

2025 01G 0990 CP
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
BEFORE THE HONOURABLE JUSTICE PETER A. O'FLAHERTY
CASE MANAGEMENT JUDGE*

SUMMARY OF CURRENT DOCUMENTS	
Court File No.:	2025 01G 0990 CP
Date of Filing of Document:	May 8th, 2026
Name of Filing Party or Person:	Stephen Barnes, Counsel for Plaintiffs
Application to which Document being filed relates:	Application for an Order certifying the within action as a class action
Statement of purpose in filing:	Order certifying the within action as a class action

Filed Sept 16/26 GA

ORDER FOR CERTIFICATION

BEFORE the Honourable Justice O'Flaherty

THIS APPLICATION was made by the Plaintiffs for an order certifying this action as a class action pursuant to the *Class Actions Act*, S.N.L. 2001, c. C-18.1 (the "*Class Actions Act*");

UPON READING the Application for Certification, the Amended Statement of Claim, Memorandum of Fact and Law of the Plaintiff, the evidence filed by the Plaintiffs, and on hearing the submissions of counsel on behalf of the Plaintiffs and counsel on behalf of the Defendants;

AND ON BEING ADVISED that the Defendants consent to certification of this action on the terms set out in this Order;

AND UPON IT APPEARING that it is appropriate to certify the action as a class action against all of the Defendants, in that:

- (a) the pleadings disclose a cause of action;
- (b) there is an identifiable class of 2 or more persons;
- (c) the claims of the class members raise a common issue, whether or not the common issue is the dominant issue;
- (d) a class action is the preferable procedure to resolve the common issues of the class; and
- (e) there is a person who
 - (i) is able to fairly and adequately represent the interests of the class,
 - (ii) has produced a plan for the action that sets out a workable method of advancing the action on behalf of the class and of notifying class members of the action, and
 - (iii) does not have, on the common issues, an interest that is in conflict with the interests of the other class members.

THIS COURT ORDERS that this action is certified as a class action against Air Canada, Provincial Aerospace Ltd, St. John's International Airport Authority, and Halifax International Airport Authority, pursuant to section 5 of the *Class Actions Act*.

IT IS HEREBY ORDERED that:

1. The "Class" and "Class Members" are defined as:

Class A (the "resident subclass"):

All persons ordinarily residing in the Province of Newfoundland and Labrador as of [the date of this Order], who were passengers of Air Canada Flight AC2259 which experienced a landing gear collapse upon landing at Halifax Stanfield International Airport at approximately 9:30 P.M. Atlantic Time on December 28, 2024; excluding the Defendants and their officers, directors, employees, and agents.

Class B (the "non-resident subclass"):

All persons ordinarily residing outside of the Province of Newfoundland and Labrador as of [the date of this Order] who were passengers of Air Canada Flight AC2259 which experienced a landing gear collapse upon landing at Halifax Stanfield International Airport at approximately 9:30 P.M. Atlantic Time on December 28, 2024; excluding the Defendants and their officers, directors, employees, and agents.

2. Emma Bridgeman and Liam O'Leary (c/o Bob Buckingham Law, 81 Bond Street, St. John's, NL A1C 1T2) shall be appointed as the representative plaintiffs ("Representative Plaintiffs") of Class A and Class B, respectively.
3. Bob Buckingham Law is appointed as class counsel ("Class Counsel").
4. Pursuant to section 9(1)(c) of the *Class Actions Act*, the nature of the claims asserted on behalf of the Class are:
 - a. negligence;
 - b. vicarious liability;
5. Pursuant to section 9(1)(d) of the *Class Actions Act*, the relief sought on behalf of the Class Members includes general damages, special damages, aggravated damages, punitive damages, prejudgment interest, and other relief as the Court considers appropriate;

6. Pursuant to sections 5 and 9(1)(e) of the *Class Actions Act*, the common issues, as set out below, shall be certified:

a. With respect to the First and Second Defendants:

- i. Did Air Canada and/or Provincial Aerospace Ltd. owe a duty of care to Class Members?
- ii. If so, what was the applicable standard of care?
- iii. Did Air Canada and/or Provincial Aerospace Ltd. breach the standard of care, including by:
 1. failing to detect or respond to a tire failure prior to or during flight;
 2. failing to implement or maintain adequate safety management systems;
 3. failing to ensure proper training and supervision of flight crew;
 4. operating the aircraft in an unsafe manner?
- iv. If so, are Air Canada and/or Provincial Aerospace Ltd. liable for the acts or omissions of the flight crew?

b. With respect to the Third Defendant:

- i. Did the St. John's International Airport Authority owe a duty of care to Class Members?
- ii. If so, what was the applicable standard of care?
- iii. Did it breach the standard of care, including by:
 1. failing to maintain runway safety;
 2. failing to detect or respond to debris or hazards;
 3. failing to implement adequate monitoring systems?

c. With respect to the Fourth Defendant:

- i. Did the Halifax International Airport Authority owe a duty of care to Class Members?
- ii. If so, what was the applicable standard of care?

iii. Did it breach the standard of care, including by:

1. failing to implement or execute an adequate emergency response plan;
2. failing to provide timely assistance to passengers following the incident;
3. failing to protect passengers from exposure to unsafe conditions?

