

**SUPERIOR COURT
(Class Action Division)**

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTRÉAL

No.: 500-06-000076-980

DATE: July 21, 2025

BEFORE: THE HONOURABLE CATHERINE PICHE, S.C.J.

**In the matter of the implementation of the
Quebec Administration Plan**

CONSEIL QUÉBÉCOIS SUR LE TABAC ET LA SANTÉ

Applicant

-and-

JTI MACDONALD CORP.

-and-

IMPERIAL TOBACCO CANADA LIMITED

-and-

ROTHMANS, BENSON & HEDGES INC.

Respondents

-and-

DELOITTE RESTRUCTURING INC.,

-and-

FTI CONSULTING INC.

-and-

500-06-000076-980

ERNST & YOUNG INC.

-and-

ATTORNEY GENERAL OF QUEBEC

Interveniers

-and-

RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC

-and-

SERVICES PROACTIO INC.

-and-

EPIQ CLASS ACTION SERVICES CANADA INC.

-and-

THE LAW PRACTICE OF WAGNER & ASSOCIATES INC.

Mis en cause

ORDER

[1] **CONSIDERING** the *Application for an order authorizing and directing the RAMQ and MSSS to provide official confirmations for class members in Quebec and the supporting documents*;

[2] **WHEREAS**, as part of the proceedings undertaken under the *Companies' Creditors Arrangement Act (CCAA)*, the arrangement plans for each of the defendants (the "**CCAA Plans**") have been presented for approval to the Superior Court of the Province of Ontario (the "**CCAA Court**");

[3] **WHEREAS** the CCAA Plans were approved on March 6, 2025, by the CCAA Court;

[4] **WHEREAS** this Court assists and supports the **CCAA Court** and will jointly oversee with it the implementation of the **Quebec Administration Plan** contained in the **CCAA Plans** aimed at governing the claims process;

[5] **CONSIDERING** the representations by counsel at the hearing;

THE COURT:

[6] **ALLOWS** the *Application for an Order Authorizing and Directing the Régie de l'assurance maladie du Québec (RAMQ) and the Ministère de la santé et des services sociaux (MSSS) to provide official confirmations for class members in Quebec* (the "**Application**");

[7] **DECLARES** that the terms defined in this order (in bold) have the same meaning as is assigned to them in the Application;

[8] **AUTHORIZES** the MSSS and the RAMQ to extract the information described below as soon as possible from the **Official Registries** or the **FIPA for Compensable Diseases** up to March 8, 2019, based on the criteria and parameters described below, and authorizes them to create three lists grouping all the extractions performed:

1. Information related to all Lung Cancer diagnoses (List 1), namely:

- The first and lastnames of the person who received the diagnosis
- The date of birth of the person who received the diagnosis
- The sex of the person who received the diagnosis
- The full name of the mother of the person who received the diagnosis
- The **HIN** of the person who received the diagnosis
- The type of cancer diagnosed
- The date of the diagnosis
- The date of death, if applicable

2. Information related to all diagnoses of Throat Cancer (List 2), namely:

- The first and lastnames of the person who received the diagnosis
- The date of birth of the person who received the diagnosis
- The sex of the person who received the diagnosis

- The full name of the mother of the person who received the diagnosis
- The **HIN** of the person who received the diagnosis
- The type of cancer diagnosed
- The date of the diagnosis
- The date of death, if applicable

3. Information related to all diagnoses of Emphysema (List 3), namely:

- The family and given names of the person who received the diagnosis
- The date of birth of the person who received the diagnosis
- The sex of the person who received the diagnosis
- The full name of the mother of the person who received the diagnosis
- The **HIN** of the person who received the diagnosis
- The date of diagnosis and/or, for MED-ECHO, the admission date related to the diagnosis
- The date of death, if applicable

[9] **AUTHORIZES** the RAMQ to extract information as soon as possible concerning billing data for healthcare professionals related to a diagnosis of Emphysema up to March 8, 2019, and to create a fourth list (List 4), grouping the following information from the extractions from the FIPA and from the billing data for healthcare professionals:

- The first and lastnames of the person who received the diagnosis
- The date of birth of the person who received the diagnosis
- The sex of the person who received the diagnosis
- The full name of the mother of the person who received the diagnosis
- The **HIN** of the person who received the diagnosis
- The name of the physician who made the diagnosis

- The date or dates of the diagnosis
- The date of death, if applicable

[10] **AUTHORIZES** the RAMQ to communicate the information contained in Lists 1, 2, 3 and 4 to Proactio Inc. and EPIQ Class Action Services Canada Inc. in their capacity as agents for **Counsel for the Members'** and **Counsel representing the PCCs**, respectively, designated under the **Quebec Administration Plan** and the **PCC Administration Plan**, respectively (the "**Authorized Parties**"), in the agreed format;

[11] **AUTHORIZES** the **Authorized Parties** to communicate, if applicable, the **HIN** of the person who received the diagnosis to the Succession Claimants who have proven their status as heirs, or to their legal representatives as defined in the **CCAA Plans** and to the estate trustee of the person for whom a claim is being submitted;

[12] **AUTHORIZES** the **Authorized Parties** to communicate the official confirmations they have received and any related information extracted from lists 1, 2, 3, and 4, to the **Claims Administrator** in Ontario once the claimant has provided consent for the transmission of this information to the **Claims Administrator**;

[13] **ORDERS** the **Authorized Parties** and the **Claims Administrator** to use the information contained in Lists 1, 2, 3, and 4 and the **Official Confirmations** in accordance with the powers, rights, and obligations as set forth in the CCAA Plans, the Quebec Administration Plan, the PCC Administration Plan, the approval orders of March 6, 2025, and any other order that may be issued with respect to these documents;

[14] **ORDERS** the **Authorized Parties** to handle Lists 1, 2, 3, and 4 in a strictly confidential manner, to take the necessary measures to ensure such confidentiality and the protection of the information contained in those lists and the **Official Confirmations** so they are used only for the purpose of asserting a **claim** under the **Quebec Administration Plan** or the **PCC Administration Plan**;

[15] **ORDERS** the **Authorized Parties** to provide the MSSS and the RAMQ, before the communication of Lists 1, 2, 3, and 4, a confidentiality agreement completed by any person to whom the information may be communicated or who may use it for the execution of this order;

[16] **ORDERS** the **Authorized Parties** not to disclose or host the information contained in Lists 1, 2, 3, and 4 outside Quebec, except for the purpose of transmitting the **Official Confirmations** to the **Claims Administrator** in Ontario;

[17] **ORDERS** the **Authorized Parties** to immediately advise the person responsible for protecting information at the MSSS or RAMQ of any breach or attempted breach by any person of any of the obligations related to the protection of the information contained in

Lists 1, 2, 3 and 4 or the **Official Confirmations** provided for in this order, and to allow the MSSS or RAMQ to conduct any verifications or investigations related to the protection of information communicated under this order; and

[18] **ORDERS** the **Authorized Parties** not to retain the information contained in Lists 1, 2, 3, and 4 or in the Official Confirmations and to securely destroy it along with any copies of said information three years following the end of the distribution process provided for in the **Quebec Administration Plan** included in the **CCAA Plans**;

[19] **ORDERS** that the **Claims Administrator** be subject to the confidentiality obligations set out in paragraphs 14 to 18 hereof, with respect to the **Official Confirmations** it receives and any information related thereto that is extracted from Lists 1, 2, 3, and 4.

[20] **THE WHOLE** without costs.

[SIGNATURE]

CATHERINE PICHÉ, S.C.J.