

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

**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 **JTI-MACDONALD CORP.**

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 **ROTHMANS, BENSON & HEDGES INC.**

Applicants

**QCAPs' RESPONDING MOTION RECORD
(Motions for Stay Extension returnable March 28, 2023)**

March 20, 2023

FISHMAN FLANZ MELAND PAQUIN LLP
1250 René-Levesque Blvd. West, Suite 4100
Montreal, Quebec H3B 4W8
Tel: 514-932-4100 Fax: 514-932-4170

Avram Fishman
Mark E. Meland

TRUDEL JOHNSTON & LESPÉRANCE
750 Côte de la Place d'Armes, bureau 90
Montreal, Quebec H2Y 2X8
Tel: 514-871-8385 Fax: 514-871-8800

Philippe H. Trudel
Bruce W. Johnston
André Lespérance

CHAITONS LLP

5000 Yonge St., 10th floor

Toronto, Ontario M2N 7E9

Tel: 416-218-1129 Fax: 416-218-1149

Harvey Chaiton

Lawyers for Conseil québécois sur le tabac
et la santé and Jean-Yves Blais and Cécilia
Létourneau

TO : THE COMMON SERVICE LIST

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AND IMPERIAL TOBACCO COMPANY LIMITED**

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Applicants

**COMMON SERVICE LIST
(as at March 17, 2023)**

TO:	<p>THORNTON GROUT FINNIGAN LLP 100 Wellington Street West, Suite 3200 TD West Tower, Toronto-Dominion Centre Toronto, ON M5K 1K7 Fax: 416-304-1313</p> <p>Robert I. Thornton Tel: 416-304-0560 Email: rthornton@tgf.ca</p> <p>Leanne M. Williams Tel: 416-304-0060 Email: lwilliams@tgf.ca</p> <p>Rebecca L. Kennedy Tel: 416-304-0603 Email: rkennedy@tgf.ca</p>
------------	---

* For any additions or questions, please contact Nancy Thompson at nancy.thompson@blakes.com

	<p>Rachel A. Nicholson Tel: 416-304-1153 Email: rnicholson@tgf.ca</p> <p>Mitchell W. Grossell Tel: 416-304-7978 Email: mgrossell@tgf.ca</p> <p>John L. Finnigan Tel: 416-304-0558 Email: jfinnigan@tgf.ca</p> <p>Lawyers for JTI-Macdonald Corp.</p>
<p>AND TO:</p>	<p>DELOITTE RESTRUCTURING INC. Bay Adelaide East 8 Adelaide Street West Suite 200 Toronto, ON M5H 0A9 Fax: 416-601-6690</p> <p>Paul Casey Tel: 416-775-7172 Email: paucasey@deloitte.ca</p> <p>Warren Leung Tel: 416-874-4461 Email: waleung@deloitte.ca</p> <p>Jean-Francois Nadon Tel: 514-390-0059 Email: jnadon@deloitte.ca</p> <p>Phil Reynolds Tel: 416-956-9200 Email: philreynolds@deloitte.ca</p> <p>The Monitor of JTI-Macdonald Corp.</p>

AND TO:	<p>BLAKE, CASSELS & GRAYDON LLP 199 Bay Street Suite 4000, Commerce Court West Toronto, ON M5L 1A9 Fax: 416-863-2653</p> <p>Pamela Huff Tel: 416-863-2958 Email: pamela.huff@blakes.com</p> <p>Linc Rogers Tel: 416-863-4168 Email: linc.rogers@blakes.com</p> <p>Jake Harris Tel: 416-863-2523 Email: jake.harris@blakes.com</p> <p>Nancy Thompson, Law Clerk Tel: 416-863-2437 Email: nancy.thompson@blakes.com</p> <p>Lawyers for Deloitte Restructuring Inc., in its capacity as Monitor of JTI-Macdonald Corp.</p>
AND TO:	<p>MILLER THOMSON LLP Scotia Plaza 40 King Street West, Suite 5800 Toronto, ON M5H 3S1</p> <p>Craig A. Mills Tel: 416-595-8596 Email: cmills@millert Thomson.com</p> <p>Lawyers for North Atlantic Operating Company, Inc.</p>
AND TO:	<p>MILLER THOMSON LLP 1000, rue De La Gauchetière Ouest, bureau 3700 Montreal, QC H3B 4W5</p> <p>Hubert Sibre Tel: 514-879-4088 Email: hsibre@millert Thomson.com</p> <p>Lawyers for AIG Insurance Canada</p>

AND TO:	BLUETREE ADVISORS INC. First Canada Place 100 King Street West Suite 5600 Toronto, ON M5X 1C9 William E. Aziz Tel: 416-575-2200 Email: baziz@bluetreadvisors.com Chief Restructuring Officer of JTI-Macdonald Corp.
AND TO:	STIKEMAN ELLIOTT LLP Commerce Court West 199 Bay Street, Suite 5300 Toronto, ON M5L 1B9 Fax: 416-947-0866 David R. Byers Tel: 416-869-5697 Email: dbyers@stikeman.com Maria Konyukhova Tel: 416-869-5230 Email: mkonyukhova@stikeman.com Lesley Mercer Tel: 416-869-6859 Email: lmercerc@stikeman.com Lawyers for British American Tobacco p.l.c., B.A.T. Industries p.l.c. and British American Tobacco (Investments) Limited
AND TO:	OSLER, HOSKIN & HARCOURT LLP 100 King Street West 1 First Canadian Place Suite 6200, P.O. Box 50 Toronto, ON M5X 1B8 Fax: 416-862-6666 Deborah Glendinning Tel: 416-862-4714 Email: dglendinning@osler.com Marc Wasserman Tel: 416-862-4908 Email: mwasserman@osler.com

	<p>John A. MacDonald Tel: 416-862-5672 Email: jmacdonald@osler.com</p> <p>Michael De Lellis Tel: 416-862-5997 Email: mdelellis@osler.com</p> <p>Craig Lockwood Tel: 416-862-5988 Email: clockwood@osler.com</p> <p>Marleigh Dick Tel: 416-862-4725 Email: mdick@osler.com</p> <p>Lawyers for Imperial Tobacco Canada Limited and Imperial Tobacco Company Limited</p>
AND TO:	<p>DAVIES WARD PHILLIPS & VINEBERG LLP 155 Wellington Street West Toronto, ON M5V 3J7</p> <p>Natasha MacParland Tel: 416-863-5567 Email: nmacparland@dwpv.com</p> <p>Chanakya Sethi Tel: 416-863-5516 Email: csethi@dwpv.com</p> <p>Rui Gao Tel: 416-367-7613 Email: rgao@dwpv.com</p> <p>Benjamin Jarvis Tel: 514-807-0621 Email: bjarvis@dwpv.com</p> <p>Lawyers for FTI Consulting Canada Inc., in its capacity as Monitor of Imperial Tobacco Canada Limited and Imperial Tobacco Company Limited</p>
AND TO:	<p>FTI CONSULTING CANADA INC. 79 Wellington Street West Suite 2010, P.O. Box 104 Toronto, ON M4K 1G8 Fax: 416-649-8101</p>

	<p>Greg Watson Tel: 416-649-8077 Email: greg.watson@fticonsulting.com</p> <p>Paul Bishop Tel: 416-649-8053 Email: paul.bishop@fticonsulting.com</p> <p>Jeffrey Rosenberg Tel: 416-649-8073 Email: jeffrey.rosenberg@fticonsulting.com</p> <p>Kamran Hamidi Tel: 416-649-8068 Email: kamran.hamidi@fticonsulting.com</p> <p>Sarah Ross Tel: 416-705-0141 Email: sarah.ross@fticonsulting.com</p> <p>Carter Wood Tel: 416- Email: carter.wood@fticonsulting.com</p> <p>Monitor of Imperial Tobacco Canada Limited and Imperial Tobacco Company Limited</p>
<p>AND TO:</p>	<p>MCCARTHY TÉTRAULT LLP 66 Wellington Street West Suite 5300 TD Bank Tower, Box 48 Toronto, ON M5K 1E6 Fax: 416-868-0673</p> <p>James Gage Tel: 416-601-7539 Email: jgage@mccarthy.ca</p> <p>Heather Meredith Tel: 416-601-8342 Email: hmeredith@mccarthy.ca</p> <p>Paul Steep Tel: 416-601-7998 Email: psteep@mccarthy.ca</p>

	<p>Trevor Courtis Tel: 416-601-7643 Email: tcourtis@mccarthy.ca</p> <p>Deborah Templer Tel: 416-601-8421 Email: dtempler@mccarthy.ca</p> <p>Natasha Rambaran Tel: 416-601-8110 Email: nrambaran@mccarthy.ca</p> <p>Lawyers for Rothmans, Benson & Hedges, Inc.</p>
AND TO:	<p>BCF LLP 1100, René-Lévesque Blvd., Suite 2500 Montreal, QC H3B 5C9</p> <p>Me Mireille Fontaine Tel: 514-397-4561 Email: mireille.fontaine@bcf.ca</p> <p>Lawyers for the Top Tube Company</p>
AND TO:	<p>TORYS LLP 79 Wellington St. West, Suite 3000 Box 270, TD Centre Toronto, ON M5K 1N2 Fax: 416-865-7380</p> <p>Scott Bomhof Tel: 416-865-7370 Email: sbomhof@torys.com</p> <p>Adam Slavens Tel: 416-865-7333 Email: aslavens@torys.com</p> <p>Lawyers for JT Canada LLC Inc. and PricewaterhouseCoopers Inc., in its capacity as receiver of JTI-Macdonald TM Corp.</p>
AND TO:	<p>PRICEWATERHOUSECOOPERS PwC Tower 18 York St., Suite 2600 Toronto, ON M5J 0B2 Fax: 416-814-3210</p>

	<p>Mica Arlette Tel: 416-814-5834 Email: mica.arlette@pwc.com</p> <p>Tyler Ray Email: tyler.ray@pwc.com</p> <p>Receiver and Manager of JTI-Macdonald TM Corp.</p>
AND TO:	<p>BENNETT JONES 100 King Street West Suite 3400 Toronto, ON M5X 1A4 Fax: 416-863-1716</p> <p>Jeff Leon Tel: 416-777-7472 Email: leonj@bennettjones.com</p> <p>Mike Eizenga Tel: 416-777-4879 Email: eizengam@bennettjones.com</p> <p>Sean Zweig Tel: 416-777-6254 Email: zweigs@bennettjones.com</p> <p>SISKINDS 275 Dundas Street, Unit 1 London, ON N6B 3L1</p> <p>Andre I.G. Michael Tel: 519-660-7860 Email: andre.michael@siskinds.com</p> <p>Lawyers 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</p>
AND TO:	<p>MINISTRY OF THE ATTORNEY GENERAL Legal Services Branch 1001 Douglas Street Victoria, BC V8W 2C5 Fax: 250-356-6730</p>

	<p>Peter R. Lawless Tel: 250-356-8432 Email: peter.lawless@gov.bc.ca</p>
AND TO:	<p>KSV ADVISORY INC. 150 King Street West Suite 2308, Box 42 Toronto, ON M5H 1J9 Fax: 416-932-6266</p> <p>Noah Goldstein Tel: 416-932-6207 Email: ngoldstein@ksvadvisory.com</p> <p>Bobby Kofman Email: bkofman@ksvadvisory.com</p> <p>Financial Advisory 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</p>
AND TO:	<p>MINISTRY OF THE ATTORNEY GENERAL Crown Law Office - Civil 720 Bay Street, 8th Floor Toronto, ON M7A 2S9 Fax: 416-326-4181</p> <p>Jacqueline Wall Tel: 416-434-4454 Email: jacqueline.wall@ontario.ca</p> <p>Edmund Huang Tel: 416-524-1654 Email: edmund.huang@ontario.ca</p> <p>Peter Entecott Tel: 647-467-7768 Email: peter.entecott@ontario.ca</p> <p>Lawyers for Her Majesty the Queen in Right of Ontario</p>
AND TO:	<p>FISHMAN FLANZ MELAND PAQUIN LLP 4100 – 1250 René-Lévesque Blvd. West Montreal, QC H3A 3H3</p> <p>Avram Fishman Email: afishman@ffmp.ca</p>

