

Law Division

Imperial Tobacco Ltd



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**MEMORANDUM**

**To :** Messrs. S. Chalfen, P. Clarke, N. Witthington, K. Wells, T. Burke,  
R. Northrip, S. Potter, T. Grivakes, R. Carew  
Mrs. M. Weir

**From :** Roger S. Ackman

**Date :** May 6, 1996

**Subject :** David Rowland vs. Imperial Brands Ltd.

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On Thursday, May 2, 1996, Imperial Brands Ltd. (Imperial Tobacco Limited) was served with a process (copy of which is attached), filed in the Vancouver Registry of the Supreme Court of B.C. on March 21, 1996, claiming general, aggravated, punitive and exemplary damages in respect of injuries suffered by plaintiff due to Buerger's disease. At the time of this memo, little or nothing is known about the plaintiff other than that contained in the attached materials.

Attorney for Mr. Rowland is Russell V. Stanton (now associated with A. Ted Ewachniuk and Associates). Mr. Stanton brought the previous case against RJR Macdonald Inc. (Perron vs. RJR Macdonald Inc.) This case, while still alive, would appear to be at a standstill.

Appearance has been filed on behalf of Imperial Brands Ltd. We will keep you informed in respect of this case.

Att.

700367841

SENT BY: IMPERIAL TOBACCO : 5- 6-96 :11:46AM :

SECRETARIAL- 01784 455000:# 3/ 4

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No.  
VANCOUVER REGISTRY



IN THE SUPREME COURT OF BRITISH COLUMBIA

DAVID BRIAN ROWLAND

PLAINTIFF

IMPERIAL BRANDS LTD.

DEFENDANT

WRIT OF SUMMONS



Name and address  
of each Plaintiff:

MR. DAVID ROWLAND  
12432 - 70th Avenue  
Surrey BC V3W 0P8

Name and address  
of each Defendant:

IMPERIAL BRANDS LTD.  
3810 St-Antoine St  
Montreal, Quebec H4C 1B5

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

TO THE DEFENDANT: IMPERIAL BRANDS LTD.

TAKE NOTICE that this action has been commenced against you by the Plaintiff for the claim set out in this Writ. IF YOU INTEND TO DEFEND this action, or if you have a set-off or counterclaim which you wish to have taken into account at the trial, YOU MUST GIVE NOTICE of your intention by filing a form entitled "Appearance" in the above registry of this Court with the Time for Appearance endorsed hereon and YOU MUST ALSO DELIVER a copy of the "Appearance" to the Plaintiff's address for delivery, which is set out in this Writ.

YOU OR YOUR SOLICITOR may file the "Appearance". You may obtain a form of "Appearance" at the Registry. IF YOU FAIL to file the "Appearance" within the proper Time for Appearance, JUDGMENT MAY BE TAKEN AGAINST YOU without further notice.

TIME FOR APPEARANCE

Where this Writ is served on a person in British Columbia, the time for appearance by that person is 7 days from the service (not including the day of service.)

Where this Writ is served on a person outside British Columbia, the time for appearance by that person, after service, shall be 21 days in the case of a person residing anywhere within Canada, 28 days in the case of a person residing in the United States of America, and 42 days in the case of a person residing elsewhere. (or where the time for appearance has been set by order of the Court, within that time).

1. THE ADDRESS OF THE REGISTRY IS: 800 Smith Street  
Vancouver, British Columbia V6Z 2E1

700367842

- 2. The ADDRESS FOR DELIVERY is:  
Marina Place, 8331 River Road  
Richmond, B.C. V6X 1Y1  
Telephone: 273-1844. Fax: 273-5625
- 3. The name and office address of the plaintiff's solicitor is:  
RUSSELL V. STANTON  
A. TED EWACHNIUK & ASSOCIATES  
Marina Place, 8331 River Road  
Richmond, B.C. V6X 1Y1  
Telephone: 273-1844. Fax: 273-5625

*10/4/20*  
*S. 2/05/96*

PLACE OF TRIAL: VANCOUVER, BRITISH COLUMBIA

ENDORSEMENT

The Plaintiff's claim against the Defendant is:

- 1. For general, aggravated, punitive and exemplary damages for:
  - a. failure to warn, or to warn adequately the Plaintiff of the risk of injury from smoking tobacco while he was suffering from, or pre-disposed to develop, Buerger's Disease (Thrombo angiitis obliterans (TAO)) when it knew or ought to have known the effect that smoking had upon the said disease;
  - b. failure to warn of the addictive nature of nicotine;
  - c. failure to design, manufacture and market products which were not addictive;
  - d. failure to design, manufacture and market cigarettes without nicotine;
  - e. breach of the implied warranty that its product was not defective and fit for the purpose;
  - f. breach of its duty to inform the Plaintiff of the serious risk to him associated with smoking;
  - g. the tort of deceit;
  - h. negligent misrepresentation;
  - i. breach of warranty;
- 2. The Plaintiff also claims:
  - a. costs;
  - b. such further and other relief as the nature of the case may require and this Honourable Court deems just.

AND the Plaintiff claims for costs.

March 20, 1996  
Dated  
File #96025/km

  
Solicitor for the Plaintiff

700367843