

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

**IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
R.S.C. 1985, c. C-36, AS AMENDED**

**AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
IMPERIAL TOBACCO CANADA LIMITED AND
IMPERIAL TOBACCO COMPANY LIMITED**

**RESPONDING MOTION RECORD OF THE
CANADIAN CANCER SOCIETY**

**MOTION FOR STAY EXTENSION RETURNABLE ON JUNE 26, 2019 IN
Court File No. CV-19-615862-00CL, *JTI-Macdonald Corp., Re*
Court File No. CV-19-616077-00CL, *Imperial Tobacco Canada Limited et al., Re*
Court File No. CV-19-616779-00CL, *Rothmans, Benson & Hedges Inc., Re***

June 24, 2019

FOGLER, RUBINOFF LLP
Suite 3000, P.O. Box 95
Toronto-Dominion Centre
77 King Street West
Toronto, Ontario M5K 1G8

Vern W. DaRe (LSO# 32591E)
Tel: 416-941-8842
Fax: 416-941-8852
Email: vdare@foglers.com

CANADIAN CANCER SOCIETY
116 Albert Street, Suite 500
Ottawa, ON K1P 5G3

Robert Cunningham (LSO# 35179L)
Tel: 613-565-2522 ext. 4981
Fax: 613-565-2278
Email: rcunning@cancer.ca

Lawyers for Canadian Cancer Society

TO: THE SERVICE LIST

**ONTARIO
SUPERIOR COURT OF JUSTICE
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IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
IMPERIAL TOBACCO CANADA LIMITED AND IMPERIAL TOBACCO COMPANY LIMITED

Service List
(as of June 19, 2019)

TO:	OSLER, HOSKIN & HARCOURT LLP P.O. BOX 50, 1 First Canadian Place Toronto, ON M5X 1E2 Deborah Glendinning dglendinning@osler.com Tel: 416.862.4714 Marc Wasserman mwasserman@osler.com Tel: 416.862.4908 John MacDonald jmacdonald@osler.com Tel: 416.862.5672 Lawyers for the Applicants, Imperial Tobacco Canada Limited and Imperial Tobacco Company Limited	AND TO :	DAVIES WARD PHILLIPS & VINEBERG LLP 155 Wellington Street West Toronto, ON M5V 3J7 Jay Swartz jswartz@dwpv.com Tel: 416.863.5520 Robin Schwill rschwill@dwpv.com Tel: 416.863.5502 Natasha MacParland nmacparland@dwpv.com Tel: 416.863.5567 Lawyers for the Monitor, FTI Consulting Canada Inc.
AND TO:	FTI CONSULTING CANADA INC. 79 Wellington Street West Suite 2010, P.O. Box 104 Toronto, ON M4K 1G8 Greg Watson greg.watson@fticonsulting.com Tel: 416.649.8077	AND TO:	STIKEMAN ELLIOTT LLP 5300 Commerce Court West 199 Bay Street Toronto, ON M5L 1B9 David Byers dbyers@stikeman.com Tel: 416.869.5697

Paul Bishop
paul.bishop@fticonsulting.com
Tel: 416.649.8053

Jeffrey Rosenberg
jeffrey.rosenberg@fticonsulting.com
Tel: 416.649.8073

Kamran Hamidi
kamran.hamidi@fticonsulting.com
Tel: 416.649.8068

Dilawar Azhar
dilawar.azhar@fticonsulting.com
Tel: 416.649.8133

The Monitor

Maria Konyukhova
mkonyukhova@stikeman.com
Tel: 416.869.5230

Lesley Mercer
lmercer@stikeman.com
Tel: 416.869.6859

Sanja Sopic
ssopic@stikeman.com
Tel: 416.869.6825

Lawyers for British American Tobacco
p.l.c., B.A.T Industries p.l.c., and British
American Tobacco (Investments)
Limited

