

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

Superior Court of Justice
Commercial List

FILE/DIRECTION/ORDER

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

Superior Court of Justice
Commercial List

FILE/DIRECTION/ORDER

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