

# Via, CN face possible class-action over Burlington derailment

[CBC News](#)

Last Updated: Oct 26, 2012 8:43 PM ET



*The derailment happened near Burlington, Ont., on Feb. 27. (Canadian Press )*

An Ontario court will hear arguments next week whether to allow a class-action lawsuit against Via Rail and CN Rail.

The lawsuit is in connection with the derailment of a Via passenger train near Burlington, Ont., on Feb. 27.

Three Via employees died in the crash and one was badly injured.

Thirty-two passengers were also injured.

Faisal Abid was one of the passengers injured in the derailment and one of those hoping to join the class-action suit.

Abid says he still dreads taking trains of any kind.

"When it [the train] starts shaking, in my head the first that runs through is, what if this thing tips over?"

An investigation determined train 92 — making the journey from Niagara to Toronto — was travelling at over 100 km/h, four times faster than it should have.

"We thought we were going to die," said Abid.

In total 68 of the 75 passengers on the train that day have joined the lawsuit.

Lawyer Ted Charney says Via Rail and CN Rail were negligent.

"If they wanted to settle this case, we would be ready to settle tomorrow," said Charney.

Via offered each passenger \$3,000 in compensation in July. Only three accepted.

A Toronto judge will hear Charney's arguments to launch the class-action lawsuit starting next week.