



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1077/5/7/07

BETWEEN:

(1) EMERSON ELECTRIC CO.
(2) VALEO SA
(3) ROBERT BOSCH GmbH

Claimants

-v-

(1) MORGAN CRUCIBLE COMPANY PLC
(2) SCHUNK GmbH
(3) SCHUNK KOHLENSTOFFTECHNIK GmbH
(4) SGL CARBON SE (sued as SGL CARBON AG)
(5) MERSEN (sued as LE CARBONE LORRAINE SA)
(6) MERSEN UK PORTSLADE LIMITED
(sued as LE CARBONE (GREAT BRITAIN) LIMITED)

Defendants

ORDER

UPON the application by the Sixth Defendant to have claims against it struck out (“the Application”) pursuant to rule 40 of the Competition Appeal Tribunal Rules 2003 (S.I. 1372 of 2003) (“the Tribunal Rules”)

AND UPON the Tribunal handing down its judgment in respect of the Application proceedings on ([2011] CAT 4) (“the Judgment”)

AND UPON reading correspondence between the parties’ representatives following the Judgment as to the terms of the Order which the Tribunal should make

IT IS ORDERED THAT:

1. The claims made by the Claimants against the Sixth Defendant be struck out.

2. Pursuant to rule 55(3) of the Tribunal Rules the Claimants pay the Sixth Defendant's costs of (a) the Application and (b) the claims against the Sixth Defendant, such costs if not agreed to be assessed on the standard basis by a costs officer of the Senior Court Costs Office.

The Honourable Mr Justice Barling
President of the Competition Appeal Tribunal

Made: 7 April 2011
Drawn: 7 April 2011