

NOTICE OF CERTIFICATION OF THE VIA RAIL DERAILMENT CLASS ACTION

This Notice may affect your rights. Please read carefully

THE CLASS ACTION

This action in the Ontario Superior Court of Justice arises out of a train derailment which occurred near Burlington, Ontario on February 26, 2012 at approximately 3:30 p.m. The defendants are Via Rail Canada Inc. ("Via") and Canadian National Railway Company ("CN").

This notice is directed to the **CLASS MEMBERS** who are all persons who were passengers on Via Train 92 on February 26, 2012 when it was derailed near Burlington, Ontario, excluding Via's employees and CN's employees.

This notice is also directed to the **FAMILY CLASS MEMBERS** who are the living partners, spouses, children, grandchildren, parents, grandparents or siblings of a Class Member, or where such family member has died, the personal representative of the estate of the deceased family member.

CERTIFICATION

On November 1, 2012, Justice Perell certified this action as a class proceeding. The court has not determined the merits of the action. The certification order is posted at www.viaclassaction.com

DO NOTHING IF YOU WISH TO PARTICIPATE

Class Members are automatically included in the class action and need not do anything at this time if they wish to participate. They will be bound by the judgment in the action whether favourable or not.

OPT OUT ONLY IF YOU WISH TO BE EXCLUDED

If you are a Class Member, as described above, but wish to be excluded and not bound by any future order made in this class action, you must send a signed statement indicating that you wish to be excluded from this class action, containing your name, address, and telephone number, by prepaid mail, fax or email to Howie & Partners, Chartered Accountants, 3063 Walker Road, Windsor ON N8W 3R4, Attention: Via Rail Class Action or by fax to 519.250.1929 or by email to classaction@howieandpartners.com

If your election to opt out is not received or post marked by 5:00 p.m. eastern time on February 8, 2013, you will be bound by all orders made in this action.

If a Class Member cannot personally make an election to opt out, the person making the election for the Class Member must provide their personal information, together with a copy of the document that permits the person to act on the Class Member's behalf, such as a will, Certificate of Appointment (death) or Power of Attorney (incapacity).

No person may opt out a minor or mentally incapable person without permission of the court after notice to The Children's Lawyer and/or the Public Guardian and Trustee, as appropriate.

A person who opts out cannot participate in the class action, will not be bound by any future order made in the class action, and will not

be eligible for any recovery in the class action but may be eligible to pursue an individual claim.

Do not opt out if you wish to participate in the class action.

If you do not opt out of the class action on or before 5:00 p.m. eastern time on February 8, 2013, you will be a Class Member.

CLASS COUNSEL FEES AND DISBURSEMENTS

The plaintiffs and Class Counsel signed a fee agreement providing for the payment to Class Counsel of fees, disbursements and applicable taxes, only in the event of success, to be paid out of the recovery in the class action as follows:

(a) 30% of the recovery plus disbursements and taxes, if the class action is settled before the commencement of trial of the common issues; or

(b) 33.3% of the recovery plus disbursements and taxes, if the class action is settled after the commencement of trial of the common issues or is determined by judgment after the trial.

Class Counsel will make a motion to the court to have the fee agreement approved. You will not be required to pay legal fees to Class Counsel unless the plaintiffs are successful in this action. If the class action is successful, legal fees will be deducted from your recovery.

After the class action is resolved there may be individual issues that remain outstanding. If a Class Member wishes to retain a lawyer to assist with these issues, the Class Member may be required to pay additional fees in addition to the amounts set out above.

INFORMATION

This Notice was approved by the Ontario Superior Court of Justice. The court offices will be unable to answer any questions about the matters in this Notice. Please direct questions for Class Counsel to:

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INTERPRETATION

This Notice is a summary of some of the terms of the certification order. If there is a conflict between the provisions of this Notice and the terms of the certification order, the certification order prevails.

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