



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case: 1098/5/7/08

**BETWEEN:**

**(1) BCL OLD CO LIMITED**  
**(2) DFL OLDCO LIMITED**  
**(3) PFF OLD CO LIMITED**  
**(4) DEANS FOOD LIMITED**

**Claimants**

**-v-**

**(1) BASF AG**  
**(2) BASF PLC**  
**(3) FRANK WRIGHT LIMITED**

**Defendants**

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**ORDER OF THE PRESIDENT**

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**UPON** reading the notice of a claim for damages lodged by BCL Old Co Limited, DFL Oldco Limited, PFF Old Co Limited and Deans Foods Limited (together, “the Claimants”) under section 47A of the Competition Act 1998 (“the Act”) dated 12 March 2008

**AND UPON** reading the defence lodged by BASF AG, BASF PLC and Frank Wright Limited (together, “the Defendants”) dated 23 April 2008

**AND UPON** the Tribunal Registry writing to the parties on 2 May 2008 in relation to the procedural timetable for the proceedings

**AND UPON** the parties agreeing that the issue of whether or not the claim is time-barred and should be heard by the Tribunal as a preliminary issue

**IT IS ORDERED THAT:**

1. Pursuant to rule 18 of the Competition Appeal Tribunal Rules 2003, S.I. 2003 No. 1372 (“the Tribunal Rules”), the proceedings be treated as proceedings in England and Wales

2. The question whether the claim is time-barred under section 47A of the Act and rule 31 of the Tribunal Rules be heard as a preliminary issue
3. Further that in relation to that preliminary issue:
  - a. The Defendants file and serve a skeleton argument for the hearing by 5.00pm on 30 May 2008
  - b. The Claimants file and serve a skeleton argument for the hearing by 5.00pm on 13 June 2008
  - c. The parties prepare an agreed bundle of documents to serve as the core bundle for the hearing and an agreed joint bundle of authorities to be referred to at the hearing
  - d. The parties file six copies of the said bundles by 5.00pm on 20 June 2008
  - e. A hearing be listed for 7 July with a time estimate of a day
4. Costs be reserved
5. There be liberty to apply

**The Honourable Mr Justice Barling**  
President of the Competition Appeal Tribunal

Made: 16 May 2008  
Drawn: 16 May 2008