

CITATION: Imperial Tobacco Canada Limited, 2025 ONSC 4722
COURT FILE NO.: CV-19-616077-00CL
COURT FILE NO.: CV-19-616779-00CL
COURT FILE NO.: CV-19-615862-00CL
DATE: 2025-08-15

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: **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

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF ROTHMANS, BENSON & HEDGES INC.

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

BEFORE: Chief Justice Geoffrey B. Morawetz

COUNSEL: *Craig Lockwood*, for Imperial Tobacco Canada Limited and Imperial Tobacco Company Limited

Trevor Courtis and James Gage, for Rothmans, Benson & Hedges Inc.

Robert I. Thornton and Mitch Grossell, for JTI-Macdonald Corp.

Natasha MacParland and Rui Gao, for FTI Consulting Canada Inc., in its capacity as court-appointed Monitor of Imperial Tobacco Canada Limited and Imperial Tobacco Company Limited

R. Shayne Kukulowicz, for Ernst & Young Inc., in its capacity as court-appointed Monitor of Rothmans, Benson & Hedges Inc.

Linc Rogers and Jake Harris, for Deloitte Restructuring Inc., in its capacity as Monitor of JTI-Macdonald Corp.

Robert Cunningham, for Canadian Cancer Society

Mark E. Meland, Abram Fishman, Tina Silverstein and Andre Lesperance, for Conseil québécois sur le tabac et la santé, Jean-Yves Blais and Cécilia Létourneau (Quebec Class Action Plaintiffs)

Jacqueline Wall, for the Province of Ontario

William Sasso, for The Ontario Flue-Cured Tobacco Growers' Marketing Board

Raymond Wagner, K.C., Representative Counsel for the Pan-Canadian Claimants

Stacy Petriuk, K.C., for the Province of Alberta

André I.G. Michael, for the Province of British Columbia, Province of Manitoba, Province of New Brunswick, Province of Nova Scotia, Province of Prince Edward Island, Province of Saskatchewan, Government of Northwest Territories, Government of Nunavut and Government of Yukon in their capacities as Plaintiffs in the HCCR Legislation Claims

Brett Harrison, for the Province of Quebec

HEARD: August 15, 2025

ENDORSEMENT

[1] This matter concerns the ongoing insolvency proceedings involving JTI-Macdonald Corp. ("JTI"), Imperial Tobacco Canada Limited and Imperial Tobacco Company Limited (collectively, "Imperial") and Rothmans Benson & Hedges Inc. ("RBH"). This endorsement relates to all three Applicants.

[2] Each of Deloitte Restructuring Inc., Monitor of JTI, FTI Consulting Canada Inc., Monitor of Imperial and Ernst & Young Inc., Monitor of RBH bring motions for a Banking Arrangements Order.

[3] The motions proceeded without any opposition.

[4] Among other things, the Banking Arrangements Order: (a) approves the engagement of BMO Trust Company ("BMO") to act as: (i) trustee of the Global Settlement Trusts; and (ii) bare trustee pursuant to the Supplemental Trust Agreements; (B) approves the fees and expenses of BMO; (c) approves the Trust Deeds; (d) approves the Supplemental Trust Agreements; (e) grants the Supplemental Trust Account Charges; and (f) approves the investment guidelines pertaining to the funds held in the Global Settlement Trusts.

[5] The CCAA Plans relating to each of the Applicants were sanctioned on March 6, 2025, with reasons reported at 2025 ONSC 1358. Plan Implementation is expected to take place on August 29, 2025.

[6] It appears that the requested relief is required prior to Plan Implementation.

[7] Having reviewed the record and hearing submissions, I am satisfied that the requested relief is appropriate in the circumstances and is granted.

[8] The orders have been signed in the form submitted.



Chief Justice Geoffrey B. Morawetz

Date: August 15, 2025