

Docket: CACV3649

James Mann

Appellant
(Applicant/Cross-Respondent)

and

Jason Mann

Respondent
(Respondent/Cross-Applicant)

and

AgraCity Crop & Nutrition Ltd.

Respondent
(Respondent/Affected Party (for Notice))

and

Farms and Families of North America Inc. (carrying on business as Farmers of North America) and AgraCity Services Inc.

Non-Parties
(Non-Parties/Cross-Respondents)

and

Genesis Grain & Fertilizer GP Inc., 101187148 Saskatchewan Ltd., Genesis Operating GP Inc., AgraCity Ltd., AgraCity Crops & Nutrition, Inc. (US), MPower Logistics Ltd., 101072498 Saskatchewan Ltd., NewAgco Inc. (Barbados), FNA AgraCity Holdings Ltd., Agrowfuel Ltd., Agrowterminals Ltd., MPower Management Team Ltd., AgraCity de Mexico, Farmers of North America de Mexico, 101114752 Saskatchewan Ltd., 101119534 Saskatchewan Ltd., 101179684 Saskatchewan Ltd., and FNA Fertilizer GP Inc.

Non-Parties
(Affected Parties (for Notice))

Docket: CACV3986

James Mann

Appellant
(Applicant)

and

Jason Mann

Respondent
(Respondent)

and

AgraCity Crop & Nutrition Ltd.

Respondent
(Defendant)

Before: Amy Groothuis, Registrar (on October 25, 2024)

Fiat

I. Introduction

A. Preliminary matters

[1] On October 25, 2024, eight (8) Notice of Appointment for Taxation of Costs [collectively, Appointments] came before me for hearing, involving a number of different parties in a total of eleven different appeal files. One lead decision for the court file CACV3505 provides background and outlines the reasoning on common issues arising in most of the taxations of costs. The fiat issued for CACV3505 is to be read in conjunction with the within decision.

B. CACV3649 and CACV3986

[2] The Notice of Appointment for Taxation of Costs in these two appeal files arose out of two applications filed by James Mann pursuant to s. 20(3) of *The Court of Appeal Act* to vary or discharge an order made by a single judge in Chambers. The applications were heard together on June 6, 2023, before a panel of Richards C.J.S, Schwann and Barrington-Foote, JJ.A. The Court issued its decision from the bench, and the court file is endorsed as follows:

At the end of the day, we are not persuaded to intervene here. We are not persuaded to act pursuant to s. 20(3). We dismiss Mr. Mann's application.

We will award one set of costs in favour of Agracity. No other costs will be awarded.

[3] The respondent AgraCity Crop & Nutrition [AgraCity] took steps to have a formal order issued on each of CACV3649 and CACV3986. The orders were each issued on September 23, 2024, essentially contemporaneously with the filing of the Notice of Appointment for Taxation of Costs. For the sake of completeness, I will note that for CACV3649, the appeal was disposed of by way of a judgment that allowed the appeal in part and that made no order of costs for or against either party, and for CACV3986, the appeal was dismissed as abandoned with the Court setting costs. As such, the only costs to tax for either appeal file relates to the applications brought pursuant to s. 20(3), and not for the appeals themselves.

II. Proposed Bill of Costs

[4] AgraCity has filed a proposed bill of costs that relies on Column 2 of the Court of Appeal Tariff of Costs [Tariff], as follows:

A. AgraCity Crop & Nutrition Ltd.

4.	Complex Motion- opposed	\$1,500.00
13.	Preparation of Bill of Costs	\$ 150.00

[5] The respondent therefore claims a total of \$1,650.00 in fees plus PST in the amount of \$99.00 and GST in the amount of \$82.50, for a total claimed amount of \$1,831.50.

III. Issues and Analysis

[6] With respect to the proposed bill of costs, the only issue raised by James concerned whether the application was properly considered complex.

A. Item #4 – Complex Motion - opposed

[7] James submits that the applications are properly considered simple as opposed to complex because the issues before the Court were narrow, they did not involve evidence or facts, and they were disposed of by the Court in brief, oral reasons. The Chambers judge's decision that James sought to vary or discharge concerned filing deadlines for three appeals and the scheduling of two of those appeals.

[8] AgraCity argues that these s. 20(3) applications reviewed a single judge's authority to make procedural orders as a case management judge in Chambers, which involved complex issues of law heard by a full panel of the Court.

[9] I have reviewed the court file, and in particular the documents filed on the two applications to vary or quash the Chambers judge's decision. Each party filed both an affidavit and a brief of law. AgraCity's brief identified the standard of review, identified the issue and made four

interrelated arguments as to why the applications should be dismissed, making reference to five case law authorities. Jason Mann filed an affidavit totalling 153 pages, including exhibits.

[10] While the Court's oral decision dismissing the two applications was brief, it highlighted the importance of the standard of review in such an application, demonstrating to me that the focus of AgraCity's brief of law was on point. I am persuaded that in this instance, the applications are properly characterized as complex, and appropriately the proposed bill of costs reflect one opposed complex motion. I decline to make any changes to the proposed bill of costs.

IV. Decision

[11] Having confirmed that the Tariff amounts on the proposed bill of costs are proper, AgraCity's costs are taxed and allowed as set out above at paragraphs 4 and 5.

[12] For enforcement purposes, AgraCity may wish to prepare and file a certificate of taxation of costs in Form 11d in the amount noted herein for issuance.



Amy Groothuis, Registrar
Court of Appeal for Saskatchewan

Counsel: James Mann for himself
Daniel Cherian for AgraCity Crop & Nutrition Ltd