Mark E. Meland

Tel: 514-932-4100
Email: mmeland@ffmp.ca

Margo R. Siminovitch

Email: msiminovitch@ffmp.ca

Jason Dolman

Email: jdolman@ffmp.ca

Nicolas Brochu

Email: nbrochu@ffmp.ca

Tina Silverstein

Email: tsilverstein@ffmp.ca

CHAITONS LLP

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

Harvey Chaiton

Tel: 416-218-1129
Email: harvey@chaitons.com

George Benchetrit

Tel: 416-218-1141
Email: george@chaitons.com

TRUDEL JOHNSTON & LESPÉRANCE

750, Cote de la Place d'Armes, Bureau 90
Montréal, QC H2Y 2X8
Fax: 514-871-8800

Philippe Trudel

Tel: 514-871-8385, x203
Email: philippe@tjl.quebec

Bruce Johnston

Tel: 514-871-8385, x202
Email: bruce@tjl.quebec

André Lespérance

Tel: 514-871-8805
Email: andre@tjl.quebec

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

AND TO:	<p>KLEIN LAWYERS LLP 100 King Street West, Suite 5600 Toronto, ON M5X 1C9</p> <p>Douglas Lennox Tel: 416-506-1944 Email: dlennox@callkleinlawyers.com</p> <p>KLEIN LAWYERS LLP 400 – 1385 West 8th Avenue Vancouver, BC V6H 3V9</p> <p>David A. Klein Tel: 604-874-7171 Email: dklein@callkleinlawyers.com</p> <p>Lawyers for the representative plaintiff, Kenneth Knight, in the certified British Columbia class action, <i>Knight v. Imperial Tobacco Canada Ltd.</i>, Supreme Court of British Columbia, Vancouver Registry No. L031300</p>
AND TO:	<p>JENSEN SHAWA SOLOMON DUGID HAWKES LLP 800, 304 – 8 Avenue SW Calgary, AB T2P 1C2 Fax: 403-571-1528</p> <p>Carsten Jensen, QC Tel: 403-571-1526 Email: jensenc@jssbarristers.ca</p> <p>Sabri Shawa, QC Tel: 403-571-1527 Email: shawas@jssbarristers.ca</p> <p>Stacy Petriuk Tel: 403-571-1523 Email: petriuks@jssbarristers.ca</p> <p>PALIARE ROLAND ROSENBERG ROTHSTEIN LLP 155 Wellington Street West, 35th Floor Toronto, ON M5V 3H1</p> <p>Kenneth T. Rosenberg Email: ken.rosenberg@pailareroland.com</p> <p>Lilly Harmer Email: lily.harmer@paliareroland.com</p>

	<p>Massimo (Max) Starnino Email: max.starnino@paliareroland.com</p> <p>Danielle Glatt Email: Danielle.glatt@paliareroland.com</p> <p>Lawyers for Her Majesty the Queen in Right of Alberta</p>
AND TO:	<p>STEWART MCKELVEY 1959 Upper Water Street, Suite 900 PO Box 997 Halifax, NS B3J 2X2 Fax: 902-420-1417</p> <p>Robert G. MacKeigan, Q.C. Tel: 902-444-1771 Email: robbie@stewartmckelvey.com</p> <p>Lawyers for Sobeys Capital Incorporated</p>
AND TO:	<p>CASSELS BROCK & BLACKWELL LLP 2100 Scotia Plaza 40 King Street West Toronto, ON M5H 3C2</p> <p>Shayne Kukulowicz Tel: 416-860-6463 Fax: 416-640-3176 Email: skukulowicz@cassels.com</p> <p>Jane Dietrich Tel: 416-860-5223 Fax: 416-640-3144 Email: jdietrich@cassels.com</p> <p>Joseph Bellissimo Tel: 416-860-6572 Fax: 416-642-7150 Email: jbellissimo@cassels.com</p> <p>Monique Sassi Tel: 416-860-6886 Fax: 416-640-3005 Email: msassi@cassels.com</p> <p>Lawyers for Ernst & Young Inc, in its capacity as court-appointed monitor of Rothmans, Benson & Hedges, Inc.</p>

AND TO:	<p>ERNST & YOUNG INC. Ernst & Young Tower 100 Adelaide Street West P.O. Box 1 Toronto, ON M5H 0B3</p> <p>Murray A. McDonald Tel: 416-943-3016 Email: murray.a.mcdonald@ca.ey.com</p> <p>Brent Beekenkamp Tel: 416-943-2652 Email: brent.r.beekenkamp@ca.ey.com</p> <p>Edmund Yau Tel: 416-943-2177 Email: edmund.yau@ca.ey.com</p> <p>Matt Kaplan Tel: 416-932-6155 Email: matt.kaplan@ca.ey.com</p> <p>Philip Kan Email: philip.kan@ca.ey.com</p> <p>Monitor of Rothmans, Benson & Hedges, Inc.</p>
AND TO:	<p>GOWLING WLG (CANADA) LLP 1 First Canadian Place 100 King Street West, Suite 1600 Toronto, ON M5X 1G5 Fax: 416-862-7661</p> <p>Clifton Prophet Tel: 416-862-3509 Email: clifton.prophet@gowlingwlg.com</p> <p>Steven Sofer Tel: 416-369-7240 Email: steven.sofer@gowlingwlg.com</p> <p>Nicholas Kluge Tel: 416-369-4610 Email: nicholas.kluge@gowlingwlg.com</p> <p>Lawyers for Philip Morris International Inc.</p>

AND TO:	<p>PALIARE ROLAND ROSENBERG ROTHSTEIN LLP 155 Wellington Street West, 35th Floor Toronto, ON M5V 3H1</p> <p>Kenneth T. Rosenberg Email: ken.rosenberg@paliareroland.com</p> <p>Lilly Harmer Email: lily.harmer@paliareroland.com</p> <p>Massimo (Max) Starnino Email: max.starnino@paliareroland.com</p> <p>Danielle Glatt Email: Danielle.glatt@paliareroland.com</p> <p>ROEBOTHAN MCKAY MARSHALL Paramount Building 34 Harvey Road, 5th Floor St. John's NL A1C 3Y7 Fax: 709-753-5221</p> <p>Glenda Best Tel: 705-576-2255 Email: gbest@wrmlaw.com</p> <p>Lawyers for Her Majesty the Queen in Right of Newfoundland</p>
AND TO:	<p>WESTROCK COMPANY OF CANADA CORP. 15400 Sherbrooke Street East Montreal, QC H1A 3S2</p> <p>Dean Jones Tel: 514-642-9251 Email: dean.jones@westrock.com</p>
AND TO	<p>FINANCIAL SERVICES REGULATORY AUTHORITY OF ONTARIO (FSRA) Legal and Enforcement Division 25 Sheppard Avenue West, Suite 100 Toronto, Ontario M2N 6S6</p> <p>Michael Spagnolo Legal Counsel Tel: 416-226-7851 Email: michael.spagnolo@fsrao.ca</p>

AND TO:	KAPLAN LAW 393 University Avenue, Suite 2000 Toronto, ON M5G 1E6 Ari Kaplan Tel: 416-565-4656 Email: ari@kaplanlaw.ca Counsel to the Former Genstar U.S. Retiree Group Committee
AND TO:	McMILLAN LLP Brookfield Place 181 Bay Street, Suite 4400 Toronto, ON M5J 2T3 Wael Rostom Tel: 416-865-7790 Email: wael.rostom@mcmillan.ca Emile Catimel-Marchand Tel: 514-987-5031 Email: emile.catimel-marchand@mcmillan.ca Lawyers for The Bank of Nova Scotia
AND TO	MERCHANT LAW GROUP LLP c/o #400 – 333 Adelaide St. West Toronto, ON M5V 1R5 Fax: 613-366-2793 Evatt Merchant, QC Tel: 613-366-2795 Email: emerchant@merchantlaw.com Chris Simoes Email: csimoes@merchantlaw.com Lawyers for the Class Action Plaintiffs (MLG)
AND TO:	LABSTAT INTERNATIONAL INC. 262 Manitou Drive Kitchener, ON N2C 1L3 Andrea Echeverria Tel: 519-748-5409 Email: aecheverria@labstat.com

AND TO:	<p>CHERNOS FLAHERTY SVONKIN LLP 220 Bay Street, Suite 700 Toronto, ON M5J 2W4 Fax: 647-725-5440</p> <p>Patrick Flaherty Tel: 416-855-0403 Email: pflaherty@cfscounsel.com</p> <p>Bryan D. McLeese Tel: 416-855-0414 Email: bmcleese@cfscounsel.com</p> <p>STOCKWOODS LLP 77 King Street West, Suite 4130 TD North Tower, P.O. Box 140, TD Centre Toronto, ON M5K 1H1 Fax: 416-593-9345</p> <p>Brian Gover Tel: 416-593-2489 Email: briang@stockwoods.ca</p> <p>Justin Safayeni Tel: 416-593-3494 Email: justins@stockwoods.ca</p> <p>Lawyers for R.J. Reynolds Tobacco Company and R.J. Reynolds Tobacco International Inc.</p>
AND TO:	<p>COZEN O'CONNOR LLP Bay Adelaide Centre – West Tower 333 Bay Street, Suite 1100 Toronto, Ontario M5H 2R2</p> <p>Steven Weisz Tel: 647-417-5334 Fax: 647-805-0519 Email: sweisz@cozen.com</p> <p>INCH HAMMOND PROFESSIONAL CORPORATION 1 King Street West, Suite 500 Hamilton, ON L8P 4X8</p>

	<p>Amanda McInnis Tel: 905-525-0031 Email: amcinnis@inchlaw.com</p> <p>Lawyer for Grand River Enterprises Six Nations Ltd.</p>
AND TO:	<p>STROSBERG SASSO SUTTS LLP 1561 Ouellette Avenue Windsor, ON M8X 1K5 Fax: 866-316-5308</p> <p>William V. Sasso Tel: 519-561-6222 Email: wvs@strosbergco.com</p> <p>David Robins Tel: 519-561-6215 Email: drobins@strosbergco.com</p> <p>Lawyers for The Ontario Flue-Cured Tobacco Growers' Marketing Board, plaintiffs in Ontario Superior Court of Justice Court File No. 1056/10CP (Class Proceedings)</p>
AND TO:	<p>ATTORNEY GENERAL OF CANADA Department of Justice Canada Ontario Regional Office, Tax Law Section 120 Adelaide Street West, Suite 400 Toronto, ON M5H 1T1 Fax: 416-973-0810</p> <p>Diane Winters, General Counsel Tel: 647-256-7459 Email: diane.winters@justice.gc.ca</p> <p>Lawyers for the Minister of National Revenue</p>
AND TO:	<p>LAX O'SULLIVAN LISUS GOTTLIEB LLP Suite 2750, 145 King Street West Toronto, ON M5H 1J8</p> <p>Jonathan Lisus Tel: 416-598-7873 Email: jlisus@lolg.ca</p> <p>Matthew Gottlieb Tel: 416-644-5353 Email: mgottlieb@lolg.ca</p>

