

Date: 20071011

Docket: A-127-06

Citation: 2007 FCA 322

**CORAM: LINDEN J.A.
NOËL J.A.
NADON J.A.**

BETWEEN:

**SANDER HOLDINGS LTD., DONALD PATENAUDE and MATHEW NAGYL
on their own behalf and on behalf of all persons who have been Producers,
shipping grain through the Canadian Wheat Board, as defined under
The Canadian Wheat Board Act, and who reside or have resided
in Canada between 1994 and the date of the decision**

Appellants

and

**THE ATTORNEY GENERAL OF CANADA
representing the Minister of Agriculture of Canada**

Respondent

Heard at Saskatoon, Saskatchewan, on October 11, 2007.

Judgment delivered from the Bench at Saskatoon, Saskatchewan, on October 11, 2007.

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.

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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Saskatoon, Saskatchewan, on October 11, 2007)

NADON J.A.

[1] By decision dated March 14, 2006, von Finkenstein J. of the Federal Court dismissed the appellants' motion which sought leave to amend their Statement of Claim or, in the alternative, to

convert the Statement of Claim into an application for judicial review, to extend the time for filing the said application, to convert the application back into an action and, finally, to certify the action as a class action.

[2] After careful consideration of the issues before him and the parties' respective submissions, the Motions Judge dismissed the appellants' motion in its entirety.

[3] Before us, in seeking to set aside the Order of the Federal Court, the appellants make submissions very similar to those made before the Motions Judge. Like von Finkenstein J., we have not been persuaded that there is any merit in these submissions. More particularly, we are of the view that there is no merit to the appellants' argument that there exists a contractual basis on which they can ground an action against the Federal Crown.

[4] As a result, we have not been persuaded that the Judge made any error which would allow us to intervene.

[5] For these reasons, the appeal will be dismissed with costs.

“M. Nadon”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-127-06

STYLE OF CAUSE: SANDER HOLDINGS LTD. ET AL v.
A.G.C.

PLACE OF HEARING: Saskatoon, Saskatchewan

DATE OF HEARING: October 11, 2007

**REASONS FOR JUDGMENT OF THE
COURT BY:** LINDEN, NOËL, NADON JJ.A.

DELIVERED FROM THE BENCH BY: NADON J.A.

APPEARANCES:

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Dhara Drew

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