

CV-19-615062-00CL  
CV-19-616077-00CL  
CV-19-616779-00CL

Court File Number:

Superior Court of Justice  
Commercial List

**FILE/DIRECTION/ORDER**

JTI-MacDonald Corp. / Imperial Tobacco / RBH Inc  
Plaintiff(s)

AND

Defendant(s)

Case Management  Yes  No by Judge: McEwen

Counsel	Telephone No:	Facsimile No:
<u>see attached</u>		

- Order  Direction for Registrar (No formal order need be taken out)
- Above action transferred to the Commercial List at Toronto (No formal order need be taken out)
- Adjourned to: \_\_\_\_\_
- Time Table approved (as follows):

The attached orders shall go as per the drafts filed and signed. Over the objections of QCAP (supported by the Canadian Cancer Society) I have, somewhat reluctantly, come to the conclusion that the six month stay period proposed by the Applicants is preferable to the three month period proposed by QCAP, and is

29 Sept 22  
Date

McEwen  
Judge's Signature

Additional Pages three

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## Judges Endorsment Continued

Fair and reasonable in the current  
circumstances of the Court-ordered  
mediation.

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

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

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

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## Judges Endorsment Continued

shortly after the December holidays.

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

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

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

McEwen T