

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

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 AND ARRANGEMENT OF
ROTHMANS, BENSON & HEDGES INC.

Applicant
FIRST REPORT OF THE CCAA PLAN ADMINISTRATOR
October 23, 2025

INTRODUCTION¹

1. On March 22, 2019, Rothmans, Benson & Hedges Inc. (“**RBH**”, the “**Company**” or the “**Applicant**”) applied for and obtained an initial order (the “**Initial Order**”) under the *Companies' Creditors Arrangement Act* that, amongst other things, (i) granted a stay of proceedings in favour of the Applicant and a limited stay of proceedings in favour of members of the PMI Group (as defined in the Initial Order) in relation to certain proceedings, and (ii) appointed Ernst & Young Inc. as monitor (in such capacity, the “**Monitor**”) of the Applicant in this CCAA proceeding (the “**CCAA Proceeding**”).
2. On April 25, 2019, this Court (the “**CCAA Court**”) issued a further amended and restated Initial Order (the “**Second Amended and Restated Initial Order**”) that, amongst other things, extended a limited stay of proceedings to the Other Defendants (as defined in the Second Amended and Restated Initial Order).
3. Pursuant to Orders dated October 31, 2024, this Court among other things, approved the filing of a plan of compromise or arrangement dated October 17, 2024 (the “**CCAA Plan**”) in respect of the Applicant, set the meeting of creditors for December 12, 2024 (the “**RBH Meeting**”) for affected creditors to vote on the CCAA Plan (such creditors, the “**Eligible**

¹ Capitalized terms used but not otherwise defined have the meanings ascribed to them in the Court-Appointed Mediator’s and Monitor’s Fourth Amended and Restated Plan of Compromise and Arrangement in respect of the Applicant dated August 27, 2025 (the “**Fourth A&R RBH Plan**”).

Voting Creditors”), and approved a claims procedure to identify affected claims against the Applicant for purposes of voting on the CCAA Plan.

4. On December 5, 2024, the Monitor served the first amended and restated plan of compromise or arrangement in respect of the Applicant (the “**A&R RBH Plan**”) on the Common Service List. The RBH Meeting took place virtually on December 12, 2024 and the A&R RBH Plan was unanimously approved by the Eligible Voting Creditors. The A&R RBH Plan was further amended and restated three times, including on February 27, 2025 (such amended and restated version, the “**Third A&R RBH Plan**”).
5. On March 6, 2025, the CCAA Court issued an Order (the “**Sanction Order**”) and endorsement sanctioning the Third A&R RBH Plan. On the same day, the Court issued an Order appointing Ernst & Young Inc. as the CCAA Plan Administrator in respect of RBH (the “**CCAA Plan Administrator**”).
6. On August 27, 2025, the CCAA Court issued an Order approving the Fourth A&R RBH Plan which further amended the Third A&R RBH Plan. The Fourth A&R RBH Plan was implemented on August 29, 2025.

PURPOSE

7. The purpose of this first report of the CCAA Plan Administrator (the “**First Report**”) is to provide information to this Court with respect to:
 - i) the progress of the administration of the Pan-Canadian Claimants’ Compensation Plan (the “**PCC Claims Administration**”) and the Quebec Class Action Administration Plan (the “**QCAP Claims Administration**”); and
 - ii) the communication protocol between the CCAA Court and the Quebec Superior Court (the “**Court-to-Court Communication Protocol**”).

TERMS OF REFERENCE

8. In preparing this First Report and making the comments herein, the CCAA Plan Administrator has been provided with, and has relied upon information provided by and

discussions held with Epiq Class Action Services Canada, Inc. (“**Epiq**”) (collectively, the “**Information**”).

9. Unless otherwise indicated, the CCAA Plan Administrator’s understanding of factual matters expressed in this First Report concerning the Applicant and its business and the PCC Claims Administration and QCAP Claims Administration are based on the Information, and not independent factual determinations made by the CCAA Plan Administrator.
10. Copies of the Monitor’s prior reports and all motion records and Orders in the CCAA Proceeding are available on the Monitor/CCAA Plan Administrator’s website at www.ey.com/ca/rbh. The Monitor/CCAA Plan Administrator has also established a toll-free phone number that is referenced on the Monitor/CCAA Plan Administrator’s website so that parties may contact the CCAA Plan Administrator if they have questions with respect to the CCAA Proceeding.
11. This First Report was prepared in coordination with the CCAA Plan Administrators of the other Tobacco Companies. The CCAA Plan Administrator understands that the reports to be filed by such other CCAA Plan Administrators will be substantially the same as this First Report.

