

# Class-action lawsuit follows derailment

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## **Three rail workers were killed in the derailment Sunday.**

Two law offices representing the passengers who were on board the Via Rail train that derailed in Burlington, Ont., last weekend have filed a class-action lawsuit against Via Rail and CN.

Sutts, Strosberg LLP - a law office that successfully led a class-action lawsuit against Via Rail and CN after a 1999 derailment - filed the initial paperwork Tuesday for a multimilliondollar lawsuit over Sunday's deadly derailment that left three engineers dead and dozens of passengers injured. The office filed in conjunction with Falconer Charney LLP.

The notice of action was filed with the Ontario Superior Court in Toronto. One individual - Sandra Lundy from Niagara Falls, Ont. - has been named on behalf of the 75 passengers on the train at the time of the derailment. Lundy was taken to hospital with injuries and later released.

"A lot of people bring cases to us that we do not take. We're taking this case because we think it's a good one," said Windsor, Ont., lawyer Sharon Strosberg.

The suit seeks compensation for physical and emotional injury, damage to property and loss of income.

Via Rail train 92 derailed on a straight track in good weather Sunday near Burlington, 60 kilometres southwest of Toronto.

Three Via Rail employees - two senior locomotive engineers and a trainee - were killed when the locomotive and five cars jumped the tracks as the train switched from one track to another, in what should have been a normal procedure, similar to a vehicle changing lanes.

A total of 45 passengers were taken to hospital.

Via's claims department has been in touch with many of the passengers and has been addressing many of their needs, said a spokesman for Via Rail.

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