**AND
TO:**

**LAX O'SULLIVAN LISUS
GOTTLIEB LLP**

Suite 2750, 145 King Street West
Toronto, ON M5H 1J8

Jonathan Lisus
jlisus@lolg.ca
Tel: 416.598.7873

Matthew Gottlieb
mgottlieb@lolg.ca
Tel: 416.644.5353

Andrew Winton
awinton@lolg.ca
Tel: 416.644.5342

Nadia Champion
ncampion@lolg.ca
Tel: 416.642.3134

Lawyers for the Court-Appointed Mediator

AND TO: BENNETT JONES LLP

3400 One First Canadian Place
P.O. Box 130
Toronto ON M5X 1A4

Jeffrey Leon
leonj@bennettjones.com
Tel: 416.777.7472

Mike Eizenga
eizengam@bennettjones.com
Tel: 416.777.4879

Sean Zweig
zweigs@bennettjones.com
Tel: 416.777.6254

Lawyers for the Province of British
Columbia, Province of Manitoba,
Province of New Brunswick, Province of
Nova Scotia, Province of Prince Edward
Island and Province of Saskatchewan,
in their capacities as plaintiffs in the
Government Medicaid Actions (as
defined in the Application Record of the
Applicants)

**AND
TO:**

THORNTON GROUT FINNIGAN LLP

Toronto-Dominion Centre 100 Wellington
Street West, Suite 3200 P.O. Box 329

**AND TO: FISHMAN FLANZ MELAND PAQUIN
LLP**

4100-1250 René-Lévesque Blvd. West

Toronto, ON M5K 1K7

Robert I. Thornton
rthornton@tgf.ca
Tel: 416.304.0560

Leanne M. Williams
lwilliams@tgf.ca
Tel: 416.304.0060

Rebecca L. Kennedy
rkennedy@tgf.ca
Tel: 416.304.0603

Rachel A. Bengino
rbengino@tgf.ca
Tel: 416.304.1153

Mitch Grossell
mgrossell@tgf.ca
Tel: 416.304.7978

Lawyers for JTI-Macdonald Corp.

Montreal, Quebec H3A 3H3

Avram Fishman
afishman@ffmp.ca
Tel: 514.932.4100

Mark E. Meland
mmeland@ffmp.ca
Tel: 514.932.4100

Margo R. Siminovitch
msiminovitch@ffmp.ca

Jason Dolman
jdolman@ffmp.ca

Nicolas Brochu
nbrochu@ffmp.ca

Tina Silverstein
tsilverstein@ffmp.ca

CHAITONS LLP

5000 Yonge Street 10th Floor
Toronto, ON M2N 7E9

Harvey Chaiton
harvey@chaitons.com
Tel: 416.218.1129

Lawyers for Conseil québécois sur le
tabac et la santé, Jean-Yves Blais and
Cécilia Létourneau (Quebec Class
Action Plaintiffs)

**AND
TO:**

BLAKE, CASSELS & GRAYDON LLP

199 Bay Street
Suite 4000, Commerce Court West
Toronto, Ontario M5L 1A9

Pamela Huff
pamela.huff@blakes.com
Tel: 416.863.2958

Linc Rogers
linc.rogers@blakes.com
Tel: 416.863.4168

**AND TO: MINISTRY OF THE ATTORNEY
GENERAL**

Crown Law Office – Civil
720 Bay Street, 8th Floor
Toronto, ON M7A 2S9

Jacqueline L. Wall
jacqueline.wall@ontario.ca
Tel: 416.325.8435

Shahana Kar
shahana.kar@ontario.ca
Tel: 416.314.2080

Chris Burr
chris.burr@blakes.com
Tel: 416.863.3261

Lawyers for Her Majesty the Queen in
right of Ontario

Aryo Shalviri
aryo.shalviri@blakes.com
Tel: 416.863.2962

Caitlin McIntyre
caitlin.mcintyre@blakes.com
Tel: 416.863.4174

Lawyers for Deloitte Restructuring Inc., in
its capacity as Monitor of JTI-Macdonald
Corp.

**AND
TO:**

KSV ADVISORY INC.
150 King St W #2308,
Toronto, ON M5H 1J9

AND TO: STEWART MCKELVEY
1959 Upper Water Street, Suite 900
PO Box 997
Halifax, NS, B3J 2X2

Bobby Kofman
bkofman@ksvadvisory.com
Tel: 416.932.6228

Robert G. MacKeigan, Q.C.
robbie@stewartmckelvey.com
Tel: 902.444.1771

Noah Goldstein
ngoldstein@ksvadvisory.com
Tel: 416.932.6207

Lawyers for Sobeys Capital
Incorporated

Financial Advisor for the Provinces of
British Columbia, Manitoba, New
Brunswick, Nova Scotia, Prince Edward
Island and Saskatchewan, in their
capacities as plaintiffs in the HCCR
Legislation claims

