



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

**Cases No:** 1140-1142/1/1/09

**B E T W E E N:**

**EDEN BROWN LIMITED**

Appellant

**-v-**

**OFFICE OF FAIR TRADING**

Respondent

**(1) HAYS PLC**

**(2) HAYS SPECIALIST RECRUITMENT LIMITED**

**(3) HAYS SPECIALIST RECRUITMENT (HOLDINGS) LIMITED**

Appellants

**-v-**

**OFFICE OF FAIR TRADING**

Respondent

**(1) CDI ANDERSELITE LIMITED**

**(2) CDI CORP**

Appellants

**-v-**

**OFFICE OF FAIR TRADING**

Respondent

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**ORDER**

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**UPON** Eden Brown Limited (“Eden Brown”) and Hays Plc, Hays Specialist Recruitment Limited and Hays Specialist Recruitment (Holdings) Limited (together “Hays”) having made requests for the confidential treatment of certain information contained in documents relied upon by them or repeated by the Respondent in documents relied upon by it in these proceedings

**AND UPON** Eden Brown and Hays each having only disclosed to the other Appellants non-confidential and/or redacted versions of the documents relied upon by them in these proceedings

**AND UPON** Eden Brown and Hays each having disclosed to the Respondent confidential and/or unredacted versions of the said documents

**AND UPON** the parties having agreed to the terms of this Order

**IT IS ORDERED THAT:**

1. This Order becomes effective in respect of each of the persons named in Part A of the Schedule to this Order only upon receipt by the Tribunal of a signed undertaking in the terms of Part B of the Schedule to this Order.

2. For the purposes of this Order:

(a) **“Confidential Information”** means (in each case in the opinion of the Tribunal):

(i) information the disclosure of which would be contrary to the public interest;

(ii) commercial information the disclosure of which could significantly harm the legitimate business interests of the undertaking to which it relates; or

(iii) information relating to the private affairs of an individual the disclosure of which could significantly harm his/her interests,

being the material contained in the Case Documents in respect of which a claim of confidentiality has been or will be made to the Tribunal by Eden Brown and Hays in accordance with rule 53 of the Competition Appeal Tribunal Rules.

(b) **“Relevant Persons”** means those persons:

(i) listed in Part A of the Schedule to this Order who have given a written undertaking to the Tribunal in the terms of Part B of the Schedule to this Order;

(ii) any person employed by the Office of Fair Trading; or

(iii) authorised by the Tribunal upon further application.

(c) **“Case Documents”** means all pleadings or other documents submitted, or to be submitted, by the parties to the proceedings before the Tribunal in Cases 1140/1/1/2009, 1141/1/1/2009 and 1142/1/1/2009.

3. Eden Brown and Hays shall hereafter disclose to each of the other parties confidential versions of the Case Documents on condition that such

confidential versions of the Case Documents and any Confidential Information contained within them shall be disclosed only to the Relevant Persons.

4. All such confidential versions of the Case Documents should be marked so as to indicate the parts in relation to which confidential treatment is claimed, as indicated in paragraph 13.22 of the Tribunal's Guide to Proceedings (October 2005).
5. If any party wishes to add any additional person as a Relevant Person for the purposes of paragraph 2(b) above, they shall apply to the Tribunal in writing and copied to the other parties, indicating whether each of the other parties consents or does not consent to the addition of that person.
6. Costs be reserved.
7. There be liberty to apply.

**The Honourable Mr Justice Roth**  
Chairman of the Competition Appeal Tribunal

Made: 9 July 2010  
Drawn: 9 July 2010

## **SCHEDULE**

### **PART A**

This part contains the names, for each party, of Relevant Persons as defined in paragraph 2(b)(i) of this Order:

#### **Office of Fair Trading**

*External counsel*

David Unterhalter S.C.

Alan Bates (both of Monckton Chambers)

Maya Lester

Gerard Rothschild (both of Brick Court Chambers)

*Expert accountant*

Timothy Allen

Maja Glowka

Mark Percy (all of CRA Lee & Allen)

#### **Eden Brown Limited**

*External counsel*

Paul Harris (of Monckton Chambers)

*External solicitors*

Mark Clough Q.C.

Adam Aldred

Amy Gatenby

Richard Line (all of Addleshaw Goddard LLP)

#### **Hays plc, Hays Specialist Recruitment Limited and Hays Specialist Recruitment (Holdings) Limited**

*External counsel*

Lord David Pannick Q.C. (of Blackstone Chambers)

Mark Brealey Q.C. (of Brick Court Chambers)

Paul Harris (of Monckton Chambers)

*External solicitors*

Jon Lawrence

Jenny Connolly

Boris Bronfentrinker

Nicholas Frey

Hannah Turner-Stokes

James Hain-Cole (all of Freshfields Bruckhaus Deringer LLP)

*Expert accountant*

Martin Hall

Leanne Tanner

Steven Holt

Edward Boyle (all of AlixPartners Ltd)

**CDI AndersElite Limited and CDI Corp.**

*External counsel*

Ronit Kreisberger

Owain Draper (both of Monckton Chambers)

*External solicitors*

John Mitchell

Peter Barber

Sarah Maslen

Claire Anderson (all of Blake Laphorn Solicitors)

**PART B**

In respect of any Confidential Information disclosed to them pursuant to this Order, each Relevant Person mentioned in Part A of this Order undertakes that they will comply with the following requirements in the following terms:

I, [name], of [firm, company or establishment] being [legal or other qualification] and regulated so far as my professional conduct is concerned by [regulatory body if any], undertake to the Tribunal as follows:

1. I have read a copy of the Tribunal’s Order of 9 July 2010 (“the Tribunal’s Order”) and understand the implications of the Tribunal’s Order and the giving of this undertaking.
2. I will not disclose the confidential versions of the Case Documents or any Confidential Information (each as defined in the Tribunal’s Order) to any person outside those listed in Part A without the express consent of the person originally disclosing the information or the permission of the Tribunal.
3. I will use the confidential versions of the Case Documents and the Confidential Information only for the purpose of these proceedings (and for no other proceedings or use).
4. All documents containing Confidential Information will remain in my custody and control or the custody and control of the other Relevant Persons at all times and be stored in a manner that prevents unauthorised access.
5. Save that none of the requirements listed at paragraphs 1 to 4 above shall prevent Relevant Persons from disclosing to the party that they are instructed by any information (including Confidential Information) which such party has already legitimately seen.

Signed: .....

Name: .....

Date: .....