

COURT OF APPEAL

CANADA
PROVINCE OF QUEBEC
REGISTRY OF MONTREAL

No.: 500-09-030393-235
(500-11-060766-223)

MINUTES OF HEARING

DATE: November 16, 2023

THE HONOURABLE CHRISTINE BAUDOIN, J.A.

APPELLANT	COUNSEL
REPUBLIC OF INDIA	Mtre ÉRIC MONGEAU Mtre PATRICK GIRARD Mtre VINCENT LANCTÔT-FORTIER Mtre MARIANNE BASTILLE-PARENT Mtre BENJAMIN HERRERA (<i>Stikeman Elliott</i>) Absent
RESPONDENTS	COUNSEL
CCDM HOLDINGS, LLC DEVAS EMPLOYEES FUND US, LLC TELCOM DEVAS, LLC	Mtre MATHIEU PICHÉ-MESSIER Mtre KARINE FAHMY Mtre AMANDA AFEICH Mtre DAYEON MIN (<i>Borden Ladner Gervais</i>) Absent

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IMPLEADED PARTIES	
AIRPORT AUTHORITY OF INDIA AIR INDIA LIMITED INTERNATIONAL AIR TRANSPORT ASSOCIATION	ABSENT AND UNREPRESENTED

DESCRIPTION: **Application by the respondents to strike documents and allegations from the appellant's brief** (Arts. 169, 370, 377 *C.C.P.* and ss. 51, 65 and 66 *R.C.A.Q.Civ.M.*).

Modified application by the respondents to strike documents and allegations from the appellant's brief (Arts. 169, 370, 377 *C.C.P.* and ss. 51, 65 and 66 *R.C.A.Q.Civ.M.*).

Clerk at the hearing: Mélanie Camiré

Courtroom: RC-18

HEARING

Considering the written exchanges between the parties.

The parties are excused from appearing in Court.

BY THE JUDGE: Judgment – see page 4.

Mélanie Camiré, Clerk at the hearing

JUDGMENT

[1] **CONSIDERING** the respondents' application, dated November 3, 2023, to strike documents and allegations from the appellant's brief;

[2] **CONSIDERING** the respondents' modified application, dated November 7, 2023, to strike documents and allegations from the appellant's brief (both of the foregoing applications being hereinafter referred to jointly as the "*Application to Strike*");

[3] **CONSIDERING** the written exchanges between the parties and the agreement reflected therein;

THE UNDERSIGNED:

[4] **TAKES NOTE** of the parties' consent to strike the following from the appellant's brief:

- Footnote 119;
- The "Unlisted Exhibit: Orders of the Supreme Court of Mauritius dated April 28 and May 2, 2023, *en liasse*", which exhibit is found in Schedule III, in the general table of contents, and in the table of contents of volume 7 of the appellant's brief.

[5] **RELIEVES** the appellant from the obligation to file a modified version of its appeal brief;

[6] **TAKES NOTE** of the respondents' consent to the effect that, in the context of the hearing on the merits of the present appeal, no reference may be made to the respondents' submissions set out in the *Application to Strike* or to the schedules thereto;

[7] **DECLARES** that the *Application to Strike* is moot;

[8] **CONFIRMS** that neither the *Application to Strike* nor its schedules will be transmitted to the members of the Court who will hear the present appeal on its merits;

[9] **WITHOUT COSTS.**

CHRISTINE BAUDOUIN, J.A.