PCC COMPENSATION PLAN AND QUEBEC ADMINISTRATION PLAN

12. Following the implementation of the Fourth A&R RBH Plan, the QCAP Claims Administration and PCC Claims Administration were commenced on August 29, 2025 and September 2, 2025, respectively. The QCAP Claims Application Deadline to file QCAP Claims is August 31, 2026 and the PCC Claims Application Deadline to file PCC Claims is September 3, 2027. Pursuant to the terms of the Claims Administrator Order dated August 27, 2025, Epiq, in its role as Claims Administrator (in such capacity, the “**Claims Administrator**”), has provided the CCAA Plan Administrators, the Court-Appointed Mediator and certain other parties with weekly reports that include details on the costs incurred and the progress of the QCAP Claims Administration and PCC Claims Administration.

13. As of October 12, 2025, the Claims Administrator reports that 156 PCC Claims and 288 QCAP Claims have been submitted to the Claims Administrator for review; no PCC Claims or QCAP Claims have been approved or rejected. Mass media promotion of the QCAP Claims Administration and PCC Claims Administration is expected to begin shortly with newspaper advertisements scheduled to begin running on November 5, 2025. The CCAA Plan Administrator has been advised by the Claims Administrator that a ramp up of this nature is normal in claims administrations of this kind. Furthermore, the Claims Administrator has advised the CCAA Plan Administrator that all minor start up issues have been resolved satisfactorily in a timely fashion.
14. The CCAA Plan Administrator understands that, pursuant to an Order issued by the Quebec Superior Court, the Régie de L'assurance Maladie du Québec has provided certain personal medical information of the Quebec Class Action Plaintiffs and Pan-Canadian Claimants to the agent for the QCAPs and to Epiq in its capacity as PCC Agent to assist with the preparation of individual claims.
15. The Claims Administrator is further required to provide a report to the CCAA Plan Administrator identifying and explaining any unusual, unexpected or inexplicable events that occurred or are out of the ordinary trends observed in the PCC Claims Administration and the QCAP Claims Administration. No such reports have been provided to date. In the event any such events are reported by the Claims Administrator, the CCAA Plan Administrator will further report to this Court.

COURT TO COURT COMMUNICATION PROTOCOL

16. Pursuant to the terms of the Fourth A&R RBH Plan, the CCAA Court and the Quebec Superior Court have joint oversight and supervision of the QCAP Claims Administration.
17. To facilitate this oversight and supervision, on October 17, 2025, the CCAA Court and Quebec Superior Court jointly approved a Court-to-Court Communication Protocol. The Court-to-Court Communication Protocol was served on the Common Service List on October 17, 2025.

18. Among other things, the Court-to-Court Communication Protocol stipulates that the Quebec Superior Court and CCAA Court may communicate with each other, no party other than the Court-Appointed Mediator and the CCAA Plan Administrators/Monitors or their counsel may communicate with either Court on an *ex parte* basis, and any joint hearings shall be heard in writing, unless otherwise directed by the Courts. The Court-to-Court Communication Protocol is attached as Appendix “A”.

All of which is respectfully submitted this 23rd day of October, 2025.

ERNST & YOUNG INC.

**In its capacity as CCAA Plan Administrator of
Rothmans, Benson & Hedges Inc.**

Per:

A handwritten signature in black ink, appearing to be 'MK' or similar initials, written in a cursive style.

Matt Kaplan
Senior Vice President

Appendix “A”



SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

Direction

COURT FILE NO.: CV-19-616077-00CL
CV-19-616779-00CL
CV-19-615862-00CL

DATE: October 15, 2025

IMPERIAL TOBACCO CANADA LIMITED et al v. JTI-MACDONALD CORP. et al
&
ROTHMANS, BENSON & HEDGES INC. v. IMPERIAL TOBACCO CANADA LIMITED et al
&
JTI-MACDONALD CORP. et al v. BENSON & HEDGES INC. et al

SUPERIOR COURT OF QUÉBEC
N°: 500-06-000076-980

CONSEIL QUÉBÉCOIS SUR LE TABAC ET LA SANTÉ
-and-
JEAN-YVES BLAIS
-and-
JTI-MACDONALD CORP.
-and-
IMPERIAL TOBACCO CANADA LIMITED
-and-
ROTHMANS, BENSON & HEDGES INC.
v.
FTI CONSULTING CANADA INC.
-and-
ERNST & YOUNG INC.
-and-
DELOITTE RESTRUCTURING INC.

DIRECTION

[1] Pursuant to Section 7.2 of the CCAA Plans, the Ontario Superior Court of Justice (the “CCAA Court”) and the Superior Court of Québec approve the Court-to-Court Communication Protocol attached as Schedule “A”.

