

Court of Appeal No. CA030975  
Supreme Court File No. S010421

**COURT OF APPEAL FOR BRITISH COLUMBIA**

On Appeal from the Supreme Court of British Columbia Judgment of The Honourable Mr. Justice  
Holmes, pronounced the 5th day of June, 2003

BETWEEN:

**HER MAJESTY THE QUEEN IN RIGHT OF BRITISH COLUMBIA**  
APPELLANT (PLAINTIFF)

- and -

**IMPERIAL TOBACCO CANADA LIMITED ET AL**  
RESPONDENTS (DEFENDANTS)

Court of Appeal File No. CA030976  
Supreme Court File No. S010423

AND BETWEEN:

**JTI-MACDONALD CORP.**  
RESPONDENT (PLAINTIFF)

- and -

**ATTORNEY GENERAL OF BRITISH COLUMBIA**  
APPELLANT (DEFENDANT)

Court of Appeal File No. CA030977  
Supreme Court File No. S010424

AND BETWEEN:

**IMPERIAL TOBACCO CANADA LIMITED**  
RESPONDENT (PLAINTIFF)

- and -

**ATTORNEY GENERAL OF BRITISH COLUMBIA**  
APPELLANT (DEFENDANT)

Court of Appeal File No. CA030978  
Supreme Court File No. S010425

AND BETWEEN:

**ROTHMANS, BENSON & HEDGES INC.**  
RESPONDENT (PLAINTIFF)

- and -

**ATTORNEY GENERAL OF BRITISH COLUMBIA**  
APPELLANT (DEFENDANT)

**ORDER OF A JUSTICE**

BEFORE THE HONOURABLE MADAM JUSTICE HUDDART

IN CHAMBERS ON December 2, 2004.



APPROVED AS TO FORM:

Jack Giles per KAT

Solicitor for the Applicant  
JTI-Macdonald Corp.

W.S. Bernardino per KAT

Solicitor for the Applicant  
Imperial Tobacco Canada Limited

James A. Macaulay per KAT

Solicitor for the Applicant  
Rothmans, Benson & Hedges Inc.

Loyal Russell per KAT

Solicitor for the Applicant  
Canadian Tobacco Manufacturers' Council

[Signature]

Solicitor for the Respondents  
Her Majesty The Queen in Right of British Columbia and  
Attorney General of British Columbia

*[Handwritten initials]*  
EJBC

ENTERED  
DEC 16 2004  
VANCOUVER  
REGISTRY

CHECKED  
M.L.



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**ORDER OF A JUSTICE**

BEFORE THE HONOURABLE MADAM JUSTICE HUDDART

IN CHAMBERS ON December 2, 2004.

THE APPLICATION of JTI-Macdonald Corp., Imperial Tobacco Canada Limited, Rothmans, Benson & Hedges Inc. and Canadian Tobacco Manufacturers' Council, coming on for hearing this day at Vancouver, British Columbia, AND ON HEARING Jack Giles, Q.C., Jeffrey J. Kay, and Dylana Bloor, counsel for the Applicant, JTI-Macdonald Corp., William S. Berardino, Q.C. and David C. Harris, counsel for the Applicant, Imperial Tobacco Canada Limited, Kenneth N. Affleck, Q.C. and Ian Christman, counsel for the Applicant, Rothmans, Benson & Hedges Inc., Loryl D. Russell and Maryanne Prohl, counsel for the Applicant, Canadian Tobacco Manufacturers' Council, and Elliott M. Myers, Q.C. and James Duvall, counsel for the Respondents, Her Majesty The Queen in Right of British Columbia and Attorney General of British Columbia, AND ON READING the materials filed herein;

IT IS ORDERED that, pursuant to section 65.1(1) of the *Supreme Court Act*, R.S.C. 1985, c. S-26, proceedings in British Columbia Supreme Court Action No. S010421 (the "Government's Action") be stayed pending the determination by the Supreme Court of Canada of the applications of the Applicants filed on June 22, 2004, for leave to appeal the decision of this Court pronounced on May 20, 2004, and, if leave to appeal is granted, pending the determination by the Supreme Court of Canada itself whether proceedings ought to be stayed pending the disposition of the appeal, with two agreed conditions:

1. the parties may settle the form of confidentiality Order pronounced by R. Holmes J. on November 22, 2004 with respect to lists of documents and settle a confidentiality Order in respect of documents; and
2. in the event leave to appeal is granted, the Applicants proceed forthwith to file an application to the Supreme Court of Canada for a stay of proceedings in the Government's Action pending the disposition of the appeal.

Liberty to apply and costs in the Appeal.

*Jack Giles*  
CJBE  
for "CM Heddert Qc"

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JTI-Macdonald Corp.

W. S. Bernardino per KAT

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Imperial Tobacco Canada Limited

James A Macaulay per KAT

Solicitor for the Applicant  
Rothmans, Benson & Hedges Inc.

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Solicitor for the Applicant  
Canadian Tobacco Manufacturers' Council

[Signature]

Solicitor for the Respondents  
Her Majesty The Queen in Right of British Columbia and  
Attorney General of British Columbia

*[Handwritten initials]*  
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APPELLANT (DEFENDANT)

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**ORDER**

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JMG/str

File No.: 12974-003

**FARRIS, VAUGHAN, WILLS & MURPHY**  
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2600 - 700 West Georgia Street  
Vancouver, B.C. V7Y 1B3  
Telephone: (604) 684-9151

**RUSSELL**

**dd**  
**DYE & DURHAM**

CO: BULL HOUSSER  
ATTN: TELLI/E  
REF: 97-6255  
TOBACCO.