	<p>Nadia Champion Tel: 416-642-3134 Email: ncampion@lolg.ca</p> <p>Andrew Winton Tel: 416-644-5342 Email: awinton@lolg.ca</p> <p>Lawyers for the Court-Appointed Mediator</p>
<p>AND TO:</p>	<p>FOGLER, RUBINOFF LLP Suite 3000, P.O. Box 95 Toronto-Dominion Centre 77 King Street West Toronto, ON M5K 1G8 Fax: 416-941-8852</p> <p>Vern W. DaRe Tel: 416-941-8842 Email: vdare@foglers.com</p> <p>CANADIAN CANCER SOCIETY 116 Albert Street, Suite 500 Ottawa, ON K1P 5G3 Fax: 613-565-2278</p> <p>Robert Cunningham Tel: 613-565-2522 ext. 4981 Email: rcunning@cancer.ca</p> <p>Lawyers for Canadian Cancer Society</p>
<p>AND TO:</p>	<p>BLANEY MCMURTRY LLP 2 Queen Street East, Suite 1500 Toronto, ON M5C 3G5</p> <p>David Ullmann Tel: 416-596-4289 Email: dullmann@blaney.com</p> <p>Dominic T. Clarke Tel: 416-593-3968 Email: dclarke@blaney.com</p> <p>Alexandra Teodorescu Tel: 416-596-4279 Email: ateodorescu@blaney.com</p>

	<p>Alex Fernet Brochu Tel: 416-593-3937 Email: afernetbrochu@blaney.com</p> <p>Lawyers for La Nordique Compagnie D'Assurance du Canada</p>
AND TO:	<p>LAROCHE ST-PIERRE 2600, boulevard Laurier, porte760 Quebec, QC G1V 4T3</p> <p>Mélanie Létourneau Tel: 418-657-8702, ext. 3793 Email: melanie.letourneau@retraitequebec.gouv.qc.ca</p> <p>Lawyers for Retraite Québec</p>
AND TO:	<p>LECKER & ASSOCIATES 4789 Yonge Street, Suite 514 Toronto, ON M2N 0G3</p> <p>Shira Levine Email: slevine@leckerslaw.com</p> <p>Lawyer for Imperial Tobacco claimant</p>
AND TO:	<p>McMILLAN LLP 181 Bay Street, Suite 4400 Toronto, ON M5J 2T3 Fax: 416-865-7048</p> <p>Brett Harrison Tel: 416-865-7932 Email: brett.harrison@mcmillan.ca</p> <p>Tushara Weerasooriya Tel: 416-865-7890 Email: tushara.weerasooriya@mcmillan.ca</p> <p>Guneev Bhinder Tel: 416-307-4067 Email: guneev.bhinder@mcmillan.ca</p> <p>Lawyers for the Province of Quebec</p>

AND TO:	ATTORNEY GENERAL OF CANADA Department of Justice Canada Ontario Regional Office, L.E.A.D. 120 Adelaide Street West, Suite 400 Toronto, ON M5H 1T1 John C. Spencer Tel: 647-256-0557 Email: john.spencer@justice.gc.ca Victor Paolone Tel: 647-256-7548 Email: victor.paolone@justice.gc.ca
AND TO:	McMILLAN LLP Brookfield Place 181 Bay Street, Suite 4400 Toronto, ON M5J 2T3 Fax: 416-865-7048 Stephen Brown-Okruhlik Tel: 416-865-7043 Email: stephen.brown-okruhlik@mcmillan.ca Lawyers for Citibank Canada
AND TO:	BORDEN LADNER GERVAIS LLP Bay Adelaide Centre, East Tower 22 Adelaide Street West, Suite 3400 Toronto, ON M5H 4E3 Fax: 416-367-6749 Alex MacFarlane Tel: 416-367-6305 Email: amacfarlane@blg.com James W. MacLellan Tel: 416-367-6592 Email: jmaclellan@blg.com Bevan Brooksbank Tel: 416-367-6604 Email: bbrooksbank@blg.com Lawyers for Chubb Insurance Company of Canada

AND TO:	INDUSTRY CANADA, LEGAL SERVICES 235 Queen Street, 8 th Floor, East Tower Ottawa, ON K1A 0H5 Adrian Scotchmer Email: adrian.scotchmer@canada.ca Michel Ohayon Email: michel.ohayon@canada.ca
AND TO:	ROCHON GENOVA LLP Barristers • Avocats 121 Richmond Street West, Suite 900 Toronto, ON M5H 2K1 Fax: 416-363-0263 Joel P. Rochon Tel: 416-363-1867 x222 Email: jrochon@rochongenova.com Ronald Podolny Tel: 416-363-1867 x288 Email: rpodolny@rochongenova.com Lawyers for Suzanne Jacklin, Barbara Bourassa on behalf of the Estate of Mitchell David Bourassa, Roderick Dennis McDermid, Linda Dorion, Thelma Adams, Ben Sample and Deborah Kunta, in their capacity as Representative Plaintiffs in certain proposed class proceedings
AND TO:	WAGNERS 1869 Upper Water Street, Suite PH301 3 rd Floor, Pontac House, Historic Properties Halifax, NS B3J 1S9 Fax: 902-422-1233 Raymond F. Wagner, Q.C. Tel: 902-425-7330 Email: raywagner@wagners.co Kate Boyle Tel: 902-425-7330 Email: kboyle@wagners.co Representative Counsel

AND TO:	REVENU QUÉBEC 1600, boul. René-Lévesque Ouest Secteur R23DGR Montréal, QC H3H 2V2 Alain Casavant Email: alain.casavant@revenuquebec.ca
AND TO:	PELLETIER D'AMOURS 1, Complexe Desjardins Tour Sud, 12e étage Montreal, QC H5B 1B1 Amy Bowen Email: amy.bowen@dgag.ca Lawyers for Desjardins Assurances

Email Service List

rthornton@tgf.ca; lwilliams@tgf.ca; rkennedy@tgf.ca; rnicholson@tgf.ca; mgrossell@tgf.ca;
jfinnigan@tgf.ca; rmanea@tgf.ca; paucasey@deloitte.ca; waleung@deloitte.ca;
jnadon@deloitte.ca; philreynolds@deloitte.ca; pamela.huff@blakes.com;
linc.rogers@blakes.com; jake.harris@blakes.com; nancy.thompson@blakes.com;
cmills@millერთhompson.com; hsibre@millერთhompson.com; baziz@bluetreadadvisors.com;
dbyers@stikeman.com; mkonyukhova@stikeman.com; lmercer@stikeman.com;
dglendinning@osler.com; mwasserman@osler.com; jmacdonald@osler.com;
mdelellis@osler.com; clockwood@osler.com; mdick@osler.com; nmacparland@dwpv.com;
csethi@dwpv.com; rgao@dwpv.com; bjarvis@dwpv.com; tbarbiero@dwpv.com;
greg.watson@fticonsulting.com; paul.bishop@fticonsulting.com;
jeffrey.rosenberg@fticonsulting.com; kamran.hamidi@fticonsulting.com;
sarah.ross@fticonsulting.com; carter.wood@fticonsulting.com; jgage@mccarthy.ca;
hmeredith@mccarthy.ca; psteep@mccarthy.ca; tcourtis@mccarthy.ca; dtempler@mccarthy.ca;
nrambaran@mccarthy.ca; mireille.fontaine@bcf.ca; sbomhof@torys.com; aslavens@torys.com;
mica.arlette@pwc.com; tyler.ray@pwc.com; leonj@bennettjones.com;
eizengam@bennettjones.com; zweigs@bennettjones.com; andre.michael@siskinds.com;
peter.lawless@gov.bc.ca; ngoldstein@ksvadvisory.com; bkofman@ksvadvisory.com;
jacqueline.wall@ontario.ca; shahana.kar@ontario.ca; edmund.huang@ontario.ca;
peter.entecott@ontario.ca; afishman@ffmp.ca; mmeland@ffmp.ca; msiminovitch@ffmp.ca;
jdolman@ffmp.ca; nbrochu@ffmp.ca; tsilverstein@ffmp.ca; harvey@chaitons.com;
george@chaitons.com; philippe@tjl.quebec; bruce@tjl.quebec; andre@tjl.quebec;
dlennox@callkleinlawyers.com; dklein@callkleinlawyers.com; jensenc@jssbarristers.ca;
shawas@jssbarristers.ca; petriuks@jssbarristers.ca; ken.rosenberg@paliareroland.com;
lily.harmer@paliareroland.com; max.starnino@paliareroland.com;
danielle.glatt@paliareroland.com; beatrice.loschiavo@paliareroland.com;
natalia.botelho@paliareroland.com; michelle.jackson@paliareroland.com;
robbie@stewartmckelvey.com; skukulowicz@cassels.com; jdietrich@cassels.com;
jbellissimo@cassels.com; msassi@cassels.com; murray.a.mcdonald@ca.ey.com;
brent.r.beekenkamp@ca.ey.com; edmund.yau@ca.ey.com; matt.kaplan@ca.ey.com;
philip.kan@ca.ey.com; clifton.prophet@gowlingwlg.com; steven.sofer@gowlingwlg.com;
nicholas.kluge@gowlingwlg.com; gbest@wrmlaw.com; dean.jones@westrock.com;
michael.spagnolo@fsrao.ca; ari@kaplanlaw.ca; wael.rostom@mcmillan.ca;
emile.catimel-marchand@mcmillan.ca; emerchant@merchantlaw.com;
csimoes@merchantlaw.com; jtim.ccaa@merchantlaw.com; rothmans.ccaa@merchantlaw.com;
aecheverria@labstat.com; pflaherty@cfscounsel.com; bmcleese@cfscounsel.com;
briang@stockwoods.ca; justins@stockwoods.ca; sweisz@cozen.com; amcinnis@inchlaw.com;
wvs@strosbergco.com; drobins@strosbergco.com; diane.winters@justice.gc.ca; jlisus@lolg.ca;
mgottlieb@lolg.ca; ncampion@lolg.ca; awinton@lolg.ca; vdare@foglers.com;
rcunning@cancer.ca; dullmann@blaney.com; dclarke@blaney.com; ateodorescu@blaney.com;
afernetbrochu@blaney.com; melanie.letourneau@retraitequebec.gouv.qc.ca;
slevine@leckerslaw.com; john.bringardner@acuris.com; brett.harrison@mcmillan.ca;
tushara.weerasooriya@mcmillan.ca; guneev.bhinder@mcmillan.ca; john.spencer@justice.gc.ca;
victor.paolone@justice.gc.ca;

* For any additions or questions, please contact Nancy Thompson at nancy.thompson@blakes.com

stephen.brown-okruhlik@mcmillan.ca; amacfarlane@blg.com; jmaclellan@blg.com;
bbrooksbank@blg.com; adrian.scotchmer@canada.ca; michel.ohayon@canada.ca;
jrochon@rochongenova.com; rpodolny@rochongenova.com; raywagner@wagners.co;
kboyle@wagners.co; alain.casavant@revenuquebec.ca; amy.bowen@dgag.ca;

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

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

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R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE
OR ARRANGEMENT OF **JTI-MACDONALD CORP.**

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
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Applicants

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OR ARRANGEMENT OF **ROTHMANS, BENSON & HEDGES INC.**

NOTICE OF OPPOSITION BY THE QUEBEC CLASS ACTION PLAINTIFFS
Re: Motions for Stay Extension returnable March 28, 2023

March 20, 2023

FISHMAN FLANZ MELAND PAQUIN LLP
1250 René-Levesque Blvd. West, Suite 4100
Montreal, Quebec H3B 4W8
Tel: 514-932-4100 Fax: 514-932-4170

Avram Fishman
Mark E. Meland

TRUDEL JOHNSTON & LESPÉRANCE
750 Côte de la Place d'Armes, bureau 90
Montreal, Quebec H2Y 2X8
Tel: 514-871-8385 Fax: 514-871-8800

Philippe H. Trudel
Bruce W. Johnston
André Lespérance

CHAITONS LLP

5000 Yonge St., 10th floor

Toronto, Ontario M2N 7E9

Tel: 416-218-1129 Fax: 416-218-1149

Harvey Chaiton

Lawyers for Conseil québécois sur le tabac et la
santé and Jean-Yves Blais and Cécilia
Létourneau

TO : THE COMMON SERVICE LIST

NOTICE OF OPPOSITION

A. INTRODUCTION

1. By way of this Notice of Opposition, Conseil Québécois sur le Tabac et la Santé and Jean-Yves Blais and Cécilia Létourneau (the “**Quebec Class Action Plaintiffs**” or the “**QCAPS**”) hereby notify that they oppose, in part, the relief sought by each of JTI-Macdonald Corp., Imperial Tobacco Canada Limited and Imperial Tobacco Company Limited, and Rothmans, Benson & Hedges Inc. (each an “**Applicant**” and collectively, the “**Applicants**”) in their respective Motions for Stay Extension (the “**Extension Motions**”) returnable March 28, 2023 seeking to extend the stay of proceedings (the “**Stay Period**”) until September 29, 2023.

