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Fishman Flanz Meland Paquin s.e.n.c.r.l./LLP  
1250, boul. René-Lévesque Ouest, Bureau 4100  
Montréal (Québec) H3B 4W8  
Tél.: 514 932-4100  
Télec.: 514 932-4170

Mark E. Meland - mmeland@ffmp.ca

August 25, 2023

**BY EMAIL** ([toronto.commercialist@jus.gov.on.ca](mailto:toronto.commercialist@jus.gov.on.ca))

Chief Justice Geoffrey B. Morawetz  
c/o Commercial List Office  
330 University Avenue, 7<sup>th</sup> Floor  
Toronto, ON M5G 1R8

Re: In the matter of the *Companies' Creditors Arrangement Act*, R.S.C. 1985,  
C.C-36 as amended, and the proceedings of:

|                                |                   |
|--------------------------------|-------------------|
| Imperial Tobacco Canada Ltd.   | CV-19-616077-00CL |
| JTI-MacDonald Corp.            | CV-19-615862-00CL |
| Rothmans, Benson & Hedges Inc. | CV-19-616779-00CL |

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Dear Chief Justice Morawetz,

We represent the Quebec Class Action Plaintiffs (“QCAPs”). By way of context, it was the judgment of the Court of Appeal of Quebec rendered on March 1, 2019 substantially maintaining Justice Riordan’s \$15 Billion judgment in favour of the QCAPs against the tobacco companies that was the trigger for the CCAA filings in the days that followed such decision.

On August 1, 2023, we received an email on behalf of the Monitors advising that the next stay extension hearing in these CCAA proceedings has been scheduled to occur virtually on September 27. That upcoming stay extension request will be the tenth one in these CCAA files.

Subsequent to the August 1 email, we wrote to the Monitors asking that they make a request to Your Honour on the QCAPs’ behalf asking that such hearing take place in open court. We advised the Monitors that the reasons for our request are multiple but include the fact that this is the first occasion that Your Honour will be hearing the parties in these proceedings, the next extension request will occur four and a half years into the CCAA process, and the possibility that the QCAPs and perhaps other stakeholders will seek to adduce evidence through witnesses. We also advised the Monitors that because counsel for all of the parties have not been together in person since the onset of COVID, we believe that an in-person hearing could be beneficial for the process.

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Monitors' counsel responded to us on August 22 that the Monitors remain of the view that the next hearing should take place virtually in order to not inconvenience parties outside of Ontario who may wish to attend the hearing. With great respect, we do not share the Monitors' view regarding our request.

Prior to the onset of COVID, all of the hearings in these CCAA files (including all extension requests) were conducted in person and, to our knowledge, no party raised any issues about the inconvenience of attending court in Toronto, including counsel for the QCAPs who reside in Montreal. Moreover, to the extent that various parties do not wish to attend in person on September 27, the Court could provide for a hybrid hearing with a virtual feed available to any such parties, while all others wishing to be present could attend in person.

We do not make the present request for an in-person hearing lightly. One of the characteristics of these files is that, for the most part over the past few years, hearings before the Court have occurred at six-month intervals when each stay extension request is heard (the last 7 extensions were granted for 6 months each and the last 6 stay extension hearings have been held remotely). We certainly do not intend to make substantive representations in a letter; however, suffice it to say, the thousands of class members that we represent have become very disillusioned by the process and would view a hearing in a formal court setting before the new CCAA judge in this matter as greater recognition of the significance of the issues to be addressed on September 27.

We are of the view that after four and a half years, it would be both appropriate and beneficial for the upcoming stay extension hearing, which will certainly require more than one hour of the Court's time, to occur in open court and we respectfully make that request on behalf of the QCAPs.

Respectfully yours,

**FISHMAN FLANZ MELAND PAQUIN LLP**



Mark E. Meland

MEM/hb

cc: Service List