

**Attachments:** 2023-02-14 - Endorsement of McEwen J re HSF leave motion.pdf

To the Common Service List:

Please be advised that the Court has set aside March 28, 2023 at 11 a.m. for stay extension motions in these matters.

In addition, further to the attached endorsement, please be advised that McEwen J. has scheduled a hearing on April 14, 2023 at 10 a.m. in respect of a motion by the Heart & Stroke Foundation of Canada (“**HSF**”) seeking leave to bring a motion to appoint Tyr LLP as representative counsel for Future Tobacco Harm Stakeholders, as described in HSF’s previously-served motion materials of September 19, 2022. The following schedule in respect of the motion has been set:

1. February 28: HSF notice of motion for leave and supporting evidence, if any
2. March 14: Responding evidence, including Monitors’ report(s), if any
3. Week of March 20: Cross-examinations on affidavits, if any
4. March 31: HSF factum
5. April 6: Responding facta, including from Monitors
6. April 11: HSF reply factum, if any

Yours truly,

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SUPERIOR COURT OF JUSTICE

COUNSEL SLIP/ENDORSEMENT

COURT FILE NO.: CV-19-00615862-00CL

DATE: 14 February 2023

NO. ON LIST: 1

TITLE OF PROCEEDING: JTI-MACDONALD CORP. ET AL. v. BENSON & HEDGES INC. ET AL.

BEFORE JUSTICE: T. MCEWEN

**PARTICIPANT INFORMATION**

For Plaintiff, Applicant, Moving Party, Crown:

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For Defendant, Respondent, Responding Party, Defence:

Name of Person Appearing	Name of Party	Contact Info
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For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
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ENDORSEMENT OF JUSTICE McLEWEN:

The motion for leave will be heard on April 14/23 @ 10am for 3 hours via Zoom.

I agree with Maritime's counsel that the leave motion should be heard in advance of the motion itself (assuming leave is granted) for the reasons set out in their Aide Memoire. Primarily, proceeding in such a fashion is consistent with my prior endorsements, and I see no real delay in conducting a two step process.

McLewen