B. GROUNDS OF OPPOSITION

2. The QCAPs submit that the current extension should be limited to an additional three months until June 30, 2023, rather than the additional six months requested by the Applicants.

3. The grounds of opposition are set forth in the affidavits of Philippe Trudel, one of the QCAPs’ attorneys, (the “**Trudel Affidavit**”) and of Lise Boyer Blais, the designated representative in the Quebec Class Action (the “**Blais Affidavit**”), both filed in support hereof, and as will be more fully exposed by the QCAPs in their oral argument at the hearing of the Extension Motions.

C. CONCLUSION

4. For all of the reasons set forth herein, the QCAPs respectfully request that this Honourable Court limit the current extension of the Stay Period to three months to June 30, 2023 or,

alternatively, render such other Orders as it may consider appropriate to impose appropriate delays on the process.

March 20, 2023

FISHMAN FLANZ MELAND PAQUIN LLP

1250 René-Levesque Blvd. West, Suite 4100

Montreal, Quebec H3B 4W8

Tel: 514-932-4100 Fax: 514-932-4170

Avram Fishman

Email: afishman@ffmp.ca

Mark E. Meland

Email: mmeland@ffmp.ca

TRUDEL JOHNSTON & LESPÉRANCE

750 Côte de la Place d'Armes bureau 90,

Montreal, Quebec H2Y 2X8

Tel :514-871-8385 Fax: 514-871-8800

Philippe H. Trudel

Email: philippe@tjl.quebec

Bruce W. Johnston

Email: bruce@tjl.quebec

André Lespérance

Email: andre@tjl.quebec

CHAITONS LLP

5000 Yonge St., 10th floor

Toronto, Ontario M2N 7E9

Tel: 416-218-1129 Fax: 416-218-1149

Harvey Chaiton

Email: harvey@chaitons.com

Lawyers for Conseil québécois sur le tabac et la santé and Jean-Yves Blais and Cécilia Létourneau

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**AFFIDAVIT OF PHILIPPE TRUDEL
(sworn March 20, 2023)**

I, Philippe TRUDEL, of the City of Montreal, in the Province of Quebec, MAKE OATH
AND SAY:

1. I am one of the attorneys representing the Conseil Québécois sur le Tabac et la Santé and Cécilia Létourneau (the "**QCAPs**") since April 1998 and swear the present Affidavit in response to the Motions for Stay Extension returnable March 28, 2023 (the "**Extension Motions**") filed by JTI-Macdonald Corp., Imperial Tobacco Canada Limited and Imperial Tobacco Company Limited, and Rothmans, Benson & Hedges Inc. (each an "**Applicant**" and collectively, the "**Applicants**") seeking to extend the stay of proceedings (the "**Stay Period**") in the present CCAA proceedings (the "**CCAA Proceedings**") until September 29, 2023.

2. The QCAPs do not agree that a six-month extension, as requested by the Applicants, should be authorized and ask this Honourable Court to limit the extension of the Stay Period to an additional three months until **June 30, 2023**.
3. The present Extension Motions constitute the tenth extension request by the Applicants. Each one of the last six leave extensions was granted for six months or longer.
4. The QCAPs respectfully submit that the time has come to impose a delay of June 30, 2023, by which date an agreement evidencing a global settlement should be reached between the parties. We believe that such a timeline is necessary in order to permit the CCAA Plans to be implemented before the end of the current calendar year and for the members of the Quebec class actions (the “**Quebec Class Members**”) to finally receive their just compensation.
5. The delays resulting from the CCAA Proceedings, which have now been ongoing for more than four years, have profoundly impacted the Quebec Class Members.
6. In the Affidavit I swore on September 22, 2022, I described how the Quebec Class Members believe that the judicial system has let them down. The Quebec Class Members are utterly disappointed and frustrated, and those that are still alive have grave doubts that they will ever see justice being done for them. With each extension, their despair, frustration and anger only intensify.
7. I previously attested that following each stay extension, individuals registered to receive information about the Quebec class actions have written to us expressing their extreme frustration with the delays and their loss of faith in the process. Since the last extension, similar, if not more intense expressions of helplessness and frustration have continued to arrive on a regular basis. Below are just some examples of extracts from the many emails we received after the last extension:

- **September 26, 2022 email (translated from the original French):**

It's all nonsense. The tobacco companies will ask for endless extensions [...]. You should be totally opposed to this, even for 3 months. This is clearly an avoidance tactic.

- **September 27, 2022 email (translated from the original French):**

This is really a farce, pure cynicism, arrogance, contempt...Who are the person or persons responsible for this delay. Are the dice played out in advance? These killer companies, supposedly bankrupt, are now happily vaping and don't give a damn about their victims...It's really infuriating.

- **October 18, 2022 email (translated from the original French):**

To all lawyers that represent us but that bring us no results. [...]. It's a real joke. Let's just give up and piss them off once and for all because it is obvious that we will never live long enough to see a conclusion.

- **October 21, 2022 email (translated from the original French):**

Can you explain to me why you who represent us and the lawyers of the other party STILL need 900 hours of negotiations? What is there left to negotiate that has not already been discussed? As an ex-lawyer I am sceptical, and I wonder what confidence we can have anymore? Did Justice McEwen write that this was the last extension he would grant? Did he give reasons for his decision and can we have a copy?

- **October 28, 2022 email (translated from the original French):**

I wish to express my appreciation for your attempt to challenge this further delay, which I suggest is pure abuse of the judicial system [...] This has gone on for far too long and needs to come to a conclusion.

- **November 3, 2022 email (translated from the original French):**

*I hope that you will be able to solve what you want before the year 2099.
Merry Christmas.*

- **November 24, 2022 email (translated from the original French):**

Really it is disappointing every time we receive information regarding this class action. [...] How is it possible that nothing is happening in this file. My mother who died recently, will unfortunately never be able to know the end of this action. Let's hope that us her kids will one day be able to see the end of it.

- **January 21, 2023 email (translated from the original French):**

After 25 years of no results for the members of the action I hope you will sing a mass for the victims... all deceased.

Congratulations on your efficiency in passing the time unnecessarily.

- **March 3, 2023 email (translated from the original French):**

How much time can this CCAA stay last, I think we are now at 4 years... We don't believe anymore...!! [...] a real joke !!!

8. In addition, we received an email on February 18, 2023 from a Quebec Class Member who decided to end his life due to the pain and suffering resulting from the emphysema caused by his tobacco use. He had been a Class Member since the filing of the class action in 1998. He died on February 28, 2023:

- **February 18, 2023 email (translated from the original French):**

Just to clarify the subject and the reality, yes tobacco killed me and this after several years of cessation, since autumn 2022 pneumonia without end, water in the lungs at the same time and recently I asked for medical assistance in dying which will take place at the beginning of March at the Laval hospital. The family is aware and all my children as well as my wife respect my choice and I will stop suffering. I am enjoying these last moments with my family and friends and I feel at peace with myself. Yes tobacco killed me.

Thank you for your understanding and especially for your collaboration to the members

Your very devoted

9. Quebec Class Members also directly communicate with us by telephone to express their despair, cynicism and loss of hope as a result of what they view to be an interminable process.
10. In his Endorsement dated September 29, 2022 in respect of the last stay extension, Justice McEwen urged all parties to the mediation to remain completely focused on resolution and to provide the Mediator and the Monitors with their full cooperation over the following six months; unfortunately, that message was not fully understood.
11. A further extension limited to three months would send an important signal to the Quebec Class Members that this Court is forcing the Applicants and their creditors to urgently and finally bring this mediation process to a resolution.

AND I HAVE SIGNED



Philippe Trudel

Solemnly declared before me at Montreal,
Province of Quebec, this 20th day of March 2023



Commissioner of Oaths for Quebec



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**AFFIDAVIT DE LISE BOYER BLAIS
(assermentée le 20 mars 2023)**

Je soussignée, Lise BOYER BLAIS, de la ville de Saint-Hubert, province de Québec,
DÉCLARE SOUS SERMENT QUE:

1. Je suis la veuve de feu Jean-Yves Blais (« **Jean-Yves** »).
2. De novembre 1998 jusqu'à son décès en août 2012, Jean-Yves a agi comme personne désignée dans l'action collective instituée par le Conseil québécois sur le tabac et la santé (CQTS) contre les trois grands fabricants de tabac canadiens.

3. Le CQTS est une organisation à but non lucratif qui milite pour la prévention du tabagisme depuis 1972.
4. Je suis membre du CQTS tout comme l'était mon mari. J'ai remplacé Jean-Yves comme personne désignée dans l'action collective en 2012 et je continue à ce jour de remplir ce rôle.
5. J'ai épousé Jean-Yves le 16 décembre 1972 et nous avons vécu ensemble jusqu'à son décès le 3 août 2012.
6. Jean-Yves est décédé des suites d'un cancer du poumon causé par le tabac. Sa maladie a été longue et l'a affligé de souffrances atroces.
7. Il me manque terriblement et il n'y a pas une seule journée où je ne pense pas à lui.
8. Jean-Yves a eu à faire face à plusieurs défis dans sa vie. Parmi ceux qui me viennent à l'esprit sont d'abord son incapacité à cesser de fumer malgré de nombreuses tentatives. Puis il y a eu le cancer du poumon et les souffrances que cela lui a causées. Finalement, il y a le combat qu'il a entrepris avec l'aide du CQTS contre les compagnies de tabac.

A. La dépendance au tabac de Jean-Yves

9. Jean-Yves venait d'une famille peu fortunée d'un petit village en Abitibi, dans le nord du Québec.
10. Il a commencé à fumer dans les années 50 alors qu'il n'avait que 12 ans.
11. Quand je l'ai connu, vers la fin des années 60, la cigarette prenait déjà une place importante dans sa vie. Il fumait entre 2 et 3 paquets par jour.
12. Tout au long de notre vie commune, Jean-Yves a été incapable d'arrêter de fumer, malgré des efforts importants et répétés de sa part et malgré toute sa force de caractère et sa détermination.

13. Sa dépendance au tabac a miné son estime de soi. Il était frustré et humilié de ne pas réussir malgré toute sa volonté. Il ressentait une grande tristesse du fait de vivre enchaîné, privé de sa liberté.
14. Son tabagisme a aussi causé des tensions dans notre couple et dans sa relation avec notre fils Martin.

B. Le cancer du poumon et l'emphysème de Jean-Yves

15. En 1997, Jean-Yves a reçu un diagnostic de cancer du poumon causé par la consommation de tabac. Le diagnostic a été posé suite à une radiographie faite après qu'il ait consulté un médecin pour un mal de dos qui le gênait dans son emploi de chauffeur de taxi. Nous avons été chanceux de ce diagnostic précoce qui lui a sans doute permis de vivre plus longtemps.
16. À l'automne 1997, les médecins lui ont enlevé un des lobes de son poumon droit.
17. Entre 1997 et 2012, il a subi plusieurs traitements pour son cancer. Il a aussi terriblement souffert. Ces traitements et souffrances sont bien décrits par le juge Riordan aux paragraphes 979 à 984 de son jugement.
18. Jean-Yves a également reçu un diagnostic d'emphysème.
19. Au début de 2012, il a reçu un autre diagnostic de cancer du poumon. Il est décédé 5 mois plus tard.

