

**Media release  
Saskatoon, SK  
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### **Organic farmers seek Supreme Court hearing**

Today papers were filed with the Supreme Court of Canada by the Saskatchewan organic farmers seeking leave to appeal the May 2, 2007 Saskatchewan Appeal Court decision which denied them class action status in their GMO liability suit against Monsanto Canada and Bayer CropScience.

Applicants Larry Hoffman and Dale Beaudoin are seeking compensation for the loss of canola as a certified organic crop due to the extensive contamination of canola seed and cross-pollination by GMO varieties belonging to Monsanto Canada and Bayer CropScience. They are also seeking compensation for the losses due to contamination of other organic crops due to the spread of GMO canola volunteers into organic fields. If the Supreme Court agrees to hear the appeal, and it is successful, the case will be certified as a Class Action under Saskatchewan's Class Actions Act, allowing the farmers to go to trial on these issues.

"Sometimes when you're wanting to be heard, or want to get action with people, you don't get anywhere until you go to the boss or the owner," says Dale Beaudoin. "By putting forth our application for leave to appeal to the Supreme Court we are now going to the top."

Commenting on the Saskatchewan Appeal Court's decision, Larry Hoffman stated "The bar was set too high for class actions in Saskatchewan. We have to appeal to the Supreme Court because the lower court decisions as they stand make it futile for the common person to make a claim."

In his Memorandum of Argument, Council Terry Zakreski states: This case seeks to ask whether biotechnology companies incur responsibility when their patented genetically modified seed, pollen and plants infiltrate farmland, causing harm. While *Monsanto Canada Inc. v. Schmeiser* confirmed that these companies have significant exclusive rights to GMO seed and plants -- the question remains whether they have any corresponding duties.

The case involves legal questions of significant importance to the public, namely liability and rights associated with the development, marketing, sale and dispersal of GMOs, as well as public access to justice through class certification. The prevalence of open-pollinating GM crops on the landscape is a matter of significant environmental and public interest. These issues transcend provincial or territorial boundaries, as organic farmers in Saskatchewan can no longer grow and sell certified organic canola as a crop.

Dale Beaudoin concludes, "Our lawyer, Mr. Zakreski, is one of the most knowledgeable in the world on the subject of GMO crops. We are looking forward with the hope that our application for leave to appeal will be accepted."

Now that the farmers' papers have been filed, the defendants have 30 days to respond. Then the Supreme Court will make its decision as to whether or not leave to appeal will be granted.

- 30 -

For more information please contact:

Arnold Taylor, Chair, Organic Agriculture Protection Fund Committee, phone: (306) 561-7788 or (306) 252-2783

Marc Loiselle, Research Director, Organic Agriculture Protection Fund Committee, (bilingual): phone (306) 227-5825 or (306) 258-2192

For details of the class action suit, please see <http://www.saskorganic.com/oapf/>