**AND
TO:**

KLEIN LAWYERS
100 King Street West, Suite 5600
Toronto, ON M5X 1C9

**AND TO: JENSEN SHAWA SOLOMON DUGUID
HAWKES LLP**

800 - 304 8 Ave SW
Calgary, AB T2P 1C

Douglas Lennox
dlennox@callkleinlawyers.com
Tel: 416.506.1944

Carsten Jensen
jensenc@jssbarristers.ca
Tel: 403.571.1526

Lawyers for the representative plaintiff,
Kenneth Knight, in the certified British
Columbia class action, *Knight v. Imperial
Tobacco Canada Ltd*, Supreme Court of

Sabri Shawa
shawas@jssbarristers.ca
Tel: 403.571.1527

British Columbia, Vancouver Registry
No. L031300.

Stacy Petriuk
petriuks@jssbarristers.ca
Tel: 403.571.1523

**PALIARE ROLAND ROSENBERG
ROTHSTEIN LLP**

155 Wellington Street West, 35th Floor
Toronto, ON M5V 3H1

Kenneth T. Rosenberg
ken.rosenberg@paliareroland.com

Lily Harmer
lily.harmer@paliareroland.com

Massimo (Max) Starnino
max.starnino@paliareroland.com

Danielle Glatt
danielle.glatt@paliareroland.com

Elizabeth Rathbone
elizabeth.rathbone@paliareroland.com

Tel: 416.646.4300

Lawyers for Her Majesty in Right of
Alberta

AND TO: MILLER THOMSON LLP
Scotia Plaza
40 King Street West, Suite 5800
P.O. Box 1011
Toronto, ON Canada M5H 3S1

Craig A. Mills
cmills@millerthomson.com
Tel: 416.595.8596

Lawyers for North Atlantic Operating
Company, Inc.

AND TO: BLUETREE ADVISORS
First Canada Place
100 King Street West, Suite 5600
Toronto, ON M5X 1C9

Bill Aziz
baziz@bluetreeadvisors.com
Tel: 416.640.7122

Chief Restructuring Officer of JTI-
Macdonald Corp.

AND TO: ATTORNEY GENERAL OF CANADA
Department of Justice Canada
Ontario Regional Office, Tax Law Section
120 Adelaide Street West, Suite 400
Toronto, Ontario, M5H 1T1

**AND TO: CASSELS BROCK & BLACKWELL
LLP**
2100 Scotia Plaza
40 King Street West
Toronto, ON M5H 3C2

Diane Winters
diane.winters@justice.gc.ca
Tel: 647.256.7459

Lawyers for the Minister of National
Revenue

Shayne Kukulowicz
skukulowicz@casselsbrock.com
Tel: 416.860.6463

Jane Dietrich
jdietrich@casselsbrock.com
Tel: 416.860.5223

Joseph Bellissimo
jbellissimo@casselsbrock.com
Tel: 416.860.6572

Monique Sassi
msassi@casselsbrock.com
Tel: 416.860.6886

Lawyers for Ernst & Young Inc., in its
capacity as court-appointed monitor of
Rothmans, Benson & Hedges, Inc.

**AND
TO:**

ERNST & YOUNG INC.

Ernst & Young Tower
100 Adelaide Street West
P.O. Box 1
Toronto, ON M5H 0B3

Murray A. McDonald
Murray.A.McDonald@ca.ey.com
Tel: 416.943.3016

Brent Beekenkamp
Brent.R.Beekenkamp@ca.ey.com
Tel: 416.943.2652

Edmund Yau
Edmund.Yau@ca.ey.com
Tel: 416.943.2177

Monitor of Rothmans, Benson & Hedges,
Inc.

AND TO: WESTROCK COMPANY OF CANADA

A-15400, Sherbrooke Est
Montréal, Québec, H1A 3S2

Dean Jones
dean.jones@westrock.com
Tel: 514.642.9251

Senior Counsel, WestRock Company of
Canada

**AND
TO:**

MCCARTHY TÉTRAULT LLP

66 Wellington Street West, Suite 5300
TD Bank Tower, Box 48
Toronto, ON M5K 1E6

James Gage

AND TO: BCF LLP

1100, René-Lévesque Blvd.
Suite 2500
Montréal (Québec) H3B 5C9

Me Bertrand Giroux

jgage@mccarthy.ca
Tel: 416-601-7539

Heather Meredith
hmeredith@mccarthy.ca
Tel: 416-601-8342

Paul Steep
psteep@mccarthy.ca
Tel: 416.601.7998

Trevor Courtis
tcourtis@mccarthy.ca
Tel: 416.601.7643

Sharon Kour
skour@mccarthy.ca
Tel: 416.601.8305

Lawyers for Rothmans, Benson &
Hedges, Inc.