C. Son litige contre les compagnies de tabac

20. Jean Yves croyait que personne ne devait vivre ce qu'il avait vécu en lien avec le tabac, surtout pas les jeunes. Avec l'aide du CQTS, en 1997 il a accepté d'agir comme personne désignée dans l'action collective contre l'industrie canadienne du tabac.
21. Au début des années 2000, il a été interrogé pendant 6 jours par les avocats des compagnies de tabac dans la procédure d'action collective.

22. Il a accepté de se soumettre à un examen médical poussé et de rendre publics sa vie et son état de santé.
23. Il a assisté à plusieurs des 14 journées d'audition consacrées au débat sur l'autorisation de l'action collective en 2004.
24. Il a pu assister à quelques journées du procès qui a commencé le 12 mars 2012.
25. Il est toutefois mort quelques mois plus tard, tristement, avant que les jugements de la Cour supérieure du Québec et de la Cour d'appel du Québec qui lui donnaient raison ne soient rendus. Il aurait tellement aimé pouvoir connaître le dénouement de sa longue bataille.
26. Comme mentionné, après son décès, j'ai pris la relève, et j'ai accepté de poursuivre sa lutte jusqu'à la fin, du moins autant que je le pourrai. J'ai participé à plusieurs conférences de presse après les jugements qui ont été rendus contre les compagnies de tabac. Certaines coupures de presse qui réfèrent à mes interventions publiques sont jointes à mon affidavit comme **pièce « A »**.

D. Les délais sont interminables et inacceptables

27. Mon mari, et ensuite moi-même après son décès, avons consacré notre temps et notre énergie émotionnelle à l'action collective pendant plus d'un quart de siècle parce que nous croyons à la cause contre les compagnies de tabac.
28. Le 1^{er} avril 2019, cinq juges de la Cour d'appel du Québec ont donné raison au CQTS et à Jean-Yves plus de 20 ans après le début de leur combat.
29. Je me souviens très bien du jour où la Cour d'appel du Québec a rendu jugement. Je croyais alors que nous étions pratiquement au bout de ce long processus judiciaire.
30. Peu de temps après, j'ai appris que la Cour supérieure de l'Ontario avait suspendu ce jugement et qu'un processus de médiation avait commencé avec les

compagnies de tabac et les autres créanciers, principalement les gouvernements des provinces.

31. J'ai compris qu'un autre délai était inévitable, mais j'ai gardé espoir que la médiation aboutirait rapidement et que les victimes du Québec, qui ont obtenu les jugements qui ont forcé les compagnies de tabac à se protéger de la faillite, obtiendraient enfin l'indemnisation à laquelle elles ont droit. Jamais je n'aurais cru que ce processus pouvait durer quatre ans de plus.
32. Au cours des quatre dernières années, les prolongations se sont succédées; toujours un autre six mois inexplicable sans aucune assurance que nous approchions de la fin de cette interminable saga.
33. Régulièrement depuis quatre ans, je communique avec Me Lespérance. Je lui ai fait part de ma frustration devant les délais interminables et inacceptables selon moi. À ma connaissance, ce sentiment de frustration est partagé par plusieurs autres membres de l'action collective.
34. Ce sentiment de frustration chez les membres est sans aucun doute exacerbé par le fait que Me Lespérance et son équipe ne peuvent pas leur expliquer pourquoi la médiation prend autant de temps, puisqu'elle est confidentielle et se déroule à huis clos.
35. J'ai toujours cru en l'équité de notre système judiciaire, mais ces quatre dernières années m'ont amené à me demander pour qui le système fonctionne vraiment. La procédure actuelle semble ignorer le fait que de nombreuses victimes sont décédées pendant que les parties étaient en médiation et que d'autres mourront bientôt.
36. Mon défunt mari a terriblement souffert des maladies causées par son tabagisme - cette affaire est son héritage ! C'est pourquoi j'ai accepté de le remplacer, mais j'ai maintenant 80 ans et je ne sais pas si je verrai un jour la fin de cette affaire.

37. Pour certaines parties, le temps n'est peut-être pas un problème, mais pour moi et pour les membres encore en vie, c'est une question très importante !
38. Je ne suis pas très au fait des questions juridiques, mais je sais distinguer le bien du mal. C'est pourquoi je demande respectueusement à ce tribunal d'imposer un délai.

En foi de quoi, j'ai signée :


Lise BOYER BLAIS

Déclaré sous serment devant moi à Montréal
Le 20^e jour de mars 2023





Commissaire à l'assermentation pour le Québec

Ceci est la Pièce "A" de l'affidavit de Lise
BOYER BLAIS déclaré sous serment devant moi le
20 mars 2023



Commissaire à l'assermentation pour le Québec



La Presse



Recours collectif contre les cigarettiers: «C'est épouvantable, ce qu'il a pu endurer»



PHOTO MARTIN CHAMBERLAND, LA PRESSE

Lise Blais montre une photo de son mari, Jean-Yves Blais, qui a été le fumeur désigné au nom des autres par le recours collectif du Conseil québécois sur le tabac et la santé (CQTS), intenté en 1998.

Le rapport médical de l'Hôtel-Dieu de Montréal n'a pas pris un

pli malgré le poids des années. Il date de 1997. Dans le haut, il est inscrit que Jean-Yves Blais vient de subir une lobectomie. On lui a enlevé le lobe inférieur du poumon droit. Le cancer était grisâtre, il s'était étendu sournoisement au système vasculaire veineux.

Mis à jour le 28 mai 2018



SARA CHAMPAGNE LA PRESSE

«Le chirurgien trouvait que mon mari avait du caractère. Pauvre p'tit gars, il a été tough de tenir le coup durant 15 ans», se rappelle Lise Blais.

Âgée de 75 ans, la veuve de Jean-Yves a longuement hésité avant d'accepter de se replonger dans ses souvenirs. Son mari, c'est le fumeur désigné au nom des autres par le recours collectif du Conseil québécois sur le tabac et la santé (CQTS), intenté en 1998. Souffrant d'emphysème, M. Blais est mort il y a six ans, à l'âge de 68 ans, après avoir survécu 15 ans avec le cancer. Il avait refusé la chimiothérapie.

« JE SUIS FATIGUÉE »

«C'est épouvantable, ce qu'il a pu endurer. Je suis fatiguée de tout ça, c'est dur. Ça tourne toujours dans ma tête. Mais je veux gagner au moins un paquet de cigarettes pour Jean. Je me souviens que c'était 5 \$ le paquet avant sa mort.»

PUBLICITÉ

M^{me} Blais sort des lettres, des coupures de journaux jaunis d'une grosse enveloppe. Son mari était natif de l'Abitibi. Il avait 8 ans quand il a allumé sa première cigarette. Au plus fort, il fumait un paquet et demi, voire deux paquets par jour. Pas des légères, non. Ce

n'était pas assez «homme». Les plus fortes, le gros paquet vert, celui avec la photo d'une jeune femme souriante portant des vêtements en tartan écossais.

«On ne savait pas à l'époque, insiste-t-elle. Ça fumait partout, les fenêtres fermées, jamais à l'extérieur.»

«Aujourd'hui, ça m'enrage quand je vais à mes rendez-vous à l'hôpital. Il y a encore des mégots partout à terre autour des cendriers. Vous ne pouvez pas savoir à quel point ça me fâche de voir les jeunes fumer.» - Lise Blais

Son mari a tenté d'écraser trois fois, en vain. La dernière fois, c'était durant un voyage. Il est allé dans les magasins le matin, il a vu les cigarettes derrière le comptoir. «Des paquets gros de même», dit-elle d'un geste de main.

C'est aussi au cours d'un voyage en voiture vers Wonderland, au nord de Toronto, qu'il a appris que le cancer ravageait ses poumons. Il ne voulait pas aller à l'hôpital, mais sa famille l'a convaincu de s'arrêter à l'hôpital de Hawkesbury. Le voyage s'est transporté chez son médecin de l'hôpital Pierre-Boucher, à Longueuil, puis à l'Hôtel-Dieu, où il a appris l'impensable.

Le temps a effacé des détails, mais c'est après l'opération que le recours collectif contre les multinationales du tabac est monté aux oreilles de M. Blais. Son médecin lui en a parlé. Il a rencontré des avocats. Il a signé un paquet de formulaires. Les procédures se sont enclenchées, mais il était loin de se douter qu'il n'en verrait jamais la fin.

UNE DERNIÈRE AVANT DE PARTIR

Quelques jours avant de mourir, Jean-Yves Blais a dit à sa conjointe qu'elle avait assez souffert comme ça, d'appeler l'ambulance. Avant d'embarquer, il a demandé quelques minutes, le temps d'en fumer une dernière avant de partir.

«Il savait», dit sa femme.

Depuis 1998, pas moins de 90 jugements ont été rendus par divers tribunaux du Québec dans cette affaire, et dans deux autres recours collectifs, dont un du gouvernement, réclamant 60 milliards en valeurs actualisées pour les coûts en santé. M^{me} Blais a arrêté de compter les fois où elle s'est présentée devant le tribunal, remplie d'espoir. La dernière fois, c'était juste avant l'été 2015, une victoire historique, mais les géants du tabac ont aussitôt porté la décision en appel, se souvient-elle.

«En octobre 2017, le Conseil [CQTS] m'a appelée pour me dire que le verdict sortirait sûrement d'ici trois semaines. On m'a dit de me tenir prête, qu'on m'appellerait le jeudi pour aller à la lecture du jugement le vendredi. Je suis restée vissée à mon téléphone durant des semaines, le jeudi. Là, je me dis que le jugement va peut-être sortir avec le printemps, autour de la fête de Jean-Yves.»

À 75 ans, M^{me} Blais ne s'étonnerait pas que la cause se transporte en Cour suprême. «Je vais y aller, mais compte tenu de mon âge, vous savez... J'ai mis le nom de mon fils comme bénéficiaire. On a souffert du cancer de mon mari, mais aussi de la fumée secondaire.»

FUMER À L'HÔPITAL

«C'est épouvantable, ce qu'on sortait des poumons lors des chirurgies. Les tumeurs ressemblaient à des choux-fleurs», explique le D^r Marcel Boulanger, anesthésiste retraité de l'Institut de cardiologie de Montréal. Le spécialiste a fait du tabac son cheval de bataille en devenant l'un des premiers médecins à devenir militant pour convaincre les gouvernements d'agir. «Honnêtement, je ne pensais jamais voir de mon vivant les bars devenir non fumeurs. On m'a traité de tous les noms dans le temps, on a même brûlé une pancarte à mon effigie.»

Selon lui, le seul moyen d'enrayer le tabac définitivement serait de ruiner les multinationales du tabac. À défaut, il espère que la lutte continuera, notamment en Asie, où «il y a encore des cigarettes girls». «On part de loin, souvenez-vous des années 80 ; il était permis de fumer partout, même dans les chambres d'hôpital. Je me souviens qu'il

fallait sortir les bouquets de fleurs des chambres en fin de journée tellement l'air devenait irrespirable. Puis, il y a eu un point de bascule dans les années 90, on a commencé à culpabiliser les fumeurs. Aujourd'hui, on comprend que ce sont des victimes de l'industrialisation.»



PHOTO MARTIN CHAMBERLAND, LA PRESSE

Lise Blais montre une photo de son mari, Jean-Yves Blais, qui a été le fumeur désigné au nom des autres par le recours collectif du Conseil québécois sur le tabac et la santé (CQTS), intenté en 1998.

