



Dear Clients and Colleagues,

We are pleased to provide you with an important update from the transport and tourism sector.

Class Action (District Court Haifa) 44555-03-19 Oshrit Dahan v. Israil Airlines and Tourism Ltd.

The District Court in Haifa recently heard a motion to certify a claim as a class action brought in the framework of the above matter referenced.

The Motion to Certify was submitted in relation to the **cancellation of a domestic flight** of the airline and its offer to transport the passengers to their destination by bus on the same day on which the flight was cancelled, or by a replacement flight scheduled to depart the following day. In the framework of the Motion to Certify, the question arose whether the airline's offer to transport the passengers by bus instead of a flight constitutes a "replacement flight" in accordance with the Aviation Services Law; and if the transport by bus does not constitute a replacement flight, then is the airline obligated to provide assistance services (including accommodation services) for the period of time during which the passenger chose to wait for the replacement flight, and is the passenger entitled to reimbursement for his expenses in the event that the airline did not provide assistance services.

The District Court **accepted the motion in part** holding that, *prima facie*, it is appropriate to adjudicate the above question in the framework of a class action.

The Court also held that, in a class action, claims cannot be brought for statutory compensation due to flight cancellations established in the Aviation Services Law which constitutes compensation without proof of damages. The Court further held that, in any case, the flight was cancelled due to **weather conditions** which is an **exception** to the granting of compensation to the passenger under the Aviation Services Law.

Further, the argument made in the Motion to Certify that the airline violated its disclosure obligations regarding the passenger's rights and benefits was not proven to the *prima*

facie standard of the motion, and an accumulation of complaints against the dealer was ruled not to be sufficient to establish the violation of such disclosure obligations.

Sincerely,

Fischer Behar Chen Well Orion & Co

For further information, please contact:

Adv. Shirly Kazir

skazir@fbclawyers.com

+972-3-6941348

.....
The information provided herein is solely for informational purposes and shall not be construed as a legal opinion or legal advice of any sort. All rights reserved to Fischer Behar Chen Well Orion & Co. In order to subscribe to or be removed from the distribution list please e-mail: news@fbclawyers.com