

No. 1-10-3095

KOREY CURRIE,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	No. 09 L 11505
)	
WISCONSIN CENTRAL, LTD.,)	Honorable
)	Bill Taylor,
Defendant-Appellee.)	Judge Presiding.

PRESIDING JUSTICE ROBERT E. GORDON delivered the judgment of the court, with opinion.

Justice Cahill concurred in the judgment and the opinion.

Justice Garcia specially concurred, with opinion.

OPINION

¶ 1 Plaintiff, Korey Currie, is appealing the decision of the circuit court which granted defendant’s motion to dismiss plaintiff’s complaint based on *res judicata*. The trial court found that the claims were precluded by the federal class action decree in *Barnes v. Canadian National Railroad*, No. 04-1249, Final Approval Order (N.D. Ill. Jan. 7, 2010) (*Barnes* class action).

¶ 2 On appeal, plaintiff contends, first, that his claims were unique from the discrimination claims in the *Barnes* class action. Second, plaintiff argues that, because the evidence of discrimination in his lawsuit would not have been sufficient proof for the *Barnes* class action, he seeks a remedy which was not included in the class action. Third, plaintiff argues that he did not receive adequate notice of the class action; therefore, he could not have opted out of the class.