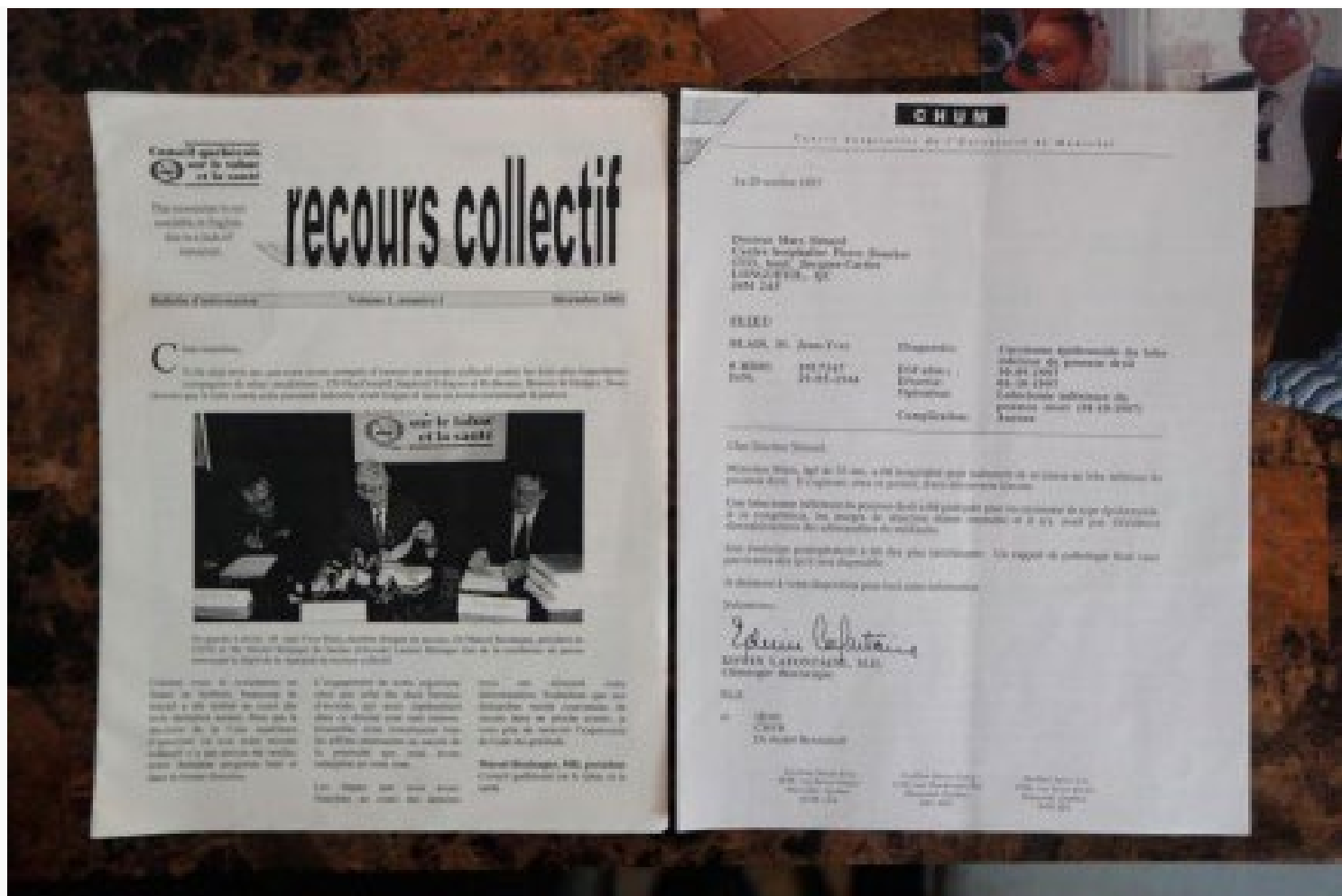


PHOTO MARTIN CHAMBERLAND, LA PRESSE

Lise Blais a conservé de nombreux documents relatifs au recours collectif contre les cigarettiers.

Les recours contre les cigarettiers

1998

Dépôt par Jean-Yves Blais et le CQTS d'une requête en autorisation d'exercer un recours collectif pour le compte des personnes qui souffrent d'un cancer du poumon, du larynx, de la gorge ou d'emphysème.

1999 à 2004

Dépôt de multiples requêtes des sociétés de tabac pour faire invalider les recours et les empêcher d'être autorisés.

21 février 2005

La Cour supérieure du Québec autorise deux recours collectifs.

2005 à 2012

Étapes préparatoires au procès des deux recours.

Mars 2012

Début du procès des deux recours collectifs.

Décembre 2014

Fin du procès après 253 jours d'audiences, interrogatoire de 76 témoins et plus de 43 000 documents admis en preuve.

Mai 2015

La Cour supérieure condamne les cigarettiers à payer 15 milliards de dollars en dommages à près de 100 000 Québécois fumeurs ou ex-fumeurs atteints d'emphysème, du cancer du poumon ou du cancer de la gorge.

Juin 2015

Les géants du tabac tentent de faire invalider l'ordonnance de la Cour supérieure du Québec.

Octobre 2015

La Cour d'appel donne raison aux recours collectifs des victimes du tabagisme en condamnant deux sociétés de tabac poursuivies à verser un dépôt en garantie de 984 millions.

Entre le 21 et le 30 novembre 2016

Les sociétés de tabac tentent de faire invalider le jugement en Cour d'appel du Québec. Les magistrats ont pris la cause en délibéré.

PUBLICITÉ

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SANTÉ EN CONTINU

17 milliards à 100 000 victimes du tabagisme

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Photo: Getty Images Les trois géants du tabac au Canada devront verser environ 17 milliards de dollars en dommages et intérêts à quelque 100 000 Québécois ayant souffert des ravages de la cigarette.

Améli Pineda

2 mars 2019

Société

Après vingt ans à déployer les grands moyens pour faire rejeter les recours qui les visent, les trois géants du tabac au Canada devront verser environ 17 milliards de dollars en dommages et intérêts à quelque 100 000 Québécois ayant souffert des ravages de la cigarette, a tranché vendredi la Cour d'appel du Québec.

Lancée en 1998 par Jean-Yves Blais et Cécilia

Létourneau, cette action collective avait bel et bien sa raison d'être, a confirmé vendredi le plus haut tribunal de la province.

« Je suis très heureuse du jugement. Je suis également triste que mon mari n'ait pas pu savourer cette victoire, puisqu'il est mort à cause des cachettes et de la malhonnêteté des compagnies de tabac », a mentionné Lise Blais, veuve de M. Blais.



Photo: Ryan Remiorz La Presse canadienne

Lise Blais, la veuve de Jean-Yves Blais, se dit prête à poursuivre la bataille jusqu'en Cour suprême s'il le faut. Elle est ici en compagnie Mario Bujold, du Conseil québécois sur le tabac et la santé

L'instigateur de l'action est décédé en 2012, quelques mois avant le début du procès tant attendu. L'homme avait commencé à fumer à 10 ans, en 1954. Il brûlait en moyenne 50 cigarettes par jour. En 1997, il a été frappé par le cancer du poumon.

Après deux décennies de procédures judiciaires, la Cour d'appel est venue confirmer la décision du juge Brian Riordan de la Cour supérieure.

« [Les cigarettiers] ont échoué à faire la démonstration d'erreurs de droit ou encore d'erreurs manifestes et déterminantes dans le

jugement de la Cour supérieure, sauf sur certains points mineurs », a tranché la Cour d'appel.

C'est une grande victoire pour les victimes du tabagisme, mais j'ai un bémol, puisqu'il y a une certaine injustice attachée au délai. Beaucoup de gens ne sont plus là, sont décédés, et ce sont les successions qui vont recevoir les indemnisations.

— Me Philippe Trudel

Les fabricants Imperial Tobacco, JTI-MacDonald et Rothmans, Benson and Hedges avaient été condamnés en juin 2015 à indemniser à hauteur de 15 milliards près de 100 000 fumeurs et ex-fumeurs souffrant du cancer du poumon, du larynx ou de la gorge ainsi que ceux atteints d'emphysème. Avec les intérêts, la somme totale du dédommagement avoisinerait aujourd'hui les 17 milliards.

Il s'agit de la plus importante condamnation financière de l'histoire du pays, selon le Conseil québécois sur le tabac et la santé (CQTS). Il s'agit également d'un précédent mondial pour les dommages à la personne dans le cadre d'une action collective. « C'est la première action collective remportée par des victimes du tabac à l'échelle mondiale », a souligné Me André Lespérance, du cabinet Trudel Johnston Lespérance, qui mène ce combat juridique pour les

victimes depuis les deux dernières décennies.

Les cinq juges de la Cour d'appel se sont ainsi rangés derrière les conclusions du juge Riordan. Ils soulignent dans leur décision que les géants du tabac avaient connaissance des conséquences du tabac sur la santé des fumeurs depuis les années 1950 et qu'ils ont failli à leur devoir de renseignement.



Photo: Ryan Remiorz La Presse canadienne

Les avocats représentant les intérêts des victimes: Me Philippe Trudel, Me André Lespérance et Me Bruce Johnson

« On peut parler d'un comportement de mauvaise foi, résultant d'une dissimulation délibérée des effets de la cigarette sur la santé des usagers, puis d'une négation, d'une minimisation et d'une banalisation systématiques de ceux-ci fondées notamment sur l'idée savamment, mais artificiellement entretenue d'une controverse scientifique et sur la prétendue faiblesse des rapports entre cigarette et maladies ou dépendance, le tout enrobé d'une stratégie publicitaire trompeuse », peut-on lire dans le jugement-fleuve de 422 pages.

Adultes responsables

Encore vendredi, les fabricants ont soutenu que les fumeurs étaient informés des risques liés à la cigarette et responsables de leur consommation de tabac. « On est déçus de la décision qui a été rendue par la Cour d'appel. Les risques liés au tabagisme sont connus depuis des décennies au pays et les consommateurs adultes étaient au courant, et c'est pour ça qu'on ne devrait pas être tenus responsables », a commenté Éric Gagnon, porte-parole de Imperial Tobacco.

Le fabricant JTI-MacDonald a rappelé avoir toujours respecté les lois en vigueur. « Les autorités gouvernementales soumettent tous les aspects du commerce du tabac à une réglementation rigoureuse depuis des décennies. JTI-Macdonald se conforme à toutes les lois et à tous les règlements canadiens et québécois », a fait valoir l'entreprise dans une déclaration écrite.

D'ailleurs, la décision de la Cour d'appel ne tourne peut-être pas complètement la page de cette saga judiciaire, puisque les trois cigarettières pourraient se tourner vers la Cour suprême.

En fin de journée vendredi, Rothmans, Benson Hedges a confirmé dans un communiqué qu'il demandera la permission de faire appel afin que la Cour suprême du Canada examine les actions collectives du tabac au Québec.

Après vingt ans de combat, Mme Blais s'est dite prête à poursuivre la bataille au nom de son mari si nécessaire. « Si on va à la Cour suprême, j'irai, a-t-elle assuré. Les compagnies de tabac ont joué à la cachette avec les fumeurs. Elles ont menti. Elles ont incité les gens à fumer. »

Me Philippe Trudel, qui fait partie de l'équipe d'avocats liée au dossier, estime de son côté que le chapitre pourrait être clos. « On est extrêmement confiants. Ce sont cinq juges extrêmement respectés. C'est un banc extrêmement solide. C'est un jugement unanime. Je considère que c'est entièrement possible que la Cour suprême refuse de l'entendre », a-t-il expliqué.

Les avocats ont par ailleurs rappelé que les victimes peuvent encore s'inscrire à l'action collective. Les fumeurs ayant eu un cancer recevront une indemnité de 250 000 \$, puis ceux atteints d'emphysème obtiendront 60 000 \$.

Avec la collaboration de Magdaline Boutros

DEUX DÉCENNIES DE PROCÉDURES JUDICIAIRES

1998 — Dépôt de deux requêtes pour autorisation d'exercer deux actions collectives contre les trois géants du tabac

2005 — Les deux actions collectives obtiennent le feu vert du juge Pierre Jasmin de la Cour supérieure du Québec

2012 — Début du procès : celui-ci va durer près de trois ans, soit le plus long procès d'une action collective de l'histoire du pays.