**AND
TO:**

GOWLING WLG (CANADA) LLP

1 First Canadian Place
100 King Street West, Suite 1600
Toronto ON M5X 1G5

Derrick Tay
derrick.tay@gowlingwlg.com
Tel: 416.369.7330

Clifton Prophet
clifton.prophet@gowlingwlg.com
Tel: 416.862.3509

Steven Sofer
steven.sofer@gowlingwlg.com
Tel: 416.369.7240

Lawyers for Philip Morris International Inc.

bertrand.giroux@bcf.ca
Tel: 514.397.6935

Me Mireille Fontaine
mireille.fontaine@bcf.ca
Tel: 514.397.4561

Lawyers for the Top Tube Company

**AND TO: PALIARE ROLAND ROSENBERG
ROTHSTEIN LLP**

155 Wellington Street West, 35th Floor
Toronto, ON M5V 3H1

Kenneth T. Rosenberg
ken.rosenberg@paliareroland.com

Lily Harmer
lily.harmer@paliareroland.com

Massimo (Max) Starnino
max.starnino@paliareroland.com

Danielle Glatt
danielle.glatt@paliareroland.com

Elizabeth Rathbone
elizabeth.rathbone@paliareroland.com

Tel: 416.646.4300

ROEBOTHAN MCKAY MARSHALL

Paramount Building
34 Harvey Road, 5th Floor
St. John's, NL A1C 3Y7

Glenda Best

gbest@wrmlaw.com
Tel: 1.705.576.2255

Lawyers for Her Majesty the Queen in
Right of Newfoundland and Labrador

AND TO: SUPERINTENDENT OF FINANCIAL SERVICES

Ministry of the Attorney General Civil Law
Division, FSCO Branch
5160 Yonge Street, 17th Floor, Toronto
ON M2N 6L9

Michael Scott

Michael.Scott@fSCO.gov.on.ca
Tel: 416.226.7834

Counsel for the Superintendent of
Financial Service

AND TO: KAPLAN LAW

393 University Av., Suite 2000
Toronto ON M5G 1E6

Ari Kaplan

ari@kaplanlaw.ca
Tel: 416.565.4656

Representative counsel to the Former
Genstar U.S. Retiree Group Committee

AND TO: MCMILLAN LLP

Brookfield Place
181 Bay St, Suite 4400
Toronto ON M5J 2T3

Wael Rostom

wael.rostom@mcmillan.ca
Tel: 416.865.7790

Michael J. Hanlon

michael.hanlon@mcmillan.ca
Tel: 416.987.5061

Lawyers for The Bank of Nova Scotia

AND TO: MERCHANT LAW GROUP LLP

c/o #400 - 333 Adelaide St. West
Toronto, Ontario M5V 1R5

Evatt Merchant, QC

emerchant@merchantlaw.com

Chris Simoes

csimoes@merchantlaw.com

Tel: 613.366.2795

Lawyers for Suzanne Jacklin, Barbara
Bourassa on behalf of the
Estate of Mitchell David Bourassa,
Roderick Dennis Mcdermid, Linda
Dorion, Thelma Adams, Ben Semple,
and Deborah Kunta, in each of their
capacities as Representative Plaintiffs
in the relevant class action
proceedings.

AND TO: LABSTAT INTERNATIONAL INC.

262 Manitou Drive

AND TO: CERNOS FLAHERTY SVONKIN LLP

220 Bay Street, Suite 700

Kitchener, ON N2C 1L3

Kimberly Stevenson Chow (CFO)

kstevens@labstat.com

Jason Macintosh (Controller)

jmacintosh@labstat.com

Tel: 519.748.5409 x565

Toronto, Ontario M5J 2W4

Patrick Flaherty

pflaherty@cfscounsel.com

Tel: 416.855.0403

Bryan D. McLeese

bmcleese@cfscounsel.com

Tel: 416.855.0414

STOCKWOODS LLP

77 King Street West, Suite 4130
TD North Tower, P.O. Box 140, TD
Centre, Toronto, ON M5K 1H1

Brian Gover

briang@stockwoods.ca

Tel: 416.593.2489

Justin Safayeni

justins@stockwoods.ca

Tel: 416.593.3494

Lawyers for R.J. Reynolds Tobacco
Company and R.J. Reynolds Tobacco
International Inc.

