

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

MOTION FOR INJUNCTION BY PCC REPRESENTATIVE COUNSEL
HEARD BY CHIEF JUSTICE MORAWETZ
ON MARCH 26, 2025

AIDE MEMOIRE OF HIS MAJESTY THE KING IN RIGHT OF ONTARIO
(“ONTARIO”)

1. At the request of Chief Justice Morawetz, Ontario files this Aide Memoire which sets out the points made in the oral submissions by counsel for Ontario during the hearing on March 26, 2025, of the motion brought by the PCC Representative Counsel seeking injunctive relief. Unless otherwise defined herein, all defined terms used in this Aide Memoire have the meanings ascribed to them in the motion materials filed by the PCC Representative Counsel and the CCAA Plans.

2. Ontario fully supports the position presented by the PCC Representative Counsel and consents to the injunction order sought against AIAG, LCC carrying on business as Attorney Group, and Anthony Johnson.

3. The most important relief sought in the motion is found in paragraph 3 of the revised draft Order which reads:
 3. **THIS COURT ORDERS** that this Order shall apply to any persons or entities with knowledge or notice of this Order, and upon such knowledge or notice, such persons or entities shall:
 - (a) immediately take down and remove any solicitations of PCCs and *Blais* Class Members, including but not limited to any websites, social media posts, advertisements, or other public communications in connection with the CCAA Plans, the PCC Compensation Plan, the Quebec Administration Plan, or any compensation due thereunder; and
 - (b) immediately cease and desist from soliciting PCCs and *Blais* Class Members in connection with the CCAA Plans, the PCC Compensation Plan, the Quebec Administration Plan, or any compensation due thereunder.¹

4. The CCAA Plans of Imperial Tobacco, RBH and JTIM contain a non-solicitation clause in Section 8.4 in respect of the PCC Compensation Plan (which is reproduced in paragraph 15 of the affidavit of Kate Boyle sworn March 21, 2025):

8.4 No Solicitation of Pan-Canadian Claimants

No Persons other than the PCC Representative Counsel, their agent Epiq, the Claims Administrator, or any Person specifically authorized by any of the foregoing Persons or by the CCAA Court, shall solicit Pan-Canadian Claimants in order to assist them with the preparation or

¹ RBH Case in Case Center, Master F5959.

submission of their PCC Claim Packages under the PCC Compensation Plan.²

5. The CCAA Plans also contain the virtually identical non-solicitation clause in Section 7.6 in respect of the Quebec Class Action Administration Plan (which is reproduced in paragraph 3 of the factum filed by the Quebec Class Action Plaintiffs):

7.6 No Solicitation of *Blais* Class Members

No Persons other than the Quebec Class Counsel, their agent Raymond Chabot, the Claims Administrator, or any Person specifically authorized by any of the foregoing Persons or by the CCAA Court, shall solicit *Blais* Class Members in order to assist them with the preparation or submission of their Proofs of Claim under the Quebec Administration Plan.³

6. This Court's orders dated March 6, 2025 sanctioning the three CCAA Plans also approved the PCC Compensation Plan and the Quebec Class Action Administration Plan which are Schedules to the CCAA Plans. The sanctioning of the CCAA Plans gave effect to the Section 7.6 and Section 8.4 non-solicitation clauses.
7. The evidence filed by the PCC Representative Counsel amply supports the issuance of the Order in paragraph 3 of the revised draft Order extending the injunction to any persons or entities with knowledge of notice of the Order. Between the injunction motion heard on December 9, 2024, and today's motion, the Quebec Class Counsel and PCC Representative Counsel have filed evidence establishing the solicitation of *Blais* Class Members and/or Pan-Canadian Claimants by lawyers in Ottawa, Montreal, Toronto, Little Rock, Arkansas, Tampa, Florida and Houston, Texas.

² RBH Case in Case Center, Master F5746.

³ RBH Case in Case Center, Master F5924.

8. It is reasonable to anticipate that further solicitation attempts by third party lawyers will be made in the future, and may intensify when the two administration plans begin to accept the submission of claims following the Plan Implementation Date.
9. Extending the injunction to apply to third party lawyers will promote the equitable and orderly conduct of the administration of the two compensation plans, which are part of the implementation of the CCAA Plans. Furthermore, it is hoped that, if granted, the extended injunction will obviate the need for taking up this Court's time with further injunction motions.
10. In conjunction with the broad injunction is the need for the PCC Representative Counsel, the Quebec Class Counsel, the Claims Administrator (Epiq) and the Quebec agent, Raymond Chabot, to take steps to provide official notice to the Canadian public regarding how they will be able to access the claims processes for the two compensation plans.
11. Canadians need to be advised in clear terms that the two claims administration processes were specifically designed to be easily accessible and without charge to eligible persons across the country and without the need to consult with third party lawyers.
12. Careful consideration was given to ensuring that persons submitting claims to either the Quebec Class Action Administration Plan or the PCC Compensation Plan will have access to free legal advice from the Quebec Class Counsel and the PCC Representative Counsel and free claims completion assistance from Raymond Chabot and Epiq, which will respectively act as their agents.

13. This critical information together with the existence of the non-solicitation terms and injunction needs to be communicated now to (i) Canadians who may be eligible to receive compensation from one of the compensation plans, and (ii) third party lawyers who may be interested in seeking fee-generating work.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 26th day of March, 2026.

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