating and skidding across the runway. He could hear a propellor striking the tarmac. The plane continued to skid for some time, with passengers, including the Second Plaintiff, bracing themselves. Eventually, it became evident that the plane was coming to a stop. As soon as it did, smoke began filling the cabin.
12. Shortly after stopping, the flight attendants opened the emergency doors. The plane was tilted to one side, such that the stairs were not flush to the ground. It was very dark outside, and the Second Plaintiff relied on his phone's flashlight in order to see the ground before jumping. The Second Plaintiff was wearing jeans and a light fleece and was not wearing sufficient clothing for the weather.
13. The plane was on fire as passengers were disembarking. Fire trucks arrived at the scene not long after and put the flames out.
14. The passengers waited for approximately one hour before shuttle busses from the nearby "Park n Fly" parking lot came to pick them up and bring them to a hangar.
15. The Second Plaintiff states that since the crash described above, he has suffered psychological injuries including anxiety and a fear of flying. He has received psychological treatment and requires additional treatment. He states these injuries were

caused solely by the conduct of the Defendants herein and he seeks compensation from them.

## **The Defendants**

16. The First Defendant, Air Canada, is a body corporate incorporated under the *Canada Business Corporations Act* on August 25, 1988. At all material times Air Canada was the air carrier responsible for the conduct of Air Canada Flight 2259. Its registered office in Newfoundland and Labrador is Stewart McKelvey, P.O. Box 5038, Suite 1100 Cabot Place, 100 New Gower Street, St. John's, NL Canada, A1C 6K3.
17. The Second Defendant, Provincial Aerospace Ltd. (PAL), is a body corporate under the *Canada Business Corporations Act* as of January 2<sup>nd</sup>, 2015. At all material times, PAL was operating Air Canada Flight 2259 and was the owner of the aircraft involved in the crash. Its registered office in Newfoundland and Labrador is Cox & Palmer, Suite 1000, Scotia Centre, 235 Water Street, St. John's, NL Canada, A1C 1B6.
18. The Third Defendant, St. John's International Airport Authority, is a body corporate under the *Canada Not-for-Profit Corporations Act* as of March 27<sup>th</sup>, 2014. At all material times, the Airport Authority was the owner of the St. John's International Airport, and responsible for ensuring the airport's runways remained in proper condition, and had assumed responsibility of the management, operation and development of the airport. At all material times, the Airport Authority was responsible for providing airport services including ensuring that it provided adequate monitoring services to departing planes. The Third Defendant's Address for service is 100 World Parkway, St. John's, NL A1A 5T2.
19. The Fourth Defendant, the Halifax International Airport Authority, is a body corporate under the Canada Not-for-Profit Corporation Act. At all material times, the Fourth Defendant was the owner of the Halifax Stanfield International Airport, and responsible for ensuring the airport's emergency response plan meets the requirements set out in relevant legislation, including CARs. The Fourth Defendant's address for service is 747 Bell Boulevard, Goffs, Nova Scotia, B2T 1K2.

## **Facts**

20. On the evening of December 28<sup>th</sup>, 2024, Flight 2259, a De Havilland DHC-8-402 aircraft, departed St. John's International Airport. While departing, one of the plane's left tires blew.
21. According to Air Transportation Safety Advisory Letter A24A0087, dated July 11<sup>th</sup>, 2025:

- a. the main landing gear tire pressure was last checked on December 27<sup>th</sup>, 2024, and the pressure was measured at 141 psi, which is the minimum acceptable inflation pressure for the tire type installed on the aircraft;
  - b. just prior to Flight 2259's departure on December 28<sup>th</sup>, employees/agents of the First and Second Defendant visually noted that the No. 1 main landing gear tire appeared underinflated, but the decision was made to defer any maintenance until the aircraft arrived at Halifax;
  - c. the fact that the No 1 main landing gear was visibly underinflated at St. John's airport suggests that the tire pressure was critically low and far below the minimum required pressure of 141 psi.
  - d. neither the damaged tire condition, nor the tire debris on the runway at the St. John's International Airport was noticed and the flight continued to its destination.
  - e. both the Airplane Flight Manual and the Quick Reference Handbook for the aircraft provide landing considerations for a known or suspected main landing gear tire failure and in previous similar occurrences, flight crew who are aware of a tire failure have been able to perform a normal landing by implementing recommended landing considerations.
22. According to a statement by the Transportation Safety Board of Canada, when the plane attempted to land in Halifax, the imbalance caused by the blown tire produced a vibration that caused the left main landing gear stabilizer brace to become unlocked and allowed the left main landing gear to collapse. As the landing gear collapsed, the left propeller contacted the runway surface, resulting in a fire in the left engine.
23. Smoke from the engine fire entered into the plane's cabin while passengers and crew remained on board. Crew and passengers were panicked as they attempted to escape. Passengers were able to escape by jumping from the plane's door onto the runway.
24. Passengers were then left stranded on the runway in the dark and cold, many without adequate clothing, for approximately one hour before assistance was provided.