**AND
TO:**

BRAUTI THORNING LLP

161 Bay Street, Suite 2900 Toronto, ON
M5J 2S1

Steven Weisz

sweisz@btlegal.ca

Tel: 416.304.6522

**INCH HAMMOND PROFESSIONAL
CORPORATION**

1 King Street West, Suite 500
Hamilton, ON L8P 4X8

Amanda McInnis

amcinnis@inchlaw.com

Tel: 905.525.0031

Lawyers for Grand River Enterprises Six
Nations Ltd.

AND TO: MILLER THOMSON LLP

1000, rue De La Gauchetière Ouest,
bureau 3700, Montréal (Québec) H3B
4W5

Hubert Sibre

hsibre@millerthomson.com

Tel: 514.879.4088

Lawyer for AIG Insurance Canada

AND TO: **STROSBERG SASSO SUTTS LLP**

1561 Ouellette Avenue
Windsor, Ontario N8X 1K5

William V. Sasso
wvs@strosbergco.com
Tel: 519.561.6222

David Robins
drobins@strosbergco.com
Tel: 519.561.6215

Lawyers for The Ontario Flue-Cured
Tobacco Growers' Marketing Board,
plaintiff in Ontario
Superior Court of Justice Court File No.
1056/10CP (Class Proceedings).

AND TO: **FOGLER, RUBINOFF LLP**

Suite 3000, P.O. Box 95
Toronto-Dominion Centre
77 King Street West
Toronto, Ontario M5K 1 G8

Vern W. DaRe
vdare@foglers.com
Tel: 416.941.8842

CANADIAN CANCER SOCIETY

116 Albert Street, Suite 500
Ottawa, ON K1 P 5G3

Robert Cunningham
rcunning@cancer.ca
Tel: 613.565.2522 ext. 4981

Lawyers for Canadian Cancer Society

AND TO: **RETRAITE QUEBEC**

Place de la Cité
2600, boul. Laurier
Québec (Québec) G1V 4T3
Marc-André Maltais
marc-
andre.maltais@retraitequebec.gouv.qc.ca
Tel: 418 657-8702, ext. 3018

