



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

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE) MONDAY, THE 25TH DAY OF
CHIEF JUSTICE MORAWETZ) MARCH, 2024

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

(Stay Extension to September 30, 2024)

THIS MOTION, made by the Applicants pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended, for an order extending the Stay Period (defined below), was heard March 25, 2024 by judicial video conference in Toronto, Ontario.

ON READING the Notice of Motion of the Applicants, the Affidavit of Eric Thauvette sworn March 11, 2024 (the "**Thauvette Affidavit**"), the Seventeenth Report of the Monitor, and on hearing the submissions of respective counsel for the Applicants, the Monitor, and such other counsel as were present, no one else appearing although duly served as appears from the Affidavit of Service of Marleigh Dick sworn March 13, 2024, filed:

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record herein is hereby abridged and validated so that this Motion is properly returnable on March 25, 2024, and hereby dispenses with further service thereof.

EXTENSION OF THE STAY PERIOD

2. **THIS COURT ORDERS** that the Stay Period as defined in paragraph 18 of the Second Amended and Restated Initial Order dated March 12, 2019 is hereby extended until and including September 30, 2024.

TERMINATION COSTS OF THE IHGI PLAN

3. **THIS COURT ORDERS** that Imperial Tobacco Canada Limited be permitted, if determined to be in the interests of the Company after consultation with the Monitor, and provided that the total termination costs do not exceed USD \$6 million (excluding amounts required to fund the financial-year 2024 contribution), to take the appropriate steps to complete a termination of the Imasco Holdings Group Inc. and Participating Affiliates Retirement Plan (“**IHGI Plan**”) in accordance with applicable U.S. laws, including but not limited to securing necessary funding arrangements to complete the termination in relation to any underfunding and corresponding wind-up procedures. Pending the termination of the IHGI Plan (if applicable), IHGI shall continue to administer, and Imperial Tobacco Canada Limited will contribute to, the IHGI Plan in the normal course.

TEMPORARY EXTENSION OF ADDITIONAL SECURITY

4. **THIS COURT ORDERS** that Imperial Tobacco Canada Limited is authorized to post security or otherwise advance funds for the purposes of obtaining a “vaping product” license as and when Bill C-59 (*Fall Economic Statement Implementation Act, 2023*) comes into force, in an aggregate amount not exceeding \$5 million (the “**New Vaping License Security**”), and to take any steps necessary to otherwise comply with the requirements of the New Vaping License Security, notwithstanding any restrictions that might otherwise arise under the terms of the Initial Order, on the condition that any security previously extended pursuant to paragraph 2 of the Order of Justice McEwen dated July 11, 2022 (*i.e.*, the New Excise Act Security, as defined) is returned, refunded or otherwise extinguished within a reasonable period following the issuance of the “vaping product” license to Imperial Tobacco Canada Limited.

GENERAL

5. **THIS COURT ORDERS** that this Order is effective from the date that it is made and is enforceable without any need for entry and filing.
6. **THIS COURT ORDERS** that this Order shall have full force and effect in all provinces and territories in Canada.
7. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body, having jurisdiction in Canada or in the United States of America, to give effect to this Order and to assist the Applicants, the Monitor and their respective agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Applicants and to the Monitor, as an officer of this Court, as may be necessary or desirable to give effect to this Order, to grant representative status to the Monitor in any foreign proceeding, or to assist the Applicants and the Monitor and their respective agents in carrying out the terms of this Order.



Chief Justice Geoffrey B. Morawetz

**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**

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Proceeding Commenced at Toronto

**ORDER
(Stay Extension to September 30, 2024)**

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