



**IN THE COMPETITION  
APPEAL TRIBUNAL**

**Case No. 1029/5/7/04**

**Before:**

**Marion Simmons QC (Chairman)**

**DEANS FOODS LIMITED**

Claimant

**-and-**

**(1) ROCHE PRODUCTS LIMITED**

**(2) F HOFFMANN-LA ROCHE AG**

Defendants

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**ORDER**

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**UPON** reading the Defendants' submissions in support of their application for directions and disclosure

**AND UPON** hearing Counsel for the Claimant and Instructing Solicitor for the Defendants

**IT IS ORDERED THAT:**

1. The Claimant has permission to adduce factual evidence from Mr Willcox (and/or any other suitably qualified person or persons) as to the tax position of the Claimant, as set out in the Defendants' submissions dated 31 January 2005.
2. The Claimant file and serve the evidence at paragraph 1, above, by 5.00p.m. on Monday 7 February 2005.



3. The Claimant provide disclosure relating to the evidence at paragraph 1, above, by 5.00p.m. on Monday 7 February 2005, such disclosure to be supported by a disclosure statement.
4. The Claimant has permission to adduce factual evidence from Ms Joret and Mr Saunders as set out in their respective witness statements dated 1 February 2005.
5. The Claimant provide an excel version of the Morrell Model referred to in paragraph 1.3.4 of the Report to the Tribunal on quantum, prepared by Colin Morrell, dated 24 January 2005 by 5.00p.m. on Thursday 3 February 2005.
6. The Tribunal's Order made on 17 December 2004, as varied by the Tribunal's Order made on 21 January 2005, be further varied as follows:
  - i. As to paragraph 12, the word "economic" be inserted before "expert" in the first line and the word "and by the accountancy experts by 5.00p.m. on 4 February 2005" be added after "2 February 2005";
  - ii. As to paragraph 13(a), the time for lodging of an agreed chronology relevant to the issues to be decided pursuant is extended until 5.00p.m. on Wednesday 16 February 2005.
  - iii. As to paragraph 13(e), the words "final fully completed" be replaced by the word "provisional".
7. The 3<sup>rd</sup> and 4<sup>th</sup> Defendants' application for permission to adduce expert evidence in relation to the Claimant's tax position be adjourned to the case management conference on 10 February 2005.
8. In respect of the Claimant's application to re-re-amend its Claim, the following directions apply:
  - i. An authorities bundle be agreed and served by 9.30a.m. on Tuesday 8 February 2005;
  - ii. The Claimant file and serve its skeleton submissions by 2.00p.m. on Tuesday 8 February 2005.
9. Costs be reserved.