

For Immediate Release:

COURT CERTIFIES OVERTIME CLASS ACTION AGAINST CN

Toronto, August 17, 2010.

Justice Perell of the Ontario Superior Court of Justice released his decision today ordering that a class action brought against CN Rail for unpaid overtime be certified.

The class action was brought by Michael McCracken, on behalf of approximately 1500 current and former First Line Supervisors. Mr. McCracken alleges that CN has misclassified First Line Supervisors as managers and that they are entitled, like other employees to receive overtime pay.

“On behalf of all my colleagues at CN, I am very happy that the Court ruled that the case is permitted to go forward,” said Mr. McCracken, “and that we will have a determination of the merits of our case”.

Mr. McCracken is represented by Roy Elliott O’Connor LLP and Sack Goldblatt Mitchell LLP. Both firms are also counsel in overtime cases against CIBC and the Bank of Nova Scotia.

“We are delighted that the Court has certified this class action and are ready and able to bring this case to trial”, said Peter Roy of Roy Elliott O’Connor LLP.

“This is a very significant decision,” added Louis Sokolov of Sack Goldblatt Mitchell LLP, “not only for the 1500 members of the Class, but for non-unionized employees across the country”.

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