

Bracewell LLP

1251 Avenue of the Americas
New York, NY 10020-1100
Telephone: (212) 508-6100
Facsimile: (212) 508-6101
Jennifer Feldsher
Mark E. Dendinger

*Attorneys for FTI Consulting Canada Inc.
In its Capacity as Monitor and Foreign Representative for the Debtor*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

IMPERIAL TOBACCO CANADA LIMITED,

Debtor in a Foreign Proceeding.

Chapter 15
Case No. 19-10771 (SCC)

**NOTICE OF FILING OF AND HEARING ON
PETITION FOR RECOGNITION UNDER CHAPTER 15 OF THE
UNITED STATES BANKRUPTCY CODE AND MOTION FOR RELATED RELIEF**

PLEASE TAKE NOTICE that on March 13, 2019, FTI Consulting Canada Inc., in its capacity as the court-appointed monitor (“Monitor”) and authorized foreign representative of Imperial Tobacco Canada Limited (the “Debtor”) in a proceeding (the “Canadian Proceeding”) under Canada’s *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended, pending before the Ontario Superior Court of Justice (Commercial List) at Toronto, commenced a Chapter 15 case ancillary to the Canadian Proceeding, seeking recognition of such foreign proceeding as a “foreign main proceeding” and relief in aid of the Canadian Proceeding in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) with respect to the Debtor.

PLEASE TAKE FURTHER NOTICE that the Monitor seeks entry of an order (i) recognizing the Canadian Proceeding as a “foreign main proceeding” pursuant to section 1517 of Title 11 of the United States Code (the “Bankruptcy Code”), (ii) granting all relief automatically available pursuant to section 1520 of the Bankruptcy Code, including a stay of execution against the Debtor’s assets in the United States and express authorization from the Court for the Debtor to maintain its supply chain, inventory management and distribution processes and otherwise continue its business operations in the United States in the ordinary course, and barring, enjoining, and staying, pursuant to section 362 of the Bankruptcy Code, any action to interfere with these assets, business operations and processes, (iii) the extension of any provisional relief granted under



section 1519(a) on a permanent basis in accordance with section 1521(a)(6) of the Bankruptcy Code; and (iv) such other and further relief as is appropriate under the circumstances pursuant to sections 105(a) and 1507 of the Bankruptcy Code.

PLEASE TAKE FURTHER NOTICE that the Bankruptcy Court has scheduled a hearing to consider the relief requested by the Monitor for 2:00 p.m. (prevailing Eastern Time) on April 15, 2019 (the “Recognition Hearing”). Copies of the Monitor’s Verified Petition for Recognition of Foreign Main Proceeding and Related Relief (the “Verified Petition”) and all other accompanying documentation are available to parties-in-interest on the Bankruptcy Court’s Electronic Case Filing System, which can be accessed at the Bankruptcy Court’s website at <http://nysb.uscourts.gov> (a PACER login and password is required to retrieve a document) or upon written request to the Monitor’s counsel (including facsimile or email) addressed to:

Bracewell LLP
Attn: Mark E. Dendinger
1251 Avenue of Americas
New York, New York 10020-1104
Facsimile: (212) 508-6101
Email: Mark.Dendinger@bracewell.com

PLEASE TAKE FURTHER NOTICE that, at the hearing, the Court may order the scheduling of a case management conference to consider the efficient administration of the case.

PLEASE TAKE FURTHER NOTICE that any party in interest wishing to submit a response or objection to the Verified Petition or the relief requested therein must do so in writing, and in accordance with the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Local Rules for the Bankruptcy Court for the Southern District of New York, setting forth the basis therefor, which response or objection must be filed electronically with the Court on the Court’s electronic case filing system in accordance with General Order M-399 and the Court’s Procedures for the Filing, Signing and Verification of Documents by Electronic Means (copies of which may be viewed on the Court’s website at www.nysb.uscourts.gov), and by all other parties in interest on a compact disc (CD), preferably in Portable Document Format (PDF), Word Perfect, or any other Windows-based word processing format, which CD shall be sent to the Office of the Clerk of the Court, One Bowling Green, New York, New York. A hard copy of such response or objection shall be sent to (i) the chambers of Shelley C. Chapman, United States Bankruptcy Judge and (ii) served upon Bracewell LLP, Attn: Jennifer Feldsher and Mark E. Dendinger, 1251 Avenue of the Americas, New York, NY 10020-1100, counsel to the Monitor, **so as to be received no later than 4:00 pm ET, on April 8, 2019.**

PLEASE TAKE FURTHER NOTICE that all parties in interest opposed to the Verified Petition or the relief requested therein must appear at the Recognition Hearing at the time and place set forth above.

PLEASE TAKE FURTHER NOTICE that if no response or objection is timely served as provided herein, the Court may grant the relief requested in the Verified Petition without further notice.

PLEASE TAKE FURTHER NOTICE that the Recognition Hearing may be adjourned from time to time without further notice other than an announcement in open court, or a notice of adjournment filed with the Court, of the adjourned date or dates at the hearing or any other further adjourned hearing.

Dated: March 14, 2019
New York, New York

By: /s/ Jennifer Feldsher
Jennifer Feldsher
Mark E. Dendinger
BRACEWELL LLP
1251 Avenue of Americas
New York, New York 10020-1104
Telephone: (212) 508-6100
Facsimile: (212) 398-3837
Jennifer.Feldsher@bracewell.com
Mark.Dendinger@bracewell.com

*Attorneys for FTI Consulting Canada Inc.
In its Capacity as Monitor and Foreign
Representative for the Debtor*