2015 — Le juge Brian Riordan tranche en faveur des fumeurs et ex-fumeur et ordonne

aux trois fabricants de tabac de leur verser 15 milliards ; la décision du juge Riordan est portée en appel par les géants du tabac

2016 — La Cour d'appel entend la cause

2019 — L'arrêt de la Cour d'appel est rendu

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- 4 **CHRONIQUE**
Le temps des bilans
- 5 Le «saint Patrick» de Pellan pourra de nouveau être vu du public
- 6 La Cour suprême décidera si les messages privés des enseignants le sont vraiment

7 Une classe moyenne «à boutte»

8 Au moins une personne manque à l'appel après un grave incendie dans le Vieux-Montréal

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**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERICAL 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 **JTI-MACDONALD CORP.**

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 **ROTHMANS, BENSON & HEDGES INC.**

UNOFFICIAL ENGLISH TRANSLATION

AFFIDAVIT OF LISE BOYER BLAIS

(sworn on March 20, 2023)

I, Lise BOYER BLAIS, of the City of Montreal, in the Province of Quebec, MAKE OATH
AND SAY:

1. I am the widow of Jean-Yves Blais ("**Jean-Yves**").
2. From November 1998 until his death in August 2012, Jean-Yves acted as the designated representative in the class action instituted by the *Conseil québécois sur le tabac et la santé* (CQTS) against the three major Canadian tobacco manufacturers.

3. The CQTS is a non-profit organization that has been advocating for smoking prevention since 1972.
4. I am a member of the CQTS just as my husband was. I replaced Jean-Yves as the designated representative in the class action in 2012 and I continue to this day in that role.
5. I married Jean-Yves on December 16, 1972 and we lived together until he died on August 3, 2012.
6. Jean-Yves died from lung cancer caused by tobacco. His illness was long and afflicted him with excruciating suffering.
7. I miss him terribly and there is not a day that goes by that I do not think about him.
8. Jean-Yves faced many challenges in his life. Among those that first come to mind was his inability to quit smoking despite numerous attempts. Then he had lung cancer and the suffering that it caused him. Finally, there was the battle he undertook with the help of the CQTS against the tobacco companies.

A. Jean-Yves' addiction to tobacco

9. Jean-Yves came from a family of modest means from a small village in Abitibi, in northern Quebec.
10. He started smoking in the 1950s when he was only 12 years old.
11. When I met him in the late 1960s, cigarettes were already an important part of his life. He smoked between 2 and 3 packs a day.
12. Throughout our life together, Jean-Yves was unable to quit smoking, despite serious and repeated efforts on his part and despite all his strength of character and determination.
13. His addiction to tobacco diminished his self-esteem. He was frustrated and humiliated that he could not succeed despite his best efforts. He felt great sadness about living in shackles, deprived of his freedom.
14. His smoking also caused tension in our marriage and in his relationship with our son Martin.

B. The Lung Cancer and Emphysema of Jean-Yves

15. In 1997, Jean-Yves was diagnosed with lung cancer caused by smoking. The diagnosis was made following an X-ray performed on him after he had consulted with a doctor for back pain that was bothering him in his job as a taxi driver. We were fortunate that this early diagnosis likely allowed him to live longer.
16. In the fall of 1997, his doctors removed one of the lobes from his right lung.
17. Between 1997 and 2012, he underwent several treatments for his cancer. He also suffered terribly. These treatments and his suffering are well described by Riordan J. in paragraphs 979-984 of his judgment.
18. Jean-Yves was also diagnosed with emphysema.
19. In early 2012, he received another diagnosis of lung cancer. He died 5 months later.

C. His litigation against the Tobacco Companies

20. Jean-Yves believed that no one should ever have to go through what he had experienced with tobacco, especially young people. With the help of the CQTS, in 1997 he agreed to act as the designated representative in the class action against the Canadian tobacco industry.
21. In the early 2000s, he was examined on discovery for 6 days by the tobacco companies' lawyers in the class action lawsuit.
22. He agreed to undergo an extensive medical examination and to make his life and health status public.
23. He attended several of the 14 days of hearings in 2004 devoted to the debate on the certification of the class action.
24. He was able to attend a few days of the trial that began on March 12, 2012.
25. However, sadly, he died a few months later, before the judgments of the Quebec Superior Court and the Quebec Court of Appeal that ruled in his favour were rendered. He would have so very much liked to have known the outcome of his long battle.

26. As mentioned, after his death, I took over and agreed to continue his fight until the end, at least as far as I could. I participated in several press conferences after the judgments that were rendered against the tobacco companies. Some press clippings that refer to my public appearances are attached to my Affidavit as **Exhibit "A"**.

D. The delays are endless and unacceptable

27. My husband, and then myself after his death, have devoted our time and emotional energy to the class action for over a quarter of a century because we believe in the case against the tobacco companies.

28. On April 1, 2019, five judges of the Quebec Court of Appeal ruled in favour of the the CQTS and Jean-Yves more than 20 years after the beginning of their fight.

29. I remember very well the day that the Quebec Court of Appeal rendered its judgment. I believed then that we were almost at the end of this long legal process.

30. Shortly thereafter, I learned that the Ontario Superior Court had stayed this judgment and that a mediation process had begun with the tobacco companies and other creditors, primarily the provincial governments.

31. I understood that another delay was inevitable, but I remained hopeful that the mediation would be completed quickly and that the victims in Quebec, who obtained the judgments that forced the tobacco companies into bankruptcy protection, would finally get the compensation to which they are entitled. I never could have imagined that this process would take another four years.

32. Over the past four years, the extensions followed one after the other, always another inexplicable six months with no assurance that we were nearing the end of this never-ending saga.

33. I have been in regular contact with Me Lespérance for the past four years. I have expressed to him my frustration with the endless and, in my view, unacceptable delays. To my knowledge, this feeling of frustration is shared by many other members of the class action.

34. This sense of frustration among members is undoubtedly exacerbated by the fact that Me Lespérance and his team cannot explain to them why the mediation is taking so long, since it is confidential and takes place in secret.
35. I have always believed in the fairness of our judicial system, but the last four years have made me question for whom the system is really working. The current process seems to disregard the fact that many victims have died while the parties have been in mediation and more will soon die.
36. My late husband suffered terribly from diseases caused by his smoking - this case is his legacy! That is why I agreed to take his place, but I am now 80 years old and I do not know if I will ever one day see the end of this matter.
37. For some parties, time may not be a problem, but for me and for the members still alive, it is a very important issue!
38. I am not well versed in legal matters, but I do know right from wrong. That is why I respectfully ask this court to impose a time limit.

AND I HAVE SIGNED

Lise BOYER BLAIS

Solemnly declared before me at Montreal,
Province of Quebec, this 20th day of March 2023

Commissioner of Oaths for Quebec

This is **Exhibit "A"** to the Affidavit of Lise Boyer
Blais sworn before me on March 20, 2023

Commissioner of Oaths for Quebec



Class action lawsuit against cigarette companies: "It's appalling what he had to endure"



PHOTO MARTIN CHAMBERLAND, LA PRESSE

Lise Blais shows a picture of her husband, Jean-Yves Blais, who was the designated smoker on behalf of the others in the class action lawsuit of filed in 1998 by the Quebec Council on Tobacco and Health (QCTH).

The medical report from the Hôtel-Dieu de Montréal has not aged a day.

It dates from 1997. At the top, it is written that Jean-Yves Blais has just had a lobectomy. The lower lobe of his right lung was removed. The cancer was grayish, it had spread insidiously to the venous vascular system.

Updated May 28, 2018



SARA CHAMPAGNE THE PRESS

"The surgeon thought my husband had character. Poor guy, he was tough to hold on for 15 years," recalls Lise Blais.

Jean-Yves' 75-year-old widow hesitated for a long time before agreeing to go back into her memories. Her husband is the smoker designated on behalf of others in the class action lawsuit filed in 1998 by the Quebec Council on Tobacco and Health (CQTS). Mr. Blais, who suffered from emphysema, died six years ago, at the age of 68, after surviving 15 years with cancer. He had refused chemotherapy.

"I'M TIRED"

"It's appalling, what he was able to endure. I'm tired of it, it's hard. It's always going around in my head. But I want to earn at least one pack of cigarettes for John. I remember it was \$5 a pack before he died."

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Mrs. Blais takes out letters, yellowed newspaper clippings from a large envelope. Her husband was a native of Abitibi. He was 8 years old when he lit his first cigarette. At his peak, he smoked a pack and a half, even two packs a day. Not light ones, no. This

was not "man enough". The strongest, the big green package, the one with the picture of a smiling young woman wearing tartan clothes.

"We didn't know back then," she insists. It was smoking everywhere, windows closed, never outside."

"Today, it enrages me when I go to my hospital appointments. There are still butts all over the ground around the ashtrays. You don't know how much it angers me to see young people smoking." - Lise Blais

Her husband tried to stop three times, without succeeding. The last time was during a trip. He went to the store in the morning, saw the cigarettes behind the counter. "Packs this big" she says with a wave of her hand.

It was also during a road trip to Wonderland, north of Toronto, that he learned that cancer was ravaging his lungs. He didn't want to go to the hospital, but his family convinced him to stop at the Hawkesbury Hospital. This led him to his doctor at Pierre-Boucher Hospital in Longueuil and then to Hôtel-Dieu, where he learned the unthinkable.

Time has erased some of the details, but it was after the operation that the class action suit against the multinational tobacco companies came to Mr. Blais' attention. His doctor told him about it. He met with lawyers. He signed a bunch of forms. The process began, but little did he know that he would never see the end of it.

ONE LAST ONE BEFORE LEAVING

A few days before he died, Jean-Yves Blais told his wife that she had suffered enough, to call the ambulance. Before boarding, he asked for a few minutes to smoke a last one before leaving.

"He knew," says his wife.

Since 1998, no less than 90 judgments have been rendered by various courts in Quebec in this case, and in two other class actions, including one by the government, claiming \$60 billion in present value for health care costs. Ms. Blais has stopped counting the number of times she went to court, full of hope. The last time was just before the summer of 2015, a historic victory, but the tobacco giants immediately appealed the decision, she recalls.

"In October 2017, the Council [CQTS] called me and told me that the verdict would surely come out within three weeks. They told me to be ready, that they would call me on Thursday to go to the reading of the verdict on Friday. I was glued to my phone for weeks on Thursday. Now I'm thinking that the judgment may come out during the spring, around Jean-Yves' birthday."

At 75, Ms. Blais would not be surprised if the case went to the Supreme Court. "I'm going to go, but given my age, you know... I put my son's name as the beneficiary. We suffered from my husband's cancer, but also from secondhand smoke."

SMOKING IN THE HOSPITAL

"It's appalling, what was coming out of the lungs during surgery. The tumors looked like cauliflowers," says Dr. Marcel Boulanger, a retired anesthesiologist at the Montreal Heart Institute. The specialist made tobacco his battle horse, becoming one of the first doctors to become an activist to convince governments to act. "Honestly, I never thought I'd see bars become smoke-free in my lifetime. I've been called names in my time, and people burned a sign with my image on it."

According to him, the only way to stop tobacco permanently would be to ruin the tobacco multinationals. Failing that, he hopes that the fight will continue, especially in Asia, where "there are still cigarette girls". "We came far, remember the 80s; it was allowed to smoke everywhere, even in hospital rooms. I remember that we

we had to take the flowers out of the rooms at the end of the day, because the air was becoming unbreathable. Then, there was a tipping point in the 90s, we started to make smokers feel guilty. Today, we understand that they are victims of industrialization."



PHOTO MARTIN CHAMBERLAND, LA PRESSE

Lise Blais shows a picture of her husband, Jean-Yves Blais, who was the designated smoker on behalf of the others in the class action suit of the Quebec Council on Tobacco and Health (QCTH), filed in-1998.

