

THE QUEEN'S BENCH  
WINNIPEG CENTRE

BETWEEN:

**WINNIPEG AIRPORTS AUTHORITY INC.,**

plaintiff,

- and -

**SKYSERVICE AIRLINES INC./LIGNES AÉRIENNES SKYSERVICE INC.,**

defendant.

---

**NOTICE OF MOTION  
(WITHOUT NOTICE)  
WEDNESDAY, MARCH 31, 2010, AT 5:00 P.M.**

---

**DUBOFF EDWARDS HAIGHT & SCHACHTER**

Law Corporation  
Barristers and Solicitors  
1900 - 155 Carlton Street  
Winnipeg, MB R3C 3H8

KIMBERLEY GILSON  
Phone: (204) 942-3361  
Fax: (204) 942-3362

THE QUEEN'S BENCH  
WINNIPEG CENTRE

BETWEEN:

**WINNIPEG AIRPORTS AUTHORITY INC.,**

plaintiff,

- and -

**SKYSERVICE AIRLINES INC./LIGNES AÉRIENNES SKYSERVICE INC.,**

defendant.

**NOTICE OF MOTION**

The plaintiff, will make a motion, without notice, before the presiding Judge on Wednesday, the 31<sup>st</sup> day of March, 2010, at 5:00 p.m. or as soon thereafter as the motion can be heard at the Law Courts Building, 408 York Avenue, Winnipeg, Manitoba.

**THE MOTION IS FOR:**

1. An Order authorizing the plaintiff or its properly appointed agents or representatives to seize and detain aircraft owned or operated by the defendant and situated at the Winnipeg James Armstrong Richardson International Airport, on such terms as the court deems necessary;
2. An Order restricting the defendant or any lessor or title holder, their employees, officers and agents from interfering with or obstructing the plaintiff or its agents or representatives in the seizure, detention or relocation of the seized aircraft in accordance with the terms of this Order;

3. Such further Order as counsel may advise and as to this Honourable Court may deem just.

**THE GROUNDS FOR THE MOTION ARE:**

1. The *Airport Transfer (Miscellaneous Matters) Act*, S.C. 1992, c.5, Section 9;
2. Schedule of Rates and Fees of the plaintiff and in particular Article 18, Clause V thereof;
3. The plaintiff operates the Winnipeg James Armstrong International Airport (the "Airport") and is a designated airport authority pursuant to the *Airport Transfer (Miscellaneous Matters) Act*;
4. The defendant has agreed to pay landing fees, general terminal fees and other charges related to the use of the Airport as established by the Schedule of Rates and Fees;
5. The defendant has failed to pay the landing fees, general terminal fees and other charges for the use of the Airport;
6. Such further and other grounds as counsel may advise and this Honourable Court may permit.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be heard at the hearing of the motion:

1. The Affidavit of Mary Ellen McDonald, sworn the 31<sup>st</sup> day of March, 2010;  
and
2. Such further and other documentary evidence as counsel may advise  
and this Honourable Court may permit.

DATE: March 31, 2010

DUBOFF EDWARDS HAIGHT & SCHACHTER  
Barristers and Solicitors  
1900 - 155 Carlton Street  
Winnipeg, MB R3C 3H8

Kimberley Gilson  
Solicitors for the plaintiff