

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
RSC 1985, c C 36, AS AMENDED

AND IN THE MATTER OF LTL MANAGEMENT LLC

APPLICATION OF LTL MANAGEMENT LLC
UNDER SECTION 46 OF THE
COMPANIES' CREDITORS ARRANGEMENT ACT

RESPONDING MOTION RECORD
(Returnable November 1, 2022)

October 26, 2022

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**Canadian Counsel to the Official Committee of Talc
Claimants**

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(As at September 28, 2022)

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I N D E X

Tab	Description
1.	Affidavit of Monica Faheim, sworn October 26, 2022
Exhibits	
A.	Letter to Linc Rogers dated October 26, 2022

TAB 1

Court File No. CV-21-00673856-00CL

**ONTARIO
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**RESPONDING AFFIDAVIT OF MONICA
FAHEIM**

(Sworn October 26, 2022)

I, Monica Faheim, of the city of City of Mississauga, in the Province of Ontario, **MAKE**

OATH AND SAY:

1. I am a lawyer with the law firm of Miller Thomson LLP, Canadian Counsel to the Official Committee of Talc Claimants, and, as such, have knowledge of the following matters.
2. On October 26, 2022, Miller Thomson LLP delivered to Linc Rogers of Blake, Cassels & Graydon LLP a copy of the letter attached hereto as **Exhibit "A"**.
3. I swear this Affidavit in response to the motion by the Applicant in the above-noted matter and for no other or improper purpose.

SWORN by Monica Faheim of the City of Mississauga, in the Province of Ontario, before me at the Town of Milton, in the Province of Ontario, on October 26, 2022 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:



6F056F5F3BC0405...

Commissioner for Taking Affidavits
(or as may be)

ASIM IQBAL

DocuSigned by:



A027320446B742A...

MONICA FAHEIM

This is Exhibit "A" referred to in the Affidavit of MONICA FAHEIM sworn by MONICA FAHEIM of the City of Mississauga, in the Province of Ontario, before me at the Town of Milton, in the Province of Ontario, on October 26, 2022 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:



6F656F5F38C8485

Commissioner for Taking Affidavits (or as may be)

ASIM IQBAL



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October 26, 2022

Sent Via Email: linc.rogers@blakes.com

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Private and Confidential

Attention: Linc Rogers

Dear Mr. Rogers:

Re: In the Matter of the LTL Management LLC – Court File No. CV-21-00673856-00CL

As you know, we are Canadian Counsel to the Official Committee of Talc Claimants (“TCC”) in the above-noted matter. We are in receipt of the Motion Record of LTL Management LLC (“LTL” or the “Debtor”) returnable November 1, 2022, seeking, among other things, an order recognizing and enforcing in Canada the *Order Appointing Expert Pursuant to Federal Rule of Evidence 607* (the “**Expert Appointment Order**”) entered by the New Jersey Bankruptcy Court, and certain relief related to the activities and accounts of the Information Officer.

The TCC does not oppose the Debtor’s motion for an order recognizing the Expert Appointment Order, nor the approval of the Information Officer’s activities and/or fees.

The purpose of this letter is to respond to certain statements made in the Affidavit of John Kim sworn October 21, 2022 (the “**Kim Affidavit**”) filed in support of the Debtor’s motion. In particular, paragraph 7 of the Kim Affidavit provides:

“New JJCI is now the direct parent of LTL. The 2021 Corporate Restructuring was designed to ensure that LTL has the same, if not greater, ability to fund the costs of defending and resolving future and present talc-related claims as Old JJCI did before the 2021 Corporate Restructuring.”

Respectfully, paragraph 7 of the Kim Affidavit is not a fact; it is the Debtor’s position.

As you know, and for purposes of the Court record, the TCC disputes the Debtor’s position. It is the TCC’s position that the purpose of the 2021 Corporate Restructuring (as defined in

the Kim Affidavit) was to delay the resolution of the claims of the talc plaintiffs by creating an entity that had no reason or motive to get out of bankruptcy or resolve matters with the talc plaintiffs in an expedited and satisfactory manner. The TCC's position is that such restructuring scheme was designed not to expeditiously resolve the claims of the talc plaintiffs but instead to increase the Debtor's (and J&J/JJCI's) leverage against talc plaintiffs.

Yours truly,

MILLER THOMSON LLP

Per:

A handwritten signature in black ink, appearing to be 'AI', with a long horizontal stroke extending to the right.

Asim Iqbal
AI/sg



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Proceeding commenced at TORONTO

RESPONDING AFFIDAVIT OF MONICA FAHEIM

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