

**CLASS ACTION
NOTICE AUTHORIZED BY THE SUPERIOR COURT OF QUÉBEC**

**YOU MAY BE A MEMBER OF THIS CLASS ACTION IF YOU ARE A RESIDENT OF CANADA,
HAVE A DISABILITY AND RELY ON A WHEELCHAIR FOR YOUR MOBILITY.**

This notice concerns a class action brought by Gaétane Cummings against VIA Rail Canada Inc. ("VIA"). While Gaétane Cummings recognizes the inherent constraints in rail transportation given some of the physical and technical limitations of a passenger train, she contends that some of VIA's sleeping cars are not accessible. VIA disputes this contention.

Why was this notice published?

Gaétane Cummings (the "Applicant") and VIA reached an agreement (the "Settlement") in order to end the action against VIA and the Superior Court of Québec, District of Montreal, authorized the publication of this notice on June 20, 2013.

This class action may have repercussions on your rights whether or not you act. Please read this notice carefully.

Who is a member?

You are a member of the group covered by the class action if:

-You are a person residing in Canada who has a disability and is permanently reliant on a wheelchair for your mobility and who personally purchased a train ticket from VIA for a trip taken between August 31, 2007 and August 31, 2010 between Toronto and Vancouver with at least one night onboard in a sleeper car (Group A); or

-You are a person residing in Canada who has a disability and is permanently reliant on a wheelchair for your mobility, but is 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 renovated sleeper car in the year following the putting into service by VIA of its renovated sleeper cars in 2014 (Group B).

What does the Settlement with VIA provide?

VIA, without any admission of liability, has agreed to indemnify the members as follows:

- The members of Group A will receive a credit of 50% of the purchase price for the ticket that they paid, including taxes, for the trip taken between August 31, 2007 and August 31, 2010 between Toronto and Vancouver with at least one night onboard in a sleeper car. They may use this credit to purchase one or more train tickets on the VIA network for one or more trips they may take in the year following the Court's final judgment approving the Settlement, subject to seat availability pursuant to VIA's policy entitled *Special Needs* which can be found on VIA's Internet site at <http://www.viarail.ca/en/travel-info/special-needs>.
- The members of Group B will receive a discount of 50% on the lowest purchase price of a VIA train ticket between Toronto and Vancouver, with at least one night onboard in a renovated sleeper car in the year following the putting into service by VIA of these renovated sleeper cars which is scheduled for 2014 and subject to seat availability in accordance with

VIA's policy entitled *Special Needs* which can be found on VIA's Internet site at <http://www.viarail.ca/en/travel-info/special-needs>.

- The Applicant, who is a member of Group A, will receive an indemnity equal to a refund of the sum of \$1,666.67, including taxes, paid for a train ticket, as well as the sum of \$30,000, in capital, interest and costs, for damages that are specific and unique to her and that result from the particular facts outlined in the Settlement.

These indemnities are offered in accordance with the terms and conditions set out in the Settlement and in exchange for full and final release and discharge by the members of the class action of the claims made against VIA.

The Settlement also provides that the Court will determine and approve the fees of the Applicant's attorneys upon final approval of the Settlement and that VIA will assume such fees.

What choices are available to you?

If you want to participate in the Settlement and you are a member of Group A or Group B, you do not have to do anything for the time being. However, within 120 days following the final judgment approving the Settlement, you must fill out a Claim Form available at www.viarail.ca/en/classaction and send it to VIA. If you do not send your Claim Form within this time limit, you will not be able to receive the indemnity provided in the Settlement. It is imperative to consult VIA's Internet site to know the date of the final judgment approving the Settlement as there will not be a publication of a new notice to this effect in the newspapers.

If you are a member of Group A or Group B covered by the Settlement and **you do not wish to participate in the Settlement**, you may immediately request your exclusion/opt out in writing **by no later than 30 days following the publication of this notice**. You will not have any other opportunity to request your exclusion from/to opt out of the class action in connection with this matter.

If you wish to participate in the class action but want to make comments or object to the Settlement, you must do so by sending VIA an Objection Form available at www.viarail.ca/en/classaction before October 7, 2013 and you may attend the hearing which will be held on October 16, 2013 at the Montreal Court House located at 1 Notre-Dame Street East, in Montreal, Québec.

For further information

This notice is just a summary. **Consult the text of the Settlement with VIA and the detailed notice to the members of Group A and Group B on VIA's Internet site at www.viarail.ca/en/classaction**. All members of the Group should consult the www.viarail.ca/en/classaction site on a regular basis to obtain class action updates. In the event of a discrepancy between this notice and the Settlement, the Settlement takes precedence.