### **Causes of Action against Air Canada**

25. Air Canada entered into contracts of domestic carriage with each class member, including the proposed representative Plaintiff.

26. Air Canada is liable to class members in negligence. Air Canada owed a duty of care to class members and its conduct fell below the reasonable standard of care required of it under the circumstances. As a result of this negligence, class members sustained damages for which they are entitled compensation.
  
27. Particulars of the negligence of Air Canada presently known to the proposed representative plaintiff include:
  - a. inadequately ensuring proper training of the flight crew on the procedures for the air craft, including in particular the procedures for landing the aircraft in the conditions present on or near the runway at the time of the crash, and the procedures necessary to detect that the aircraft had suffered a tire failure during departure from St. John's;
  - b. failing to evaluate, assess, review or otherwise oversee whether PAL abided by the terms and conditions of the capacity purchase agreement between Air Canada and PAL;
  - c. ignoring and not complying with Canadian Aviation Regulations (CARs) which requires the implementation of an SMS to identify, assess and mitigate operational risks; and
  - d. failing to provide a proper safety management system as required under the CARs.
  - e. failing to recognize that the No. 1 main landing gear was severely underinflated and required immediate action to rectify.
  
28. Air Canada is also vicariously liable for all loss or damage caused by the flight crew. Particulars of the recklessness and/or negligence of the flight crew presently known to the Plaintiff(s) include:
  - a. operating the aircraft in such a manner to cause the tire to blow upon departure;
  - b. failing to notice the blown tire and failing to abort take off from St. John's;
  - c. operating the aircraft in such a manner to cause the crash upon landing;
  - d. operating the aircraft when they knew or ought to have known that there were problems associated with the mechanical, electronic, or computerized controls or other instruments;

- e. operating the aircraft without due care and skill despite knowing that damage and injury would probably result;
- f. choosing to attempt to land when they knew or ought to have known that it was unsafe to land due to the failed tire; and
- g. such other negligence as it may become known.

### **Causes of Action against Provincial Aerospace Ltd.**

- 29. PAL entered into contracts of domestic carriage with each class member, including the proposed representative Plaintiff(s).
- 30. PAL is liable to class members in negligence. PAL owed a duty of care to class members and its conduct fell below the reasonable standard of care required of it under the circumstances. As a result of this negligence, class members sustained damages for which they are entitled compensation.
- 31. Particulars of the negligence of PAL presently known to the proposed representative plaintiff(s) include:
  - a. inadequately ensuring proper training of the flight crew on the procedures for the air craft, including in particular the procedures for landing the aircraft in the conditions present on or near the runway at the time of the crash, and the procedures necessary to detect that the aircraft had suffered a tire failure during departure from St. John's;
  - b. failing to abide by the terms and conditions of the capacity purchase agreement between Air Canada and PAL;
  - c. ignoring and not complying with Canadian Aviation Regulations (CARs) which requires the implementation of an SMS to identify, assess and mitigate operational risks; and
  - d. failing to provide a proper safety management system as required under the CARs.
  - e. failing to recognize that the No. 1 main landing gear was severely underinflated and required immediate action to rectify.

32. PAL is also vicariously liable for all loss or damage caused by the flight crew. Particulars of the recklessness and/or negligence of the flight crew presently known to the Plaintiff(s) include:
- a. operating the aircraft in such a manner to cause the tire to blow upon departure;
  - b. failing to notice the blown tire and failing to abort take off from St. John's;
  - c. operating the aircraft in such a manner to cause the crash upon landing;
  - d. operating the aircraft when they knew or ought to have known that there were problems associated with the mechanical, electronic, or computerized controls or other instruments;
  - e. operating the aircraft without due care and skill despite knowing that damage and injury would probably result;
  - f. choosing to attempt to land when they knew or ought to have known that it was unsafe to land due to the failed tire; and
  - g. such other negligence as it may become known.

