



## Aviation

Stikeman Elliott has a long history with aviation industry clients who rely on us to manage their complex aircraft and equipment financing, leasing, transactional, regulatory compliance, and litigation matters. From the firm's founding in 1952 to today, our clients have included globally recognized market leaders such as Air Canada and Bombardier, as well as equipment suppliers, airlines, airport operators, lessors, financiers, and insurers.

We leverage our significant industry expertise to develop creative financing solutions, such as our work on Air Canada's innovative Enhanced Equipment Trust Certificate (EETC) debt financing, which was only made possible as a result of Canada's ratification of the Cape Town Convention (aircraft protocol) in 2013.

Advanced technical expertise also enables us to provide highly strategic advice to clients involved in domestic and cross-border commercial disputes, product liability claims and class actions. We have particular experience in matters involving allegations of nonconformity with contractual specifications and/or product defects, disagreements over delivery processes or leasing arrangements and disputes with Canadian and international regulators.

### Our Expertise

- Aerospace and aviation regulatory compliance
  - Aircraft financing
  - Airport and infrastructure financing
  - Cross-border litigation

### Accolades

- Corporate Law Firm of the Year - *Chambers Canada Awards 2017*
- *Chambers Canada 2019* for Transportation: Aviation
- *The Legal 500 Canada 2019* for Transport: Aviation

### Recent Work

- Bombardier and its subsidiary Learjet in a series of lawsuits instituted by numerous suppliers in relation to the termination of the Learjet 85 Program at the end of 2015.
- Airbus SE, as lead counsel, in its partnership with Bombardier Inc. and Investissement Québec on the C Series aircraft programme.

- Air Canada in its C\$1.25B refinancing transaction, which included a private offering of C\$200M of 4.75% senior secured first lien notes due 2023 and a US\$1.1B new senior secured credit facility, comprised of a US\$800M term loan maturing in 2023 and an undrawn US\$300M revolving credit facility expiring in 2021.
- Brussels Airlines SA as intervener in proceedings instituted in the Québec Superior Court by the Trustee of SWISSAIR against IATA for the compensation of funds cleared through IATA's Clearing House (ICH).
- Global Jet Capital, as Canadian counsel, in its acquisition of the aircraft lease and loan portfolio of GE Capital Corporate Aircraft in the Americas representing approximately US\$2.5B of net assets.
- *Bombardier Inc. v. Field Aviation Company Inc.* (ongoing) - representing Bombardier Inc. in connection with proceedings instituted against Field Aviation Company Inc. for damages (currently estimated to be valued at several million dollars) and injunctive reliefs, based on certain allegations of non-compliance by the latter with several of its contractual obligations, delivery deadlines and other elements related to an aircraft certification process. To date, this matter remains ongoing, and a safeguard order was recently rendered by the Superior Court of Quebec against Field Aviation Company Inc.
- Alberta Investment Management Corporation, as Canadian counsel, as a member of a consortium which includes OMERS, Ontario Teachers' Pension Plan, Wren House Infrastructure Management Limited, and the infrastructure investing arm of the Kuwait Investment Authority, in connection with the £2B acquisition of London City Airport from Global Infrastructure Partners L.P.
- Air Canada in its private offering of three tranches of enhanced equipment trust certificates for a combined aggregate face amount of US\$537M and a weighted average interest rate of 4.044%.
- The syndicate of initial purchasers led by BofA Merrill Lynch, BNP PARIBAS, Citigroup, Credit Agricole CIB, Credit Suisse, Deutsche Bank Securities, Goldman, Sachs & Co., J.P. Morgan, National Bank of Canada Financial Markets and UBS Investment Bank, as joint book-running managers in the issuance and sale of US\$1.4B aggregate principal amount of new 8.750% Senior Notes due 2021 of Bombardier Inc.
- Discovery Air, in additional credit facilities and ongoing relation with CIBC, as well as in the amendment and restatement of an intercreditor agreement to reflect recent aircraft financing.
- *Compagnia Importazioni Esportazioni E Rappresentanze S.R.L. v. Bombardier inc.*, Québec Superior Court: Representing Bombardier Inc. in connection with an action for nearly C\$4M filed by a former representative of Bombardier Inc. in Italy, for the payment of commissions allegedly owed under the representation agreement in Italy after the signing of a new contract between Bombardier Inc. and an Italian customer.
- *Suat Yücel et al. v. Bombardier Inc. et al.*, Québec Superior Court: Represented Bombardier Inc. in connection with an action for several million Canadian dollars filed by two Turkish business aircraft pilots involved in an emergency landing in Russia.
- *Bahrain Executive Air Services Company (BEXAIR) W.L.L. et al. v. Bombardier inc. et al.* (ongoing) - Representing Bombardier Inc. and Bombardier Aerospace Corporation in connection with an action in damages for over C\$42M filed by an executive air carrier operating from Bahrain.
- *Bombardier Inc. v. Eagle Globe Management Ltd.* (ongoing) - Representing Bombardier Inc. in connection with proceedings for several million dollars regarding the termination of an aircraft sales contract and certain allegations of manufacturing defects, non-compliances, delivery deadlines and other elements related to an aircraft manufacturing process. In this case, several interlocutory

decisions were rendered, both in Superior Court and in the Court of Appeal, and on leave to appeal to the Supreme Court of Canada.

- *Bombardier Inc. v. Fastwing Investments Holdings Limited* (ongoing) - Representing Bombardier Inc. in connection with proceedings regarding the termination of an aircraft sales contract, in which several million dollars are at stake.
- *Bombardier Inc. v. Albatross Commercial Limited* (ongoing) - Representing Bombardier Inc. in connection with proceedings regarding the termination of an aircraft sales contract, in which several million dollars are at stake.
- ACASS Canada Ltd., an aviation service provider, in its defence against a nearly C\$2M appeal filed by Layla Jet Ltd., owner of a private corporate jet. We successfully represented our client in a petition to dismiss the proceedings, having obtained, during the preliminary stage, the dismissal of an important part of the claim.