

**CITATION:** JTI-MacDonald Corp., 2025 ONSC 3038  
**COURT FILE NO.:** CV-19-615862-00CL  
**DATE:** 2025-05-21

**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**

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

**BEFORE:**   Chief Justice Geoffrey B. Morawetz

**COUNSEL:** *Mitch Grossell and Rudrakshi Chakrabarti*, for JTI-Macdonald Corp.

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

*Natasha MacParland*, 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 and Monique Sassi*, for Ernst & Young Inc. in its capacity as courtappointed Monitor of Rothmans, Benson & Hedges Inc.

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

*Trevor Courtis*, for Rothmans, Benson & Hedges Inc.

*Maria Konyukhova*, British American Tobacco p.l.c., B.A.T. Industries p.l.c. and British American Tobacco (Investments) Limited

*Robert Cunningham*, for the Canadian Cancer Society

*Mark E. Meland*, for Conseil québécois sur le tabac et la santé, JeanYves Blais and Cécilia Létourneau (Quebec Class Action Plaintiffs)

*Jacqueline Wall*, for His Majesty the King in Right of Ontario

*Jesse Mighton*, for 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

*Douglas Lennox*, for Representative plaintiff, Kenneth Knight, in the certified British Columbia Class Action, Knight v. Imperial Tobacco Canada Ltd., Supreme Court of British Columbia, Vancouver Registry No. L031300

**MOTION HEARD:** April 29, 2025

**FURTHER SUBMISSIONS:** May 15, 2025

**REASONS RELEASED:** May 21, 2025

**ENDORSEMENT**

[1] The motion proceeded on April 29, 2025, on an unopposed basis. The evidence to support the requested relief is set out in the 26th and 27th Reports of the Monitor and in the Affidavit of William E. Aziz, sworn April 23, 2025.

[2] The relief as set out in the Notice of Motion requests rectification of two points in paragraph 20 of the Initial Order. However, at the hearing, it became apparent that the Applicant was actually seeking to amend two inadvertent errors in paragraph 20 and relied upon Rule 59.06(1) of the *Rules of Civil Procedure* for such relief.

[3] At the hearing, I indicated that the motion was conditionally approved upon being satisfied that there was direct contact with the Attorney General of Canada, representing Health Canada regarding the motion and that the Monitor was satisfied that no party in interest would be prejudiced if the relief was granted.

[4] The Monitor's 27th Report confirms that direct contact has been made with both the Attorney General of Canada, representing Health Canada and no objection to the requested relief has been made. The Monitor has reaffirmed its view that no party in interest will be prejudiced by the requested relief.

[5] Having reviewed the record, I am satisfied that paragraph 20 of the Initial Order contains two inadvertent errors as referenced in the Notice of Motion and it is appropriate that these errors be corrected as requested by the Applicant.

[6] The Motion is granted and an Order giving effect of the foregoing has been signed.



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Chief Justice Geoffrey B. Morawetz

**Date:** May 21, 2025