

Flight PS752 Class Action – Update (October 20, 2020)

We are pleased to update you on a few milestones:

1. On September 1, 2020, the Canadian Government transmitted (sent) the Statement of Claim to the Iran Defendants. This is the process for serving a foreign government with a lawsuit in Canada.
2. On September 21, 2020, the Court approved the Funding Agreement with the third-party litigation funder Galactic PS752. The Funding Agreement is now in force. We now have significant financial resources at our disposal to prosecute the lawsuit against the Ukraine Airline and the Iran Defendants. Galactic will pay legal fees and disbursements on a ‘pay as you go’ basis, will indemnify the representative plaintiffs from adverse costs awards, plus the agreement has the checks and balances required for court approval. The Court rejected all objections raised by a proposed intervenor. Lawyers for the Ukraine Airline and the Government of Canada were present at the funding motion, but took no position.
3. We have filed the court documents for the carriage motion scheduled for later in October, 2020. Typically, at carriage motions, courts decide which of the multiple class actions will go on to the next step of the lawsuit, while the others are stayed (paused). Canadian Courts consider a non-exhaustive list of 17 factors at carriage motions, including funding, case theory, selection of defendants.
4. The TWA Law group recently brought on board the lead plaintiff’s lawyer in some of Canada’s leading lawsuits against Iran. He and his firm, bring experience and perspective in prosecuting complex litigation against the Iran Defendants. This is a benefit that the Funding Agreement brings.
5. www.flightps752.ca has been translated into Farsi. Viewers can now access the content in both Farsi and English languages.
6. We have retained an internationally recognized aviation crash expert and are continuing to amass documents and information for the expert to analyze. This is another benefit that the Funding Agreement brings.
7. On October 19, 2020 the Ukraine Government announced that a second round of talks with Iran Government has started. The talks are to discuss the further course of investigation, aviation, military, criminal cooperation, application of international conventions.

On September 13, 2020 the Covid suspension of Ontario Court deadlines ended. This is of lesser importance to the Class Action; it has been moving forward in court despite the suspension.

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