



**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**

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**ORDER OF THE CHAIRMAN**

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**UPON** reading the correspondence from the parties' legal representatives in relation to the future conduct of these claims

**AND UPON** hearing Counsel for the parties at a case management conference on 12 January 2011

**IT IS ORDERED IN RESPECT OF EACH CLAIM THAT:**

1. Save in relation to paragraphs 3 and 4 of this Order, the proceedings are stayed until the publication of the Tribunal's judgment in connection with the application by Mersen UK Portslade Limited in case no. 1077/5/7/07 to reject the claim against it either for lack of jurisdiction or pursuant to rule 40 of the Competition Appeal Tribunal Rules 2003 ("the Emerson Strike-Out Judgment").
2. The Defendants are to file any application to strike out / dismiss the claim against the Second Defendant within 7 days of the Emerson Strike-Out Judgment. If the Defendants file such an application, the orders in paragraphs 5 to 10 below shall be stayed until either (a) the Claimants' withdrawal of the claim against the Second Defendant or (b) 7 days from the judgment of the Tribunal in any such application, whichever is the earlier.
3. Within 14 days of this Order the Defendants provide the Claimants with a list of requests for further information.
4. Within 21 days thereafter the Claimants, if so advised, provide the Defendants with the answers to the Defendants' requests for further information.
5. Within 28 days thereafter the Defendants file and serve their Defence.
6. Within 14 days of the filing and service of the Defence by the Defendants, the Further Defendants file and serve their Defence to the additional claim.
7. Within 21 days of the filing and service of the Defence by the Defendants, the Claimants file and serve any Reply (if so advised).
8. Within 14 days of the filing and service of any Reply by the Claimants (or confirmation that no Reply is to be filed and served), the Claimants and Defendants exchange outline lists of proposed and requested disclosure and meet within 14 days to discuss the said lists.
9. Within 14 days of the filing and service of any Reply by the Claimants (or confirmation that no Reply is to be filed and served), the Defendants file and serve any Reply to the Defence of the Further Defendants (if so advised).
10. A case management conference be listed no earlier than 42 days after the filing and service of any Reply by the Defendants to the Defence of the Further Defendants to consider any issues relating to disclosure and other case management issues as appropriate, with skeleton arguments to be filed and served 5 days before the case management conference and bundles to be filed 3 days before the case management conference

11. Costs of the case management conference on 12 January 2011 be costs in the case.

12. There be liberty to apply

**Marcus Smith QC**  
Chairman of the Competition Appeal Tribunal

Made: 13 January 2011  
Drawn: 17 January 2011