



Legal Update: Aviation Law

April 2021

Dear Clients,

We are pleased to provide you with important aviation law updates.

Our firm successfully represented Swiss International Airlines Ltd. in a motion to dismiss a motion to certify a claim as a class action filed against it relating to the matter of unrefunded airport taxes

Court ruling in C.A 37707-09-19 Ater et al. V. United Airlines Ltd. et al.

Our firm recently successfully represented the airline Swiss International Airlines Ltd. in the District Court, which granted Swiss' motion and dismissed the motion to certify a claim as a class action, which was filed against it. The motion to certify alleged that the airline did not refund airport taxes to passengers who did not use their flight tickets.

In its dismissal motion, Swiss claimed that the applicants did not have *locus standi* against Swiss, since the flight tickets were issued by United Airlines Ltd. (as part of a commercial collaboration between the airlines) and the airport taxes were never held by Swiss.

The District Court ruled that the applicants had no cause of action against Swiss, it granted Swiss' motion to dismiss the motion to certify filed against it and the court also **ordered the Applicants to pay for Swiss' legal expenses.**

The court rejected the Applicants' attorney's argument that the Representative Applicant should be replaced, and that Swiss should remain as a respondent in the proceeding. The court held that the facts could not be adjudicated without a relevant applicant and that the facts which arose from the Motion to Certify did not justify the granting of its approval to replace the Applicant. The Court held that the requirement for the existence of a representative applicant was also relevant for the evaluations of whether the representation in the claim and how the claim was conducted were appropriate and in good faith.

We are at your disposal for any questions or clarifications, and we will be glad to assist further.

Sincerely,

FISCHER (FBC & Co.)

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