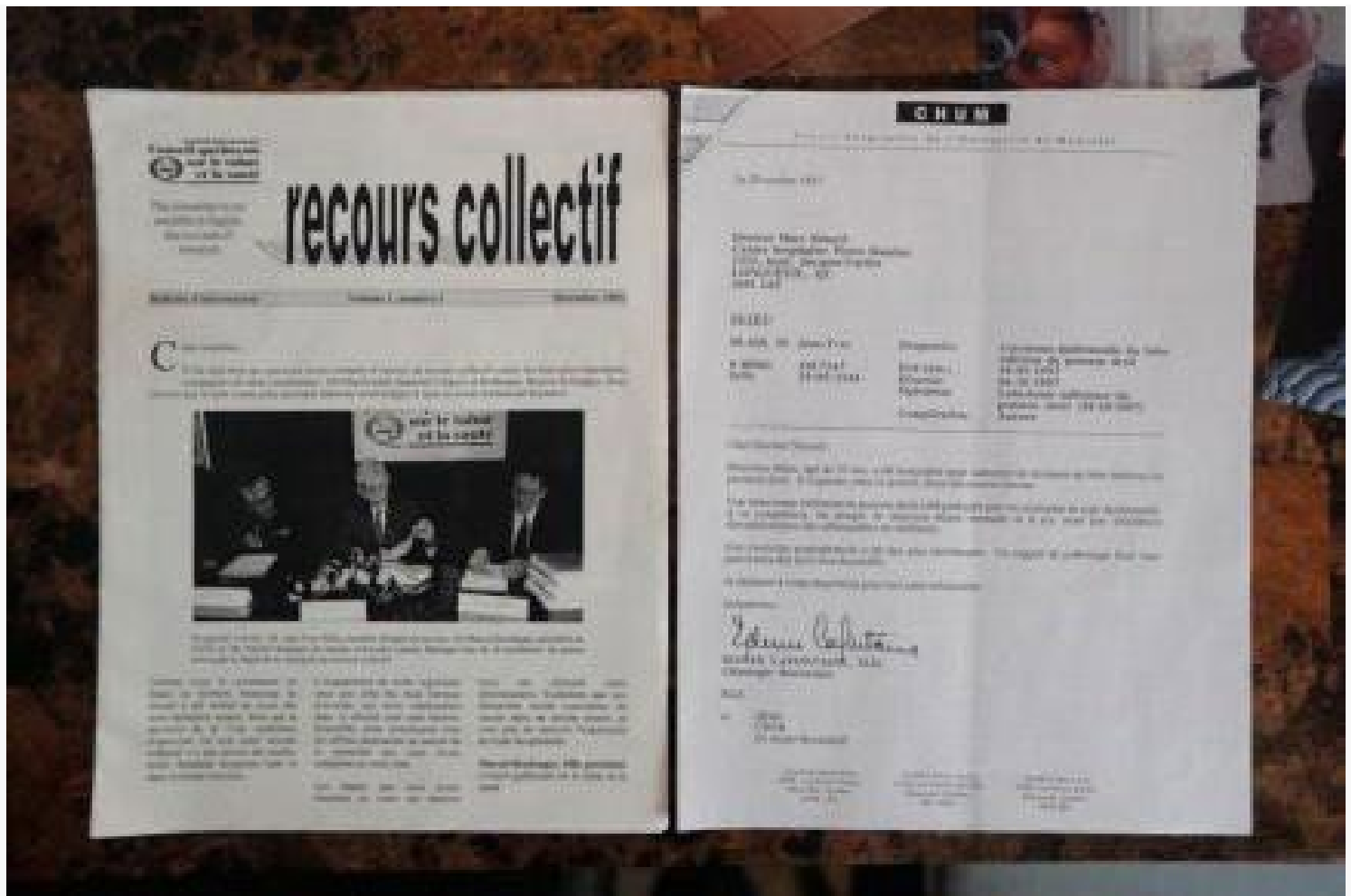


PHOTO MARTIN CHAMBERLAND, LA PRESSE

Lise Blais has kept many documents related to the class action suit against the tobacco companies.

Remedies against tobacco companies

1998

Jean-Yves Blais and the CQTS file a motion for authorization to institute a class action on behalf of people suffering from lung cancer, larynx cancer, throat cancer or emphysema.

1999 to 2004

Filing of multiple motions by tobacco companies to have the actions invalidated and prevented from being authorized.

February 21, 2005

The Superior Court of Quebec authorizes two class actions.

2005 to 2012

Trial preparation for the two class actions.

2012

The two class action trials begin.

December 2014

End of the trial after 253 days of hearings, examinations of 76 witnesses and more than 43,000 documents admitted as evidence.

May 2015

The Superior Court orders the tobacco companies to pay \$15 billion in damages to nearly 100,000 Quebec smokers or ex-smokers suffering from emphysema, lung cancer or throat cancer.

June 2015

The tobacco giants are trying to have the Quebec Superior Court order overturned.

October 2015

The Court of Appeal redeems the class action lawsuits of tobacco victims by ordering two tobacco companies sued to pay a deposit of 984 million.

Between November 21 and 30, 2016

The tobacco companies are trying to have the judgment overturned in the Quebec Court of Appeal. The judges have taken the case under advisement.

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CONTINUOUS HEALTH



17 billion to 100,000 victims of smoking

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Photo: Getty Images Canada's three tobacco giants will have to pay approximately \$17 billion in damages to some 100,000 Quebecers who have suffered from the ravages of smoking.

[Amel Pineda](#)

March 2, 2019

[Company](#)

After 20 years of trying to get lawsuits against them dismissed, Canada's three tobacco giants will have to pay about \$17 billion in damages to some 100,000 Quebecers who have suffered from the ravages of cigarettes, following a judgment of the Quebec Court of Appeal released on Friday.

Launched in 1998 by Jean-Yves Blais and Cécilia

Létourneau, this class action was justified, the province's highest court ruled Friday.

"I am very happy with the judgment. I am also sad that my husband could not enjoy this victory, since he died because of the hiding and dishonesty of tobacco companies," said Lise Blais, Blais' widow.



Photo: Ryan Remiorz The Canadian Press

Lise Blais, the widow of Jean-Yves Blais, says she is ready to continue the battle all the way to the Supreme Court if necessary. She appears in the picture with Mario Bujold, from the Quebec Council on Tobacco and Health

The instigator of the action died in 2012, a few months before the beginning of the long awaited trial. The man had started smoking at the age of 10, in 1954. He burned an average of 50 cigarettes a day. In 1997, he was struck by lung cancer.

After two decades of legal proceedings, the Court of Appeal upheld the decision of Justice Brian Riordan, from Superior Court.

The Court of Appeal ruled that "[Cigarette companies] have failed to demonstrate any errors of law or palpable and overriding errors in the

Superior Court judgment, except on minor points”.

This is a great victory for victims of tobacco use, but there is a certain injustice with respect to the delay. Many people are no longer here, have passed away, and it is the estates that will receive the compensation.

- Me Philippe Trudel

The manufacturers Imperial Tobacco, JTI-MacDonald and Rothmans, Benson and Hedges have been ordered in June 2015 to compensate nearly 100,000 smokers and ex-smokers suffering from lung, larynx or throat cancer as well as those with emphysema, for an amount of up to 15 billion. With interest, the total amount would now be close to 17 billion.

This is the largest financial conviction in the country's history, according to the Quebec Council on Tobacco and Health (QCTH). It is also a global precedent for personal injury class actions. "This is the first class action lawsuit won by tobacco victims worldwide," said André Lespérance of Trudel Johnson Lespérance, who has been leading the legal fight for the victims for the last two decades

The five judges of the Court of Appeal thus agreed with the conclusions of Justice Riordan. In their decision, they emphasized that the tobacco giants were aware of tobacco's consequences on smokers' health since the 1950s and that they failed in their duty to inform.



Photo: Ryan Remiorz The Canadian Press

Lawyers representing the interests of the victims: Me Philippe Trudel, Me André Lespérance and Me Bruce Johnson

The 422 pages judgment states that "[w]e can speak of behaviour of bad faith resulting from a deliberate concealment of the effects of cigarettes on the health of users followed by the systematic negation, minimization, and trivialization of those effects based, in particular, on the cleverly but artificially maintained idea of a scientific controversy and on the alleged weakness of the relationship between cigarettes and diseases or dependence, all wrapped up in a strategy of misleading advertising,".

Responsible adults

Again on Friday, the manufacturers argued that smokers were informed of the risks of smoking and were responsible for their tobacco consumption. "We are disappointed with the decision rendered by the Court of Appeal. The risks associated with smoking have been known for decades in this country and adult consumers were aware of them, which is why we should not be held responsible," commented Eric Gagnon, spokesperson for Imperial Tobacco.

The manufacturer JTI-MacDonald reiterated that it has always complied with existing laws.

"Government authorities have subjected all aspects of the tobacco trade to rigorous regulation for decades. JTI-Macdonald complies with all Canadian and Quebec laws and regulations," the company said in a written statement.

Moreover, the Court of Appeal's decision may not completely turn the page on this legal saga, since the three cigarette companies could now appeal to the Supreme Court.

Late Friday, Rothmans, Benson Hedges said in a statement that it will seek leave to appeal to the Supreme Court of Canada to review the Quebec tobacco class action lawsuit.

After twenty years of fighting, Mrs. Blais said she is ready to continue the battle on behalf of her husband if necessary. "If we go to the Supreme Court, I will go," she said. Tobacco companies have been playing hide and seek with smokers. They have lied. They have encouraged people to smoke.

Me Philippe Trudel, who is a member of the file's legal team, believes that the chapter could be closed. "We are extremely confident. These are five extremely respected judges. It's an extremely strong bench. It's a unanimous decision. I consider it entirely possible that the Supreme Court refuse to hear it," he explained.

The lawyers also reminded us that victims can still enroll in the class action. Smokers with cancer will receive \$250,000 in compensation, and smokers with emphysema will receive \$60,000.

With the collaboration of Magdaline Boutros

TWO DECADES OF LEGAL PROCEEDINGS

1998 - Filing of two motions for certification of two class actions against the three tobacco giants

2005 - Both class actions are approved by Justice Pierre Jasmin of the Quebec Superior Court

2012 - Trial begins: the trial will last nearly three years, the longest class action trial in the country's history.

2015 - Judge Brian Riordan rules in favor of smokers and ex-smokers and orders

the three tobacco companies to pay them \$15 billion; Judge Riordan's decision is appealed by the tobacco giants

2016 - The Court of Appeal hears the case

2019 - The Court of Appeal's decision is rendered

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JTI-MACDONALD CORP.

IMPERIAL TOBACCO CANADA LIMITED AND IMPERIAL TOBACCO COMPANY LIMITED

ROTHMANS, BENSON & HEDGES INC.

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

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

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

ONTARIO
**SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**
Proceeding commenced at Toronto

RESPONDING MOTION RECORD
Re: Stay Extension Motions
(Returnable March 28, 2023)

FISHMAN FLANZ MELAND PAQUIN LLP

Avram Fishman / Mark E. Meland

4100-1250 René-Lévesque Blvd. West

Montreal QC H3A 3H3

Tel: 514-932-4100

TRUDEL JOHNSTON & LESPÉRANCE

Philippe H. Trudel / Bruce W. Johnston / André Lespérance

750 Côte e la Place d'Armes, Bureau 90

Montréal, Québec H2Y 2X8

Tel: 514-871-8385

CHAITONS LLP

Harvey Chaiton

5000 Yonge Street, 10th Floor

Toronto, ON M2N 7E9

Tel: (416) 218-1129

Attorneys for Conseil Québécois sur le tabac et la santé and

Cécilia Létourneau

(Québec Class Action Plaintiffs)