Lawyer for Retraite Québec

AND TO: **LECKER & ASSOCIATES**

4789 Yonge Street, Suite 514
Toronto, ON M2N 0G3

Kimberley Sebag
ksebag@leckerslaw.com
Tel: 416.223.5391 ext. 339

Lawyer for a creditor of the Applicants

AND TO: **SMART & BIGGAR /
FETHERSTONHAUGH**

55 Metcalfe Street Suite 900
PO Box 2999 Station D
Ottawa ON K1P 5Y6
Steven Garland
sbgarland@smart-biggar.ca

Kohji Suzuki
ksuzuki@smart-biggar.ca

Francois Guay
fguay@smart-biggar.ca

Christian Bolduc

cbolduc@smart-biggar.ca

Melanie Powers

mlpowers@smart-biggar.ca

Colin Ingram

cbingram@smart-biggar.ca

Counsel to, and creditors of, the
Applicants

E-Mail List

jswartz@dwpv.com; nmacparland@dwpv.com; rschwill@dwpv.com; nrenner@dwpv.com;
szaifman@dwpv.com; dglendinning@osler.com; mwasserman@osler.com;
jmacdonald@osler.com; greg.watson@fticonsulting.com; paul.bishop@fticonsulting.com;
jeffrey.rosenberg@fticonsulting.com; kamran.hamidi@fticonsulting.com;
dilawar.azhar@fticonsulting.com; dbyers@stikeman.com; mkonyukhova@stikeman.com;
jlisus@lolg.ca; mgottlieb@lolg.ca; awinton@lolg.ca; ncampion@lolg.ca;
leonj@bennettjones.com; eizengam@bennettjones.com; zweigs@bennettjones.com;
rthornton@tgf.ca; lwilliams@tgf.ca; rkennedy@tgf.ca; rbengino@tgf.ca; mgrossell@tgf.ca;
afishman@ffmp.ca; mmeland@ffmp.ca; harvey@chaitons.com; pamelahuff@blakes.com;
linc.rogers@blakes.com; chris.burr@blakes.com; jacqueline.wall@ontario.ca;
shahana.kar@ontario.ca; bkofman@ksvadvisory.com; ngoldstein@ksvadvisory.com;
robbie@stewartmckelvey.com; dlennox@callkleinlawyers.com; jensenc@jssbarristers.ca;
shawas@jssbarristers.ca; petriuks@jssbarristers.ca; baziz@bluetreeadvisors.com;
diane.winters@justice.gc.ca; cmills@millerthomson.com; skukulowicz@casselsbrock.com;
jdietrich@casselsbrock.com; jbellissimo@casselsbrock.com; msassi@casselsbrock.com;
Murray.A.McDonald@ca.ey.com; Brent.R.Beekenkamp@ca.ey.com; Edmund.Yau@ca.ey.com;
dean.jones@westrock.com; psteep@mccarthy.ca; hmeredith@mccarthy.ca;
jgage@mccarthy.ca; bertrand.giroux@bcf.ca; mireille.fontaine@bcf.ca;
derrick.tay@gowlingwlg.com; clifton.prophet@gowlingwlg.com; steven.sofer@gowlingwlg.com;
lmercer@stikeman.com; ssopic@stikeman.com; aryo.shalviri@blakes.com;
caitlin.mcintyre@blakes.com; ken.rosenberg@paliareroland.com;
lily.harmer@paliareroland.com; max.starnino@paliareroland.com;
danielle.glatt@paliareroland.com; elizabeth.rathbone@paliareroland.com;
karen.lam@paliareroland.com; sarita.sanasie@paliareroland.com;
natalia.botelho@paliareroland.com; gbest@wrmmlaw.com; msiminovitch@ffmp.ca;
jdolman@ffmp.ca; nbrochu@ffmp.ca; ari@kaplanlaw.ca; Michael.Scott@fsco.gov.on.ca;
WMalik@osler.com; wael.rostom@mcmillan.ca; michael.hanlon@mcmillan.ca;
emerchant@merchantlaw.com; csimoes@merchantlaw.com; kstevens@labstat.com;
jmacintosh@labstat.com; pflaherty@cfscounsel.com; bmcleese@cfscounsel.com;
briang@stockwoods.ca; justins@stockwoods.ca; skour@mccarthy.ca; tcourtis@mccarthy.ca;
kfick@mccarthy.ca; sweisz@btlegal.ca; amcinnis@inchlaw.com; hsibre@millerthomson.com;
tbarbiero@dwpv.com; wvs@strosbergco.com; drobins@strosbergco.com;
dtempler@mccarthy.ca; vdare@foglers.com; rcunning@cancer.ca;
jennifer.feldsher@bracewell.com; kstevens@labstat.com; jmacintosh@labstat.com;
tsilverstein@ffmp.ca; ksebag@leckerslaw.com; marc-
andre.maltais@retraitequebec.gouv.qc.ca; sbgarland@smart-biggarr.ca; ksuzuki@smart-
biggar.ca; fguay@smart-biggarr.ca; cbolduc@smart-biggarr.ca; mlpowers@smart-biggarr.ca;
cbingram@smart-biggarr.ca

Courtesy Copy List

TO: DEBTWIRE

1501 Broadway, 8th Floor
New York, NY 10036

John Bringardner
John.Bringardner@acuris.com
Tel: 646.378.3143

Global Legal Editor

LABSTAT

262 Manitou Drive
Kitchener, ON N2C 1L3

Kimberly Stevenson Chow (CFO)
kstevens@labstat.com

Jason Macintosh (Controller)
jmacintosh@labstat.com

**ONTARIO
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**IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
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**AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
JTI-MACDONALD CORP.**

AFFIDAVIT OF SHAWN CHIRREY
(SWORN JUNE 24, 2019)

I, Shawn Chirrey, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. I am Senior Manager, Analysis, of the Canadian Cancer Society (the "CCS"), a Respondent in these proceedings. As such, I have personal knowledge of the matters contained in this affidavit. To the extent that I refer to information that is not within my personal knowledge, I have stated the source of that information and believe it to be true.

