

ONTARIO BEEKEEPERS LAUNCH CLASS ACTION SUIT AGAINST PESTICIDE MANUFACTURERS

The OBA is acutely aware that for our beekeepers, the monetary damages to their businesses as a result of neonicotinoid exposure are significant, and include the costs of replacing killed and weakened bees; contaminated beeswax, comb and hives; reduced honey production and lost profits; increased labour, equipment and supply expenditures; and costs and lost profits from the inability to perform contracted pollination services.



THE OBA BOARD OF DIRECTORS AND SEVERAL OF ITS members have consulted with the law firm of Siskinds LLP (“Siskinds”) about the possibility of legal action to address the financial losses that beekeepers have suffered over the past several years. Siskinds has investigated the link between the use of neonicotinoid pesticides and bee mortality in Canada and have concluded that there may be cause for action against the manufacturers of neonicotinoid pesticides. The action would be pursued as a class action and would be brought on behalf of all Canadian beekeepers, regardless of province of residence, who experienced losses related to neonicotinoid exposure. There is no cost or financial risk to a beekeeper in doing so.

THE OBJECTIVE OF THE CLASS ACTION IS TWO-FOLD:

1. To alter the behavior of the neonicotinoid producers so that a product that does not present these risks to the bee population is investigated and produced; and
2. To recover the losses suffered by beekeepers as a result of the historic and continued use of neonicotinoid pesticides.

Siskinds anticipates filing this class action by the first week in September. OBA will keep members informed of progress in the e-newsletter. (Please let the OBA office know if you are not on the newsletter distribution list, but would like to be.) For more information please contact Board Member, Bernie Wiehle at berniewiehle@gmail.com or 519-614-3686.

Or you can contact Siskinds directly with any questions you may have about the class action and how to participate: Paula Lombardi at paula.lombardi@siskinds.com or 1(519) 660-7878 or Nicole Young at nicole.young@siskinds.com or 1(519) 672-2121 ext. 2380 (toll free: 1 877 672-2121).

Siskinds is a Canadian law firm based on London, Ontario with offices in Toronto and affiliate offices in Montreal and Quebec City. Siskinds was the first firm to certify and the first firm to settle a class action in Ontario under the 1992 Class Proceedings Act. It has an internationally-recognized track record in the area of class actions and has successfully prosecuted such actions against major companies including the Bayer and Dow family of companies. Paula Lombardi is a partner of Siskinds LLP, and practices in the areas of environmental, municipal, regulatory and administrative law.

FAQ: BEEKEEPERS' CLASS ACTION LAWSUIT

WHAT IS A CLASS ACTION LAWSUIT?

A class action lawsuit is a legal action brought on behalf of a group of people (“class members”) who have been injured in a similar way by the same individual(s) or corporation(s). While the loss or damage may be significant to each class member, given the current costs of litigation it may not be economical for each class member to advance an individual claim against the wrongdoer. Class actions enable class members to come together and have all of their claims advanced in a single action, which reduces the litigation risk for any one person and permits the sharing of the considerable costs of litigation. In this respect, class actions work to ‘even the playing field’ between large, well-resourced companies and those affected by their actions.

WHAT'S THE RISK TO ME?

Siskinds has agreed to take this case on a contingency basis, meaning that Siskinds is only paid if a settlement or court award is achieved. Siskinds has also agreed to fund all disbursements associated with the litigation (ex. court filing costs, the costs of retaining experts, photocopy charges). Their fees and a reimbursement for disbursements would then be paid out of the settlement or award. In this case, Siskinds’ fee would range between 25% and 30% of the award, depending on the stage of the litigation at which the award is achieved. Ontario’s class actions legislation contains many safeguards to ensure that the rights of class members are protected. For example, any settlement reached in a class action must be approved by the court as being fair, reasonable and in the best interests of its class members, as would any fee to be paid to Siskinds for its work on the class action.

HOW DOES A CLASS ACTION WORK?

Joining a class action requires little effort on your part. If you are a Canadian beekeeper that has experienced loss caused by neonicotinoid pesticides then you are automatically included in the class unless you elect to remove yourself from the class at a specified stage of the proceeding. However, in this case, we are asking our members and fellow beekeepers to retain Siskinds on an individual basis and on the same terms as everyone else to ensure

that we have the support of the beekeeping community moving forward. As a class member, you are not required to take any steps until the case has been resolved either through settlement or a trial on the common issues (i.e. resolution of the aspects of the action that apply to the entire group). At that stage, you may be required to prove your individual losses. Therefore, it is important that you keep good records and receipts. Depending on what allegations the evidence can support, this case may address losses incurred as early as the 2000/2001 season, so you will want to ensure that your records are preserved, if possible.

WHO IS THE LAW FIRM THAT IS BEING ENGAGED?

Siskinds is a firm of approximately 75 lawyers, with offices in London and Toronto, Ontario and affiliate offices in Montreal and Quebec City, Quebec. Siskinds is a highly reputable firm that has advanced more than 100 class action cases and maintains a substantial record of success for its clients. Its current team of over 20 lawyers exclusively represents plaintiffs in the areas of securities fraud, price fixing, consumer protection and products liability, pharmaceuticals, and environmental law.

WHAT IS THE ONTARIO BEEKEEPERS' ASSOCIATION'S ROLE?

The OBA was instrumental in assisting Siskinds with its investigation and securing representation for our members. We are eager to find a legal remedy to help address the honeybee deaths that so many of our members have suffered. To this end, we encourage the participation of beekeepers who have been adversely affected by neonicotinoid pesticides in this intended class action. Please note, only individual beekeepers will be a part of the proceeding. The OBA will not be involved in any legal actions nor will it benefit from any settlement or court award.

HOW CAN I FIND OUT MORE INFORMATION?

If you are interested in learning more about this action or retaining Siskinds as your counsel, please contact Paula Lombardi at Siskinds: paula.lombardi@siskinds.com or (519) 660-7878. Or you can contact OBA Board Member, Bernie Wiehle at berniewiehle@gmail.com or (519) 614-3686.