**Causes of Action against the St. John's International Airport Authority**

33. The St. John's Airport Authority is liable to class members in negligence. The St. John's Airport Authority owed a duty of care to the Plaintiffs. Its conduct fell below the reasonable standard of care expected of it under the circumstances, as a result of which the Plaintiffs sustained damages.
34. Particulars of the negligence of the St. John's Airport Authority presently known to the Plaintiffs include:
- a. offering a runway to the First and Second Defendants without due consideration to all factors for ensuring safe runway use;
  - b. inadequately and incompletely installing, maintaining, a runway lighting system to ensure adequate visibility for pilots in conditions such as those prevailing at the time of the crash;

- c. conducting inadequate and unsafe operations by not ensuring the condition of the runway was such to ensure planes could depart safely without damaging the aircraft;
- d. failing to close to the runway when maintenance crews could no longer ensure the runway was serviceable and safe for aircraft use;
- e. completing inadequate runway checks as required by legislation such that debris created by the failed tire was not discovered in time to alert the flight crew of Flight 2259.
- f. failing to implement proper monitoring systems to notify the departing Flight 2259 that its tire had failed prior to its take off; or failing to notify Flight 2259 while it was in transit that its tire had failed so that the flight crew could make any necessary modifications to its landing at Halifax.

#### **Causes of Action against the Halifax International Airport Authority**

- 35. The Halifax Airport Authority is liable to class members in negligence. The Airport Authority owed a duty of care to the Plaintiffs. Its conduct fell below the reasonable standard of care expected of it under the circumstances, as a result of which the Plaintiffs sustained damages.
- 36. Particulars of the negligence of the Halifax Airport Authority presently known to the Plaintiffs include:
  - a. developing an inadequate emergency response plan as required by CARs, which left passengers, including Class Members, stranded on the runway without adequate shelter or clothing for approximately one hour;
  - b. failing to conduct necessary emergency response drills and tabletop exercises to ensure the emergency response protocols implemented by the Halifax Airport Authority were sufficient and that any third parties to whom the Airport Authority had delegated emergency response duties were capable of carrying out those duties to the required standard;
  - c. failing to make the necessary changes to its emergency response plan despite the same issues being flagged by the Transportation Safety Board of Canada in its final Aviation Investigation Report A15H0002 into a plane crash which occurred on or about March 29<sup>th</sup>, 2015 at the airport.

37. The Plaintiffs state that as a result of the Fourth Defendant's negligence, they and Class Members suffered injuries, including the psychological injuries beyond ordinary upset and disappointment. Passengers had just experienced a traumatic experience, and a proper emergency response plan would provide for a rapid response to extract passengers from the accident site to be brought to safety, particularly given the time of night and extreme weather conditions which were present at the time of the crash.
38. The Plaintiffs state that because the Fourth Defendant knew from prior plane crashes that there were issues with the effectiveness of its emergency response plan, its failure to make necessary changes ought to attract an award of punitive damages against it.
39. The Plaintiffs state that while the CARs may permit an airport authority, such as the Fourth Defendant, to delegate the removal of passengers from a crash site to third parties, including airlines, the ultimate responsibility for the adequacy and effectiveness of the response plan lies on the airport authority, namely, the Fourth Defendant.

### **Relief Sought**

40. The Plaintiffs repeat the foregoing and seek the following relief on their own behalf and on behalf of the proposed Class:
  - a. an order pursuant to the Class Actions Act certifying this action as a class action and naming the Plaintiff as Representative Plaintiff for the Class;
  - b. costs of providing appropriate notice to Class Members and administering this proposed class action for their benefit;
  - c. an order for an aggregate monetary award pursuant to section 29 of the Class Actions Act, assuming the Court finds it appropriate to award an aggregate award;
  - d. special damages;
  - e. general damages;
  - f. aggravated damages;
  - g. punitive damages;
  - h. interest under the Judgment Interest Act;

- i. costs as may be awarded; and
  - j. such further and other release as Counsel for the Plaintiff may seek and this Honourable Court deems just.
41. The Plaintiffs seeks to have the action in this matter tried before the Supreme Court of Newfoundland and Labrador, General Division, sitting at St. John's, Newfoundland and Labrador.
42. The Plaintiffs are permitted to serve this Statement of Claim against the Defendants pursuant to Rules 6.07(1)(h) and (j).

