



April 25, 2002

File: 44200-50/EMB 01-17

**DELIVERED BY FAX**

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Attention: Mr. Robert P. Hrabinsky

Dear Sirs/Mesdames:

**AN APPEAL BY FRED REID D.B.A. AS OLERA FARMS FROM AUGUST 1, 2001  
DECISIONS OF THE BRITISH COLUMBIA EGG MARKETING BOARD  
CONCERNING THE MARKETING OF ORGANIC PRODUCT**

With the agreement of counsel, the above appeal was scheduled to commence May 22, 2002 and conclude May 29, 2002. The British Columbia Marketing Board (the "BCMB") has received a request for an adjournment of this hearing from Counsel for the Appellant, Fred Reid d.b.a. Olera Farms. By letter dated April 5, 2002, Counsel for the British Columbia Egg Marketing Board (the "Egg Board") advised that he was not prepared to consent to this request and asked that a formal application for an adjournment be made.

On April 18, 2002, the BCMB received a formal request for an adjournment of the scheduled hearing. Counsel for the Appellant advised that a trial, which was scheduled to conclude prior to this appeal, had been rescheduled unilaterally by the Court Registry. As a result, the trial now overlaps with the scheduled hearing dates for this appeal. In his letters dated April 19, 22 and April 23, 2002, Counsel for the Egg Board strenuously opposes any adjournment suggesting that Counsel for the Appellant has brought this problem on herself by considering the trial a higher priority than this appeal. He further argues that early resolution of this appeal is necessary as the Appellant continues to contravene Egg Board Standing Orders. As a result, the Egg Board argues that the Appellant is disrupting the marketplace by undercutting those producers who lawfully obey the Standing Orders. Further, Counsel for the Egg Board argues that until this matter is heard on appeal, the Egg Board cannot pursue its enforcement proceedings in the Supreme Court of British Columbia. He argues that this appeal must be heard on an urgent basis.

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**British Columbia  
Marketing Board**

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In her letter of April 23, 2002, Counsel for the Appellant reiterates that she did not choose to have her trial rescheduled. Her clients too are anxious to have the appeal heard. With respect to the allegations made by Counsel for the Egg Board, she submits that these arguments are a red herring. The BCMB has an obligation to treat all parties fairly, including granting reasonable adjournments.

The Panel has considered the submissions of the parties. We are prepared to grant the adjournment of this appeal to June 10 - June 17, 2002. The parties have advised that they are available on these dates. Given that the adjournment is brief, the arguments raised by Counsel for the Egg Board are not as persuasive as they would be if the adjournment had been lengthy. Further, issues relating to the Appellant's alleged contravention of Egg Board Standing Orders will be canvassed on appeal or in the enforcement proceedings in Supreme Court. The Egg Board, if successful, can pursue its remedy for these alleged contraventions at that time.

BRITISH COLUMBIA MARKETING BOARD  
Per

*(Original signed by):*

Christine J. Elsaesser, Vice Chair