2. This Affidavit is sworn in response to the motions, respectively, of Rothmans, Benson & Hedges Inc., Imperial Tobacco Canada Limited and Imperial Tobacco Company Limited, and JTI-Macdonald Corp. (collectively, the "Tobacco Companies") returnable June 26, 2019 for, among other things: an order granting the Tobacco Companies an extension of the Stay Period to December 16, 2019.

3. CCS opposes such a lengthy extension of the Stay Period.

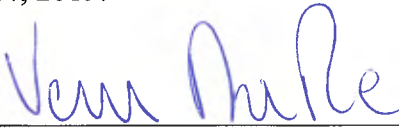
4. In the United States, there were state government medicare cost recovery lawsuits against major tobacco companies in the 1990s. A proposed global settlement (that was not ultimately implemented) was reached one month prior to the start of the first state medicare cost recovery lawsuit trial. For the first four states with scheduled trial dates, settlement agreements were reached with trial dates approaching, or after the trial had started, as indicated in the table below. A Master Settlement Agreement was subsequently reached with the remaining 46 states and the District of Columbia.

Settlement	Settlement date (or approximate settlement date)	Trial status for lawsuit at time of settlement
Proposed global settlement	June 20, 1997	First state government medicare cost recovery trial (Mississippi) to begin July 7, 1997
Mississippi	July 2, 1997	Trial to begin July 7, 1997
Florida	August 25, 1997	Jury selection had proceeded commencing August 1, 1997
Texas	January 16, 1998	Jury selection scheduled to begin day settlement reached
Minnesota	May 8, 1998	Settlement reached during closing oral argument
Master Settlement Agreement	November 23, 1998	Washington state trial under way; about 15 state medicare cost recovery trials to commence in 1999.

Regarding the table, the sources of the information for the trial status for each lawsuit are based on available public information.

5. In the United States experience, tobacco companies had a motivation to settle lawsuits with the prospect of trials taking place. In Canada, given the current stay on tobacco litigation, tobacco companies do not have the same incentive provided by an imminent trial and thus there should not be undue delays by a lengthy six-month extension of the stay period.

SWORN BEFORE ME at the City of
Toronto, in the Province of Ontario on June
24, 2019.



Commissioner for Taking Affidavits



SHAWN CHIRREY

Vern DaRe

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED;
AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF ROTHMANS, BENSON & HEDGES
INC.;
AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF IMPERIAL TOBACCO CANADA
LIMITED AND IMPERIAL TOBACCO COMPANY LIMITED
AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF JTI-MACDONALD CORP.

Court File No. CV-19-616779-00CL
Court File No. CV-19-616077-00CL
Court File No. CV-19-615862-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

**PROCEEDINGS COMMENCED AT
TORONTO**

AFFIDAVIT

FOGLER, RUBINOFF LLP

Suite 3000, P.O. Box 95
Toronto-Dominion Centre
77 King Street West
Toronto, Ontario M5K 1G8

Vern W. DaRe (LSO# 32591E)

Tel: 416-941-8842

Fax: 416-941-8852

Email: vdare@foglers.com

CANADIAN CANCER SOCIETY

116 Albert Street, Suite 500
Ottawa, ON K1P 5G3

Robert Cunningham (LSO# 35179L)

Tel: 613-565-2522 ext. 4981

Fax: 613-565-2278

Email: rcunning@cancer.ca

Lawyers for Canadian Cancer Society

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
IMPERIAL TOBACCO CANADA LIMITED AND IMPERIAL TOBACCO COMPANY LIMITED

Court File No. CV-19-616077-00CL

**ONTARIO
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**PROCEEDINGS COMMENCED AT
TORONTO**

**RESPONDING MOTION RECORD OF
THE CANADIAN CANCER SOCIETY**

FOGLER, RUBINOFF LLP
Suite 3000, P.O. Box 95
Toronto-Dominion Centre
77 King Street West
Toronto, Ontario M5K 1G8

Vern W. DaRe (LSO# 32591E)
Tel: 416-941-8842
Fax: 416-941-8852
Email: vdare@foglers.com

CANADIAN CANCER SOCIETY
116 Albert Street, Suite 500
Ottawa, ON K1P 5G3

Robert Cunningham (LSO# 35179L)
Tel: 613-565-2522 ext. 4981
Fax: 613-565-2278
Email: rcunning@cancer.ca

Lawyers for Canadian Cancer Society