



Supreme Court of Canada

Cour suprême du Canada

August 4, 1994

Le 4 août 1994

**ORDER
MOTION IN CHAMBERS**

**ORDONNANCE
REQUÊTE EN CHAMBRE**

RJR-MacDonald Inc v. The Attorney-General of Canada - AND BETWEEN - Imperial Tobacco Ltd. v. The Attorney-General of Canada (Que.) 23460/23490

JACOBUSZ

UPON APPLICATION by counsel on behalf of the Interveners, The Canadian Cancer Society, The Canadian Council on Smoking and Health, The Canadian Medical Association, The Heart and Stroke Foundation of Canada and the Canadian Lung Association, for an Order pursuant to Rules 18(5)(b) and 23.1:

- A. Granting the right to the Interveners to add to the case on appeal by filing with their facsim a "Brandeis Brief" of four volumes of material containing medical, scientific, and social research studies that have been published in the four years since the trial and are therefore not part of the record on appeal before this Court.
- B. In the alternative, leaving it to this Court on the hearing of the appeal to determine if the supplementary material should be considered.
- C. Rendering any other Order this Court may deem appropriate to the circumstances of this case and to the additional material the Interveners wish to add to the case on appeal.

AND HAVING READ AND HEARD the submissions of the parties;

AND CONSIDERING all the circumstances, including but not limited to: the lateness in this application by the Interveners, particularly in that the appeal has been scheduled to be heard on November 29 and 30, 1994; the extensive amendment to the case on appeal reflected by the "Brandeis Brief"; and that the Appellants would desire at least to file documentation or material in reply;

IT IS HEREBY ORDERED THAT the application to add to the case on appeal is denied.

Paul Jacobus

J.S.C.C.
J.C.S.C.

TOTAL P.03

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