

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



THE HONOURABLE)

MONDAY, the 29th

MR. JUSTICE McEWEN)

DAY of APRIL, 2019

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

Applicants

ORDER

**(PARTIAL LIFTING OF STAY TO PERMIT AMENDMENT OF
AMENDED FRESH AS AMENDED STATEMENT OF CLAIM
IN ONTARIO HCCR ACTION)**

THIS MOTION, made by Her Majesty the Queen in right of Ontario ("**Ontario**"), pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended, for an order exempting the application of paragraphs 18 and 19 of the Amended and Restated Initial Order dated March 12, 2019 (the "**ITCAN Initial Order**") to the Order of Master Short dated March 8, 2019 in Action No. CV-09-387984 bearing the title of proceedings *Her Majesty the Queen in right of Ontario v. Rothmans Inc. et al.* commenced in the Ontario Superior Court of Justice (the "**Ontario HCCR Action**"), and partially lifting the stay of proceedings provided for in the ITCAN Initial Order was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING Ontario's Notice of Motion dated March 29, 2019, the Affidavit of Peter Entecott sworn March 28, 2019 and the exhibits attached thereto and Ontario's Factum dated March 29, 2019, as well as the materials filed by other parties duly served and on being advised that the Applicants do not oppose the relief sought;

1. **THIS COURT ORDERS** that paragraphs 18 and 19 of the ITCAN Initial Order shall not apply to the Order of Master Short dated March 8, 2019, which granted Ontario leave to amend its Amended Fresh as Amended Statement of Claim in the form of the Second Amended Fresh as Amended Statement of Claim, and the stay effected by the ITCAN Initial Order shall be and is hereby lifted for the sole purpose of authorizing and permitting:

- (a) the Ontario Superior Court of Justice to take whatever steps are necessary and required to formally effect the amendments to Ontario's Amended Fresh as Amended Statement of Claim as ordered by Master Short on March 8, 2019; and
- (b) Ontario to serve the Second Amended Fresh as Amended Statement of Claim on all of the defendants to the Ontario HCCR Action.

2. **THIS COURT CONFIRMS** that, except as expressly provided for above, the Ontario HCCR Action is otherwise stayed and suspended pending further Order of this Court.



ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO:

APR 29 2019

PER / PAR:


Stacey Hutchison
Registrar Superior Court of Justice

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
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceeding commenced at Toronto

ORDER

**(PARTIAL LIFTING OF STAY TO PERMIT
AMENDMENT OF AMENDED FRESH AS AMENDED
STATEMENT OF CLAIM)**

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