Causation:

- i. Did the acts or omissions of each of the Defendants, considered separately, cause or contribute to injury or loss suffered by Class Members?

e. Damages:

- i. Are Class Members entitled to pecuniary and non-pecuniary damages arising from injuries including:

1. psychological injury;
2. emotional distress;
3. loss of enjoyment of life;
4. physical injuries

- ii. Can damages be assessed in whole or in part on an aggregate basis pursuant to the *Class Actions Act*?

- iii. Are Class Members entitled to aggravated or punitive damages?

7. Notice of certification, the opt-in and opt-out deadline, and means of opting in or out will be provided via notice of certification in the form set out in **Schedule "A"** to this Order (the "Notice of Certification"). The Notice of Certification will be distributed to the Class by the following means, as also set out in the litigation plan attached as **Schedule "B"** to this Order (the "Litigation Plan"), which will constitute the notice plan (the "Notice Plan").

Direct notice:

- i. Within 30 days of Class Counsel receiving the issued order certifying this action as a class proceeding, Class Counsel will send Notice of Certification directly to known members of the Class by regular mail and/or electronic mail (electronic mail will be the primary method, where it is available).

Indirect notice:

- i. Within 30 days of Class Counsel receiving the issued Order certifying this action as a class proceeding, Class Counsel will give notice to members of the Class as follows:
 - a. post the Notice of Certification and the opt-in and opt-out forms on its website (www.buckinghamlaw.ca);
 - b. issue a press release describing the contents of the Notice of Certification;
 - c. provide the Notice of Certification upon request.
8. Class Counsel shall pay the costs of notice in the first instance as a disbursement, without prejudice to the Plaintiffs' right to seek recovery or reallocation of those costs by further order of the Court.
9. The Litigation Plan, attached hereto as **Schedule "B"**, is a workable method of advancing the action on behalf of the Class, and may be amended or clarified if required by agreement of the parties, directions of the Court at a case management conference or, on application to the Court.
10. A member of Class A may opt-out of the class action by completing and sending an Opt-Out Form, attached hereto as **Schedule "C"**, signed by the Class Member, to Class Counsel on or before the opt-out deadline stipulated in the Opt-Out Form, which shall be ninety (90) calendar days after the Notice of Certification is first distributed by Class Counsel pursuant to paragraph 8.
11. A member of Class B may opt-in to the class action by completing and sending an Opt-In Form, attached hereto as **Schedule "D"**, signed by the Class Member, to Class Counsel on or before the opt-in deadline stipulated in the Opt-In Form, which shall be ninety (90) calendar days after the Notice of Certification is first distributed by Class Counsel pursuant to paragraph 8.
12. Any person assumed to be a member of the Class because they were a passenger of Air Canada Flight AC 2259 who validly opts-out of or does not opt-in to this action by the Opt-Out or Opt-In deadline, as the case may be, in accordance with paragraphs 10 and 11 of this Order shall not participate in or have the opportunity in the future to participate in this action including any future settlement of this action.

13. Within fourteen (14) days of the close of the opt-in or opt-out periods which are identified in paragraphs 10 and 11, Class Counsel will provide to the Defendants via letter the names and addresses of all those who elected to opt out or opt in to the within action.
14. Within thirty (30) days of this Order, the Defendants Air Canada and/or Provincial Aerospace Ltd will provide to Class Counsel, to the extent known, a list of the Class Members, including their names, and last known contact information, including emails and phone numbers where available.
15. Class Counsel shall use the information provided pursuant to paragraph 14 of this Order for the sole purpose of facilitating the Notice of Certification and for no other purpose.
16. Class Counsel shall maintain confidentiality over and shall not share the information provided pursuant to paragraph 14 with any other person, including but not limited to any lawyer, unless doing so is necessary for effecting Notice of Certification or any other steps in relation to the litigation of this action.
17. This Order constitutes an Order compelling the production of information from the Defendants Air Canada and/or Provincial Aerospace Ltd within the meaning of applicable privacy laws, including that it satisfies the requirements of section 7(3)(c) of the *Personal Information Protection and Electronic Documents Act*, SC 2000, c.5.
18. This Order does and is deemed to comply with any requirement under applicable privacy laws for the Defendants to provide any notice to persons of disclosure of the information required by this Order without consent.
19. The Defendants shall deliver their Statements of Defence no later than ninety (90) days following the issuance of this Order.
20. There shall be no costs awarded on this Application.

DATED at the City of St. John's, this 16th day of September, 2026



Court Officer/Officer de Cour