



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

ORDER OF THE CHAIRMAN

UPON reading the Tribunal's Order of 13 January 2011 in relation to the future conduct of these claims ("the January Order")

AND UPON the parties indicating in correspondence that they agree to a variation of the January Order

IT IS ORDERED IN RESPECT OF EACH CLAIM THAT:

1. The January Order be varied by the deletion of paragraph 2 and the substitution of the following text:

“2.1 The proceedings are stayed until either:

- (a) the expiry of the period in which the claimants in case no. 1077/5/7/07 (“the Emerson Claimants”) can apply for permission to appeal the Emerson Strike-Out Judgment pursuant to rule 58(1)(b) of the Competition Appeal Tribunal Rules 2003 without any application having been made; or
- (b) where an application for permission to appeal is made to the Tribunal by the Emerson Claimants, either:
 - (i) the date on which permission to appeal is granted by the Tribunal; or
 - (ii) where it is not, the expiry of the period in which the Emerson Claimants can apply to the Court of Appeal for permission to appeal, or if such application is lodged the date on which the application is determined by the Court of Appeal.

2.2 Within 7 days of the lifting of the stay, the Claimants shall notify the Defendants of any proposal to withdraw or stay the proceedings against the Second Defendant.

2.3 The Second Defendant shall proceed with its strike-out application within 7 days thereafter, if so advised.

2.4 If the Second Defendant files such an application, the orders in paragraphs 5 to 10 below shall be stayed until the earliest of (i) the Claimants' withdrawal of the claim against the Second Defendant, or (ii) 7 days from the judgment of the Tribunal on any such application.”

2. There be liberty to apply

Marcus Smith QC
Chairman of the Competition Appeal Tribunal

Made: 4 April 2011
Drawn: 4 April 2011