

Friends of the Canadian Wheat Board

NEWS RELEASE

FOR USE: **February 15, 2012**

Farmers launch challenge to restore Wheat Board and seek \$17billion in damages

(Winnipeg) The Friends of the Canadian Wheat Board (FCWB) announced that the law firm of Sack Goldblatt Mitchell LLP (SGM), working with FCWB counsel, Anders Bruun, have launched a court action in the Federal Court of Canada to restore the Canadian Wheat Board and recover damages farmers have suffered as a result of Ottawa's tampering with western grain marketing. More information about the class action can be found at www.cwbclassaction.ca

The action places new and significant constitutional arguments in front of the courts. The plaintiffs are four grain farmers, Harold Bell of British Columbia (250) 785-8996 / 262-9278, Andrew Dennis of Manitoba (204) 476-6498, Nathan Macklin of Alberta (780) 957-2583 / 832-3190, and Ian McCreary of Saskatchewan (306) 567-2099 / 561-7838.

"The goals of this action are twofold" observed Steven Shrybman, one of the SGM legal team handling the litigation. "Our primary objective is to restore democratic farmer control of the Wheat Board and the right of producers to collectively market their grain. We also seeking compensation from the government for damages it has caused to the interests of producers."

Brookdale, Manitoba, area farmer Andrew Dennis added "this is a complex and far reaching litigation which will include both constitutional issues and a class action to recover lost money for farmers. We have also retained Anders Bruun, a lawyer with over 20 years of grain trade experience, act as co-counsel with SGM to prosecute this case. Mr. Bruun represented the FCWB when we stopped Ottawa removing barley from the Wheat Board in 2007. SGM have a successful track record on similar cases so we feel confident that we will ultimately reverse Ottawa's unlawful actions and we expect our members will receive substantial compensation for the damages already done."

Bill Gehl, chairperson of the Canadian Wheat Board Alliance and a member of the Friends observed that "in response to a FCWB legal case last year a Federal Court Judge held that Minister Ritz broke the law by introducing legislation to destroy our Canadian Wheat Board. The Harper government has defied the courts to implement this legislation."

"Rejecting this legislation is about more than the Canadian Wheat Board, it is about due process and the rule of law itself and that affects everyone in Canada" observed Anders Bruun, the Friends legal counsel.

Stewart Wells, one of the farmer elected Directors of the Wheat Board dismissed under the illegal legislation said "we have a broadly based group supporting this action including 8 of the 10 deposed farmer-elected CWB Directors, the Producer Car Shippers of Canada, the Canadian Wheat Board Alliance, various civil society groups, the National Farmers' Union and others who are affected by the changes Ottawa has imposed on farmers."

Laurence Nicholson, an irrigation farmer at Seven Persons, Alberta concluded "we have called on the Government of Canada to respect the law and stop their bullying of farmers. Instead they have chosen to break the law, so now it falls to us to give the courts the opportunity to assert the rule of law and redress this injustice." - 30 -

For further information call:

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Bill Gehl: (306)537-3899
Anders Bruun: (204) 416-3562

Stewart Wells: (306) 773-6852
Laurence Nicholson: (403) 527-6804 / 952-5695
Steven Shrybman: (613) 482-2456

www.friendsofcwb.ca www.cwbafacts.ca

www.pcsofcan.ca

www.nfu.ca

BACKGROUND

Canadian Wheat Board Constitutional and Class Action Suit launched, February 15, 2012

- **Plaintiffs:** Harold Bell (250) 785-8996 / 262-9278 Andrew Dennis (204) 476-6498
Nathan Macklin (780) 957-2583 / 832-3190 Ian McCreary (306) 567-2099 / 561-7838
- Harold Bell has a grain farm in the Peace River area in northern British Columbia near Fort St John. Nathan Macklin is starting his farming career near DeBolt Alberta on land homesteaded by his family. Ian McCreary farms near Bladworth, Saskatchewan and has experience both as an employee of the Wheat Board in the 1980's and as a farmer-elected Director to the Wheat Board. Andrew Dennis operates a family farm near Brookdale, Manitoba and has been instrumental in setting up the Friends of the Canadian Wheat Board and doing extensive fund raising work for the organization. These farmers represent the broad range of experience and knowledge which the Friends of the Canadian Wheat Board brings to this litigation.
- This case places new and significant constitutional arguments in front of the courts.
- The Friends of the Canadian Wheat Board (FCWB) is actively supporting this class action.
- FCWB led the fight to oppose Ottawa's removal of barley from the CWB. In litigation led by their counsel Anders Bruun, the Friends were successful in having the Federal Court rule Ottawa acted illegally. As a result, barley was returned to the CWB on July 31, 2007.
- On December 7th, 2011, the FCWB were again successful in securing a judgement from the Federal Court. Justice Douglas Campbell ruled that Bill C-18, the legislation ending the Canadian Wheat Board's single desk marketing responsibilities and dismissing its farmer elected Board of Directors, was introduced into Parliament illegally.
- This litigation is also supported by the *Canadian Wheat Board Alliance*, a non-partisan group of several hundred farmers from across the prairies who recognize the value of the Wheat Board. The *Producer Car Shippers of Canada*, representing farmers and their cooperatives who load several thousand producer rail cars of grain each year for export, various civil society groups, and by the *National Farmers' Union* which has thousands of members across Canada.
- The FCWB's counsel, Anders Bruun, has over twenty years of experience in the grain industry as well these two ground breaking successes for farmers. Working with the law firm of Sack Goldblatt Mitchell LLP, Mr. Bruun will act as co-counsel in this new litigation.

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Friends of the Canadian Wheat Board

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- Sack Goldblatt Mitchell (SGM) is one of Canada's leading public interest law firms. It has acted in some of the most significant litigations in Canada. SGM has spearheaded a number of ground-breaking cases involving the *Charter of Rights and Freedoms*, class action proceedings legislation and other statutes. Charter cases have involved health care, equality rights and labour and employment. SGM has been a consistent advocate for an individual's right to freedom of expression, freedom of association, and the right to life, liberty and security of the person. It has acted as lead counsel, or co-lead-counsel, in some of the most important class actions in Canada. SGM lawyers are at the forefront of litigation aimed at enhancing civil society in Canada.
- **Legal Counsel:** Anders Bruun (204) 416-3562 Steven Shrybman, SGM (613) 482-2456
- **Donations to support this important Constitutional challenge may be made by mailing a cheque to the following organizations:**

Friends of the Canadian Wheat Board,

Box 41, Brookdale, MB, ROK 0G0

or by donating directly by using the Friends' credit card facility at 204-354-2254

donations may also be made by using *PayPal* online at: <http://friendsofcwb.ca/donate>

Or to:

Producer Car Shippers of Canada

Box 242,

Briercrest, Saskatchewan, S0H 0K0

The Canadian Wheat Board Alliance,

Box 125,

Hussar, AB, T0J 1S0

you can also donate using *PayPal* online at: <http://www.cwbafacts.ca/donate/>

or

The National Farmers' Union

2717 Wentz Ave. Saskatoon, Sk. S7K

You can use their secure credit card option at <http://nfu.ca/store/donation.html>

www.friendsofcwb.ca

www.cwbafacts.ca

www.pcsofcan.ca

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