



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 28 Nov 2024 and has been accepted for filing under the *High Court Rules 2004*. Details of filing and important additional information are provided below.

Details of Filing

File Number: S138/2024
File Title: Evans & Anor v. Air Canada ABN 29094769561
Registry: Sydney
Document filed: Form 27B - Appellants' chronology
Filing party: Appellants
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Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties and whenever the document is reproduced for use by the Court.

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

BETWEEN:

RENAE EVANS

First Appellant

STEPHANIE EVANS

Second Appellant

and

AIR CANADA

ABN 29 094 769 561

Respondent

APPELLANTS' CHRONOLOGY

PART I: CERTIFICATION

- 1 This chronology is in a form suitable for publication on the internet.

PART II: CHRONOLOGY

	Date	Description	Source
1.	11 July 2019	Air Canada Flight AC033 departs Vancouver to Sydney, Australia.	CAB 9
2.	11 July 2019	At approximately 8 hours into the flight Air Canada Flight AC033 encounters severe turbulence causing the plane to suddenly drop. Each Appellant alleges the sudden drop caused personal injury.	CAB 9
3.	28 June 2021	Proceedings commenced in the Supreme Court of NSW by way of Statement of Claim seeking damages for personal injury pursuant to the <i>Civil Aviation (Carriers Liability) Act 1959 (Cth)</i>	CAB 10.

4.	2 August 2021	Defence filed by the Defendant that include a pleading that the limit on personal injury damages contained in Article 21 of the Montreal Convention apply.	CAB 10.
5.	18 February 2022	Reply filed by the First and Second Plaintiff asserting that the Respondent's Tariff provided there would be no limits on compensatory damages.	CAB 10.
6.	15 November 2022	Notice of Motion filed by First and Second Plaintiff for hearing of separate question on whether the Tariff operates as asserted in the Reply.	CAB 9.
7.	6 June 2023	Notice of Motion filed by Defendant for hearing of separate question on whether Part 2 of the <i>Civil Liability Act 2005</i> (NSW) applies to the quantum of damages recoverable.	CAB 9.
8.	12 December 2023	Rothman J of the Supreme Court of NSW delivered judgment on the separate questions. Answers both questions affirmatively.	CAB 5-45.
9.	5 June 2024	Defendant appeals finding on the separate question regarding the operation of the Tariff. Appeal heard in the Court of Appeal NSW by Leeming JA, Payne JA and Griffiths AJA	CAB 53.
10.	21 June 2024	Leeming JA, Payne JA and Griffiths AJA deliver judgment granting leave to appeal and allowing the appeal setting aside the primary judge's answer to the separate question on the Tariff question.	CAB 53-97.
11.	10 October 2024	Special Leave to the High Court of Australia Granted	CAB 103

Dated: 28 November 2024



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