**DATED AT** the City of St. John's, in the Province of Newfoundland and Labrador, this 3rd day of February, 2025.



Stephen E. Barnes  
Bob Buckingham Law  
Solicitor for the Plaintiff  
Whose address for service is:  
81 Bond Street  
St. John's, NL A1C 1T2

TO:

**The First Defendant**  
**Air Canada**  
Stewart McKelvey  
P.O. Box 5038, Suite 1100 Cabot Place  
100 New Gower Street  
St. John's, NL. A1C 6K3

2025 01G 0990  
SUPREME COURT OF NEWFOUNDLAND AND LABRADOR  
GENERAL DIVISION

BETWEEN:

EMMA BRIDGEMAN

FIRST PLAINTIFF

AND:

LIAM O'LEARY

SECOND PLAINTIFF

AND:

AIR CANADA

FIRST DEFENDANT

AND:

PROVINCIAL AEROSPACE LTD

SECOND DEFENDANT

AND:

ST. JOHN'S INTERNATIONAL AIRPORT  
AUTHORITY

THIRD DEFENDANT

AND:

HALIFAX INTERNATIONAL AIRPORT  
AUTHORITY

FOURTH DEFENDANT

BROUGHT UNDER THE *CLASS ACTIONS ACT*, SNL 2001, c C-18.1

**NOTICE TO DEFENDANTS**

You are hereby notified that the plaintiff may enter judgment in accordance with the statement of claim or such order as, according to the practice of the Court, the plaintiff is entitled to, without any further notice to you unless within ten days, after service hereof upon you, you cause to be filed in the Registry of the Supreme Court of Newfoundland and Labrador at 309 Duckworth Street, St. John's, Newfoundland and Labrador, a defence and unless within the same time a copy of your defence is served upon the plaintiff or the plaintiff's solicitors' stated address for service.

Provided that if the claim is for a debt or other liquidated demand and you pay the amount claimed in the statement of claim and the sum of \$\_\_\_\_\_ (such sum as may be allowed on taxation) for costs to the

plaintiff or the plaintiff's solicitors within ten days from the service of this notice upon you, then this proceeding will be stayed.

TO:

**The First Defendant**

**Air Canada**

Stewart McKelvey  
P.O. Box 5038, Suite 1100 Cabot Place  
100 New Gower Street  
St. John's, NL. A1C 6K3

AND TO:

**The Second Defendant**

**Provincial Aerospace Ltd.**

Cox & Palmer  
Suite 1000, Scotia Centre  
235 Water Street  
St. John's, NL, A1C 1B6.

AND TO:

**The Third Defendant**

**St. John's International Airport Authority**

100 World Parkway  
St. John's, NL A1A 5T2

AND TO:

**The Fourth Defendant**

**Halifax International Airport Authority**

747 Bell Boulevard  
Goffs, Nova Scotia  
B2T 1K2

AND TO:

**The Second Defendant  
Provincial Aerospace Ltd.**

Cox & Palmer  
Suite 1000, Scotia Centre  
235 Water Street  
St. John's, NL, A1C 1B6.

AND TO:

**The Third Defendant  
St. John's International Airport Authority**

100 World Parkway  
St. John's, NL A1A 5T2

AND TO:

**The Fourth Defendant  
Halifax International Airport Authority**

747 Bell Boulevard  
Goffs, Nova Scotia  
B2T 1K2

ISSUED AT the City of St. John's, in the Province of Newfoundland and Labrador this 3rd day of February, 2025.

AMENDED on the \_\_\_\_ day of \_\_\_\_\_, 2026 by Order of Justice P. O'Flaherty dated January 30<sup>th</sup>, 2026.

---

2025 01G 0990  
SUPREME COURT OF NEWFOUNDLAND AND LABRADOR  
GENERAL DIVISION

BETWEEN:

EMMA BRIDGEMAN

FIRST PLAINTIFF

AND:

LIAM O'LEARY

SECOND PLAINTIFF

AND:

AIR CANADA

FIRST DEFENDANT

AND:

PROVINCIAL AEROSPACE LTD

SECOND DEFENDANT

AND:

ST. JOHN'S INTERNATIONAL AIRPORT  
AUTHORITY

THIRD DEFENDANT

AND:

HALIFAX INTERNATIONAL AIRPORT  
AUTHORITY

FOURTH DEFENDANT

BROUGHT UNDER THE *CLASS ACTIONS ACT*, SNL 2001, c C-18.1

AFFIDAVIT OF SERVICE

I, \_\_\_\_\_ of \_\_\_\_\_, in the Province of Newfoundland and  
Labrador, make oath and say as follows:

1. On \_\_\_\_\_ at \_\_\_\_\_ A.M/P.M., I served \_\_\_\_\_  
with the Statement of Claim by leaving a copy with \_\_\_\_\_ at  
\_\_\_\_\_.

2. I was able to identify the person by means of

---

SWORN TO at the City of St. John's, in the  
Province of Newfoundland and Labrador,  
this \_\_\_\_ day of \_\_\_\_\_, 2026  
in the presence of:

---

---