

## APPENDIX 1-B

Gaétane Cummings vs. VIA Rail Canada Inc.  
Superior Court of Quebec: 500-06-000521-100

**CLAIM AND RELEASE AND DISCHARGE FORM FOR MEMBERS OF GROUP B  
TO THE AGREEMENT reached between  
GAËTANE CUMMINGS and VIA RAIL CANADA INC.**

CLASS ACTION REGARDING THE ACCESSIBILITY OF VIA RAIL CANADA INC. TRAINS

**PLEASE USE THIS FORM ONLY IF YOU ARE A MEMBER OF GROUP B PURSUANT TO THE TERMS OF THE SETTLEMENT REACHED BETWEEN GAËTANE CUMMINGS AND VIA RAIL CANADA INC, hereinafter "VIA".**

**To qualify for an indemnity, you must send this duly completed Claim Form by mail or by facsimile machine by *no later than the 120<sup>th</sup> day following the final judgment.***

The terms and words used on this form are defined in the Settlement Agreement that is available on VIA's Internet site at [www.viarail.ca/en/classaction](http://www.viarail.ca/en/classaction).

### PART I

#### INSTRUCTIONS ON COMPLETING THE CLAIM FORM

**Carefully read the instructions.**

- Please type all the information that is requested or print it in legible block letters.
- You are a member of Group B if you are a person residing in Canada who has a disability and you are permanently reliant on a wheelchair for your mobility, you are not a member of Group A, and you want to travel onboard a VIA train for a trip between Toronto and Vancouver with at least one night onboard in a sleeper car in the year following the putting into service by VIA of its renovated sleeper cars scheduled for 2014.
- Pursuant to the settlement that was reached, members of Group B will receive a discount of 50% on the lowest purchase price posted by VIA when a VIA train ticket is purchased for a trip taken by the members of Group B between Toronto and Vancouver with at least one night onboard in the accessible sleeping compartment of a renovated sleeper car in the year following the putting into service by VIA of said renovated cars scheduled for 2014.
- The use of the aforementioned discount is subject to seat availability in accordance with the terms of VIA's policy entitled *Special Needs* which is found on VIA's Internet site at <http://www.viarail.ca/en/travel-info/special-needs> and is subject to the provisions stipulated in the settlement agreement.
- If you believe you are a member of Group B and wish to be entitled to avail yourself of the discount for Group B members, you must complete and send this Claim Form **by *no later than the 120<sup>th</sup> day following the final judgment.***
- By appending your signature below, you solemnly affirm that the information you have provided is accurate. You also agree to provide additional information in support of your claim to VIA, if necessary, and VIA may ask you to do so in the future.
- By appending your signature below, you also certify that you have not filed any claim or legal proceedings regarding the accessibility of VIA trains, that you have not asked any other person to file one for you and that you do not know anyone who could have filed one for you and that you waive your right to do so.
- VIA and/or its attorneys and/or the attorneys of the applicant will consider and verify your claim. You must keep copies of all documents that support your claim while the process is ongoing.

- The claim form for the discount for Group B members must be sent to VIA **by no later than the 120<sup>th</sup> day following the final judgment.**
- VIA will not notify you when it receives your claim form.
- VIA will notify you by e-mail about the putting into service date of the renovated sleeper cars scheduled for 2014 and will confirm the time limit during which you may avail yourself of the discount for Group B members.
- If you change your address, please notify VIA in writing or by telephone.
- In the event of discrepancy between this form and the settlement, the settlement takes precedence.

**THE CLAIM FORM MUST BE COMPLETED AND SIGNED IF YOU WANT TO DETERMINE YOUR ELIGIBILITY TO RECEIVE A DISCOUNT PURSUANT TO THE TERMS OF THE SETTLEMENT. IT MUST BE MAILED TO VIA IN ACCORDANCE WITH THE FOREGOING INSTRUCTIONS ON OR BEFORE THE 120<sup>TH</sup> DAY FOLLOWING THE FINAL JUDGMENT, THE POSTMARK SERVING AS PROOF OF THE MAILING DATE.**

## PART II

### IDENTIFICATION OF THE MEMBER OF GROUP B

Name: \_\_\_\_\_ First name: \_\_\_\_\_

Home address: \_\_\_\_\_  
   Civic no.  Street  Apt.

\_\_\_\_\_  
   City (municipality)  Province  Postal Code

E-mail address: \_\_\_\_\_

Telephone :  

Home			Other		

Disability: \_\_\_\_\_

Specifications of your wheelchair:

Type of wheelchair:          Folding           Rigid           Manual           Electric

Width of the wheelchair once unfolded: \_\_\_\_\_

Weight of the wheelchair if electric: \_\_\_\_\_

### QUALIFICATION AS MEMBER OF GROUP B

Are you a person residing in Canada who has a disability and who is permanently reliant on a wheelchair for your mobility?          YES           NO

Are you a member of Group A?          YES           NO

## PART III

### DECLARATION

**I, the undersigned, solemnly affirm as follows:**

1. I have completed and signed this Claim and Release and Discharge Form.
2. I am a person residing in Canada who has a disability and who permanently relies on a wheelchair for my mobility.
3. I am not a member of Group A and I want to travel onboard a VIA train for a trip between Toronto and Vancouver with at least one night onboard in a sleeper car in the year following the putting into service by VIA of its renovated sleeper cars in 2014.

4. By appending my signature below, I agree that the Superior Court of the District of Montreal, Province of Quebec, has the power to adjudicate my claim in my capacity as member of the group participating in the settlement and that it has the power to enforce the written release and discharge hereunder.
5. I agree to receive communications by e-mail. YES  NO
6. I have not filed any claim or legal proceedings regarding the accessibility of VIA trains, I have not asked any other person to file any such claim or proceedings on my behalf and I do not know anyone who could have filed any such claim or proceedings in my name. I also waive my right to bring any such suit.
7. By appending my signature below, I agree to release and discharge the respondent, VIA Rail Canada Inc., all its directors, officers, members of its staff and current and former majority shareholders as well as all its predecessors, replacements, parent companies, subsidiaries, affiliates, divisions, joint ventures, assigns, partners, principals, agents, underwriters, attorneys, accountants, auditors, independent contractors, advisors, administrators, executors or legal representatives, insurers and reinsurers, from and against all claims made or causes of action brought or that I might have asserted on the basis of or with regard to the accessibility of VIA trains and the cars that comprise them.
8. I solemnly affirm that the information I have provided on the claim form is truthful and accurate.

\_\_\_\_\_  
*Signature of the member of Group B*

\_\_\_\_\_  
*Date and place of signature*

\_\_\_\_\_  
*Commissioner of Oaths or notary public*

\_\_\_\_\_  
*Date and place of signature*

**THIS FORM MUST BE SENT BEFORE MIDNIGHT ON THE 120<sup>TH</sup> DAY FOLLOWING THE FINAL JUDGMENT.**

If you send this form by mail or by facsimile machine, the postal date or the facsimile transmission date and time will be evidence of the mailing or transmission. The mailing address and facsimile number are as follows:

Cummings vs. VIA Rail Class Action  
 VIA Rail Canada Inc.  
 3 Place Ville-Marie, Suite 500  
 Montreal, Quebec H3B 2C9

Facsimile no.: 514-871-6104

For internal use: \_\_\_\_\_ Form receipt date