



Dear Clients,

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

The Court Approved a Settlement Agreement in a Class Action filed against Korean Air

Class Action 30633-05-18 Smuelitz v. Korean Air Co., Ltd.

Our firm successfully represented Korean Air in a motion to certify a class action suit alleging a failure to refund airport taxes on unused flight tickets.

As part of its motion, the plaintiffs requested that Korean Air automatically reimburse airport taxes for unused flight tickets, and pay substantial monetary compensation, for failure to reimburse.

In response, FISCHER argued against the automatic refunding of airport taxes based on provisions set forth in the contract between passengers and the airline, including a notice requirement and an applications submittal requirement. We also asserted that claimants failed to prove the applicability of relevant foreign law through expert opinion testimony, as required, under the circumstances.

After submitting our response on behalf of Korean Air, and in light of a decision in a similar case brought against El Al (Class Action 15049-01-15 **Asaf Cohen v. El Al Israel Airlines Ltd.**), the parties entered into mediation before Judge (Ret), Hila Gerstel. Within this framework, the parties reached a settlement agreement, whereby, Korean Air is precluded from making automatic reimbursements but will instead, e-mail passengers, regarding entitlements for airport tax reimbursements, within 24 hours of departure, and will donate a partial amount of the funds to a Class Actions Distributions Fund, both of which were approved by the court.

This ruling is a significant milestone with far reaching implications regarding the issue of airport tax reimbursements, as the court rejected the claim that airlines have an obligation to automatically refund airport taxes when passengers fail to use their flight tickets. Accordingly, the court ruled that improving the notification method on the company's website and emailing passengers about reimbursement rights before their flights, is sufficient.

We are available at your disposal to answer any questions and to assist with all your aviation needs.

**Sincerely,
FISCHER (FBC & Co.)**

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