

Court File Nos. CV-19-615862-00CL,
CV-19-616077-00CL,
CV-19-616779-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

JTI-MACDONALD CORP / IMPERIAL TOBACCO / RBH INC.

Applicants

ENDORSEMENT BY JUSTICE MCEWEN

September 29, 2022

The attached orders shall go as per the drafts filed and signed.

Over the objections of QCAP (supported by the Canadian Cancer Society) I have, somewhat reluctantly, come to the conclusion that the six month stay period proposed by the Applicants is preferable to the three month period proposed by QCAP, and is fair and reasonable in the current circumstance of the Court-ordered mediation.

The Applicants' position is supported by the Monitors and a number of stakeholders noted in the Agenda. Counsel for The Honourable Mr. Winkler takes no position, but advises that good progress is being made in the mediation.

While I appreciate the significance of the submissions of QCAP, I am prepared to grant another six month extension.

I am concerned that a shorter extension would distract the stakeholders involved in the mediation from the important task at hand and have them also focus on the return date which would be shortly after the December holidays.

Further, there is no evidence of delay in this enormously complicated mediation and no stakeholder questions the tireless and productive efforts of The Honourable Mr. Winkler and the Monitors.

Also, the timelines of the stay extension, and mediation timelines, are independent of each other and not interrelated so as to suggest unwarranted delay may result.

I do, however, wish to repeat some of my comments at the hearing. Specifically, I urge all parties to the mediation to remain completely focused on resolution and provide The Honourable Mr. Winkler and the Monitors with their full cooperation over the next six months.

McEwen J.