

BY Priority Mail

March 29, 2019

Hon. Shelley C Chapman  
United States Bankruptcy Judge  
Southern District of New York  
One Bowling Green  
New York, NY 10004

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OBJECTIONS IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF IMPERIAL TOBACCO COMPANY CANADA LIMITED CHAPATER 15 PETITION-CASE NO. 19-10771 (SSC)

1. My name is Glen R. Jones and my residence and mailing address is 23 Ashler Ave. Los Gatos, CA 95030. My email address is glenjones38@hotmail.com and my telephone number is (408) 771-8763. I am 77 years of age and fully retired. Attendance at the hearing in this matter in New York City is not feasible for me and accordingly I am submitting my objections in writing.

2. From 1976 to 1986 I was employed by Genstar Corporation ("Genstar") headquartered in San Francisco, CA a U.S. subsidiary of the Debtor as Corporate Counsel. I participated voluntarily in the Genstar Deferred Income Plan ("DIP.") The DIP provided for participants to contribute a portion of their salaries into the plan in return for stipulated monthly retirement payments from age 65 to 80.

3. In Section 14 on page 6 of the Verified Petition the Debtor proposes to continue to fund ordinary course payments to their pension and retirement plans of US subsidiaries with the exception of (i) a deferred income plan for approximately 53 individuals who are former senior management employees of Genstar (the "DIP") (ii) a supplement executive retirement plan for 14 individuals and (iii) a supplementary plan for 3 individuals "(collectively the "Plans"). I am a participant in the DIP plan to which I made salary deduction contributions and I have been receiving regular monthly payments according to the plan since my age 65. I see no reason why contributions to the DIP should be treated in a discriminatory manner from the ordinary course payments to all of the pension and retirement plans of the US subsidiaries of the Debtor.

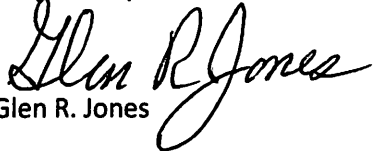
4. The relief requested to discontinue payments to the Plans by the Debtor including the DIP plan is not justified from a financial point of view. The Debtor is a very long standing going concern with assets in Canada and in the U.S. in excess of C\$ 5 billion with significant cash flow and profitability. The continued contributions to the DIP plan until the participants' age 80 will not be material to its financial position nor to the claims against the Debtor.



5. The failure to continue contributions to the Plans will inflict significant financial harm to the participants all of whom are of advanced retirement age and who have been relying in receipt of these payments since their age 65. The discontinuance of the payments constitutes an immediate breach of the contractual obligations incurred in the establishment of the DIP which provided that the Genstar assets would be sold or merged only with a successor capable of the fulfilling the funding obligations. The DIP participants contributed to the DIP plan with voluntary cash reductions in their salaries in reliance on receiving future retirement payments. In addition insurance policies were purchased to as part of the DIP funding. The Debtor acquired the assets of the Genstar companies in excellent condition and benefitted significantly from their operations. In return the Debtor is legally obligated to fulfill its obligations to the former executive employees under the Plans.

6. I therefore request that during the pendency of the bankruptcy proceedings and beyond that the Debtor be required to continue to fund the Plans without interruption. Furthermore I request that the Court make clear in any rulings that it is not making a determination of my participant's rights under the employee benefit provisions of the DIP and the obligations of the Debtor thereunder. Such determinations should be made in a proper forum with adequate notice and an opportunity for participants to respond represented by counsel.

Respectfully Submitted

  
Glen R. Jones