



IN THE COMPETITION
APPEAL TRIBUNAL

Cases No: 1147/5/7/09
1153/5/7/10

B E T W E E N:

- (1) MOY PARK LIMITED
(2) FACCENDA GROUP LIMITED
(3) GW PADLEY POULTRY LIMITED
(4) O'KANE POULTRY LIMITED

Claimants

-v-

- (1) EVONIK DEGUSSA GMBH
(2) DEGUSSA LIMITED

Defendants

- and -

- (1) SANOFI-AVENTIS SA
(2) AVENTIS ANIMAL NUTRITION SA

Further Defendants

- (1) VION HOLDING N.V.
(2) VION N.V.
(3) VION FOOD GROUP LIMITED
(4) MARSHALL FOOD GROUP LIMITED
(5) VION AGRICULTURE LIMITED
(6) VION FOOD SCOTLAND LIMITED
(7) VION FOOD WALES & WEST ENGLAND LIMITED
(8) CYMRU COUNTRY CHICKENS LIMITED
(9) CYMRU COUNTRY FEEDS LIMITED
(10) GRAMPIAN COUNTRY FEEDS LIMITED
(11) GRAMPIAN COUNTRY CHICKENS LIMITED
(12) GRAMPIAN COUNTRY CHICKENS (BUCKSBURN) LIMITED
(13) FAVOR PARKER LIMITED
(14) SOVEREIGN FOOD GROUP LIMITED
(15) ROWYELL ROASTERS LIMITED
(16) MAYHEW COUNTRY CHICKENS LIMITED
(17) MAYHEW COUNTRY FOODS LIMITED
(18) VION FOOD UK LIMITED

Claimants

-v-

- (1) EVONIK DEGUSSA GMBH
(2) DEGUSSA LIMITED

Defendants

- and -

- (1) SANOFI-AVENTIS SA
(2) AVENTIS ANIMAL NUTRITION SA

Further Defendants

ORDER OF THE CHAIRMAN

UPON reading the Tribunal's Order of 13 January 2011 in relation to the future conduct of these claims ("the January Order")

AND UPON reading the Tribunal's Order of 4 April 2011 varying the January Order

AND UPON the parties indicating in correspondence that they agree to a further variation of the January Order following the Court of Appeal granting the Emerson Claimants permission to appeal the Emerson Strike-Out Judgment on 11 October 2011

IT IS ORDERED IN RESPECT OF EACH CLAIM THAT:

1. The January Order be varied by the deletion of paragraph 2 and the substitution of the following text:
 - “2.1 The proceedings are stayed until the determination of the appeal by the Emerson Claimants of the Emerson Strike-Out Judgment by the Court of Appeal;
 - 2.2 Within 7 days of the lifting of the stay, the Claimants shall notify the Defendants of any proposal to withdraw the proceedings against the Second Defendant;
 - 2.3 The Second Defendant shall proceed with its strike-out application within 7 days thereafter, if so advised;
 - 2.4 If the Second Defendant files such an application, the orders in paragraphs 5 to 10 below shall be stayed until the earliest of (i) the Claimants' withdrawal of the claim against the Second Defendant, or (ii) 7 days from the judgment of the Tribunal on any such application;
 - 2.5 All parties in any event have liberty to apply for such further or other directions as to the lifting of the stay.”
2. There be liberty to apply

Marcus Smith QC
Chairman of the Competition Appeal Tribunal

Made: 25 October 2011
Drawn: 28 October 2011