

Media Release
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Saskatoon, Sask. CANADA

Organic farmers granted leave to appeal class certification decision

Today the Saskatchewan Court of Appeal released Honourable Mr. Justice Cameron's decision granting the certified organic farmers of Saskatchewan leave to appeal the Court of Queen's Bench decision dated May 11, 2005 denying them class certification under Saskatchewan's Class Actions Act. The farmers are seeking compensation for losses due to contamination of organic fields and crops by Monsanto's and Bayer's genetically engineered canolas.

Judge Cameron agreed that the issues raised by the plaintiffs should be dealt with by the Appeal Court. He agreed that the questions of whether Judge Smith erred in her finding of no cause of action – an error which cascades through her decisions on the remaining four tests required to grant class certification – and whether she applied an overly rigorous standard for class certifications should be examined by the Appeal Court.

Justice Cameron stated, "... I am satisfied the proposed appeal raises some comparatively new and potentially controversial points of law, that it transcends the particular in its implications, and that it is of sufficient importance to the practice pertaining to this subject to warrant attention by this Court."

Plaintiff Larry Hoffman says he feels encouraged by the decision. "It gives us a chance to argue how the Class Actions Act should be applied. The spirit of the law is to even out the odds between the Davids and the Goliaths in the world. The lower court decision made it too hard on us Davids, and we think that's unfair. A farmer like me can't afford to take on a big company like Monsanto when it threatens my livelihood and way of life. But if we can join together in a class action, our combined strength can make it possible to hold these companies accountable for their actions."

"This is great", says plaintiff Dale Beaudoin. "On behalf of 1000 plus organic farmers we can continue to fight for our right to remain stewards for sustainable agriculture. This is no minor issue. It is a matter of independence and survival for all farmers world-wide."

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