

APPENDIX 1-A

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 A TO THE AGREEMENT reached between GAÉTANE 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 A** PURSUANT TO THE TERMS OF THE SETTLEMENT REACHED BETWEEN GAÉTANE 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 120th 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.

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 A if you are a person residing in Canada who has a disability and you are permanently reliant on a wheelchair for your mobility and if you personally purchased a VIA train ticket 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.
- Pursuant to the settlement that was reached, members of Group A will receive a credit of 50% of the purchase price they paid for the ticket, 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 book 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.
- The use of the aforementioned credit 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 A and wish to be entitled to receive the credit to Group A members, you must complete and send this claim form by ***no later than the 120th 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 credit to Group A members must include your eligible ticket for Group A

INFORMATION ABOUT THE ELIGIBLE TICKET(S) FOR GROUP A MEMBERS

Indicate the VIA rail transportation booking or bookings you purchased for a trip onboard a VIA train taken between August 31, 2007 and August 31, 2010 between Toronto and Vancouver with at least one night onboard a train in a sleeper car.

Date of the trip or trips taken	Reservation number or numbers	Departure and arrival point	Price paid including taxes

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 attaching hereto my eligible ticket(s) for Group A members, or I am attaching hereto proof of purchase of one or more eligible ticket(s) for Group A members.
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 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 A

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 120TH 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 Canada Inc. 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