

CaleyWray

LABOUR/EMPLOYMENT LAWYERS

1205 – 111 Richmond Street West
Toronto ON M5H 2G4

Michael A. Church
Tel: 416-366-3763, ext. 225
Toll Free: 1-866-691-3763
Fax: 416-366-3293
Email: churchm@caleywray.com

File No. 22715

March 31, 2008

E-MAILED

Mr. Rex Beatty
Mr. Raymond LeBel
Mr. Bryan Eoechler
Ms. Sylvia Leblanc

Dear Sirs and Madam:

**RE: CANADIAN NATIONAL RAILWAY COMPANY v. UNITED TRANSPORTATION UNION
GENERAL CHAIRPERSONS MR. REX BEATTY, MR. BRYAN BOECHLER, MR.
RAYMOND LEBEL AND MS. SYLVIA LEBLANC AND THE UNITED TRANSPORTATION
UNION – FEDERAL COURT OF APPEAL FILE NO. A-135-07**

I am happy to report that the Federal Court of Appeal today dismissed CN's Application for Judicial Review with respect to the above-noted matter. This decision was delivered orally from the bench by Mr. Justice John Sexton who was the President of a three person panel of the Court. The decision was unanimous. The decision will be formally sent to us later (in writing). I will forward a copy to each of you in due course.

CN continued to push to have this application heard by the Court on its merits. CN was supported by the UTU International. Both CN and the UTU International opposed our motion on your behalf to have this matter dismissed. Fortunately for us the Court granted our request. The application was dismissed. Hopefully that will be the end of this long and difficult case.

If you wish to read about the hearing in greater detail I understand that Mr. Beatty intends to post a story about it on his blog: rexbeatty.blogspot.com.

In addition to Mr. Beatty, a number of your local area colleagues attended the hearing in support of your cause including Messrs. Ethier, Robbins, Gower, Local Chairpersons Ed Page and James Lennie. General Chairperson Ethier and Thompson were in full support and totally committed to resisting this fight against you by CN and others.

I doubt that either CN or the UTU International will attempt to appeal this decision to dismiss the Application for Judicial Review for a number of reasons. For example, it is very difficult and unusual to persuade a higher court (in this case the Supreme Court of Canada) to grant leave to appeal – much less grant an appeal – in such circumstances. However, you never know with CN. As we saw in this case (both before the CIRB and Federal Court of Appeal) CN files applications without any merit; CN takes such positions for reasons which make little sense in terms of a business case, labour relations or political harmony. CN's decisions in this case created short and long term pain for all concerned but the Company did not seem to care. There is little we can do about a company that is determined to spend such an enormous amount of time, effort and expense (not to mention loss of goodwill) on litigation against its Canadian Union Representatives and employees.

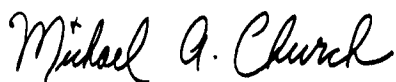
I trust you are satisfied with the results obtained on your behalf. As always it was a pleasure to be of assistance to you, your colleagues and your membership (your GCA's).

As always, please feel free to contact the undersigned should you have any questions or concerns with respect to this matter.

Thank you for your time and attention.

Yours very truly,

Caley Wray



Michael A. Church
MAC/sh

cc: G. Ethier
R. Thompson
J. Holliday
D. Joannette
R. Hackl
J. Robbins
G. Gcwer
G. Scarrow