Catherine Piche
Signature numérique
de Catherine Piche
Date : 2025.10.17
14:33:04 -04'00'

Justice Catherine Piché


Chief Justice Geoffrey B. Morawetz

**COURT-TO-COURT COMMUNICATION PROTOCOL
(CCAA COURT & SUPERIOR COURT OF QUÉBEC)**

Background

1. Pursuant to Section 7.2 of the CCAA Plans, certain procedural matters related to the ongoing supervision of the Québec Administration Plan are to be heard and determined jointly by the CCAA Court and the Superior Court of Québec (together the “**Courts**”). In performing this function, the Courts may establish a protocol for communicating with each other.¹

2. This protocol (the “**Court-to-Court Protocol**”) is intended to govern the communications between the Courts in respect of the supervision of the Québec Administration Plan for the efficient administration thereof and was informed by the “Guidelines for Communication and Cooperation between Courts in Cross-Border Insolvency Matters” issued by the Judicial Insolvency Network in 2016 which can be found [here](#).

COMMUNICATION AND COOPERATION

3. The Courts may communicate between one another directly, with or without counsel present, to discuss, on an on-going basis, the supervision of the Québec Administration Plan. No party, other than the Court-Appointed Mediator in accordance with the Endorsement dated May 24, 2019, and the CCAA Plan Administrators/Monitors or their counsel in their capacity as Court Officers, may communicate with the Courts on an *ex parte* basis.

4. The Courts may also communicate with each other for the purpose of making the Joint Hearing (as defined below) efficient and orderly and to resolve any procedural, administrative or preliminary

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Schedule “A”

matters. Such communications may take place through the following methods or such other method as may be agreed by the Courts:

- (a) sending or transmitting copies of draft or formal orders, judgments, opinions, reasons for decision, endorsements, transcripts of proceedings or other documents directly to the Courts and if appropriate, in their sole discretion, providing advance notice to counsel for affected parties in such manner as the Courts consider appropriate, in their sole discretion; and
- (b) directing counsel to transmit or deliver copies of documents, pleadings, affidavits, briefs or other documents that are filed or to be filed with the Courts in such fashion as may be appropriate and, if appropriate in their sole discretion, providing advance notice to counsel for affected parties in such manner as the Courts consider appropriate, in their sole discretion.

JOINT HEARINGS

5. The Courts may conduct a joint hearing (a “**Joint Hearing**”) in respect of a procedural matter related to the supervision of the Québec Administration Plan. In connection with any Joint Hearing, the following shall apply:

- (a) Joint Hearings shall be heard in writing, unless otherwise directed by the Courts;
- (b) if a Joint Hearing is directed by the Courts to be heard orally, the Courts must be able simultaneously to hear and view the proceedings. Consideration will be given as to how to provide the best virtual/audio-visual access possible including translation capability;
- (c) the Courts shall coordinate the process and format for submissions and evidence filed or to be filed prior to the Joint Hearing;

Schedule "A"

- (d) the Courts are entitled to communicate with each other in advance of a Joint Hearing, with or without counsel being present, to establish the procedures for the orderly making of submissions (if not heard in writing), and to resolve any procedural, administrative or preliminary matters;
- (e) the Courts, subsequent to the Joint Hearing, are entitled to communicate with each other, without counsel present, for the purpose of deliberating; and
- (f) any decision rendered in respect of a Joint Hearing, whether heard in writing or otherwise, shall be in the form of a short written endorsement issued jointly by the Courts, unless otherwise determined by the Courts.

Catherine
Piche

Signature numérique
de Catherine Piche
Date : 2025.10.17
14:33:44 -04'00'

Justice Catherine Piché



Chief Justice Geoffrey B. Morawetz



SUPERIOR COURT
(Class Action Division)

Direction

DATE: October 15, 2025

SUPERIOR COURT OF QUÉBEC

N°: 500-06-000076-980

CONSEIL QUÉBÉCOIS SUR LE TABAC ET LA SANTÉ

-and-

JEAN-YVES BLAIS

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ROTHMANS, BENSON & HEDGES INC.

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ONTARIO SUPERIOR COURT OF JUSTICE

COURT FILE NO.: CV-19-616077-00CL

CV-19-616779-00CL

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Catherine Piché
Signature numérique de
Catherine Piché
Date: 2025.10.17 14:28:53 -0400

Justice Catherine Piché

Chief Justice Geoffrey B. Morawet

Schedule “A”

Date: October 15, 2025

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Schedule "A"

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Catherine Piché Signature numérique de Catherine
Piché
Date : 2025.10.17 14:29:17 -04'00'

Justice Catherine Piché



Chief Justice Geoffrey B. Morawetz

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ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)
PROCEEDING COMMENCED AT TORONTO

**FIRST REPORT OF THE CCAA PLAN
ADMINISTRATOR**

Cassels Brock & Blackwell LLP
SUITE 3200, BAY ADELAIDE CENTRE – NORTH
TOWER
40 TEMPERANCE STREET
TORONTO, ON M5H 0B4

R. Shayne Kukulowicz
Tel: 416-860-6463
Email: skukulowicz@us.cassels.com

Monique Sassi
Tel: 416-860-6886
Email: msassi@cassels.com

Alec Hoy
Tel: 416-860-2967
Email: ahoy@cassels.com

Lawyers for the CCAA Plan Administrator
