



IN THE COMPETITION
APPEAL TRIBUNAL

Case: 1147/5/7/09

B E T W E E N:

(1) MOY PARK LIMITED
(2) FACCENDA GROUP LIMITED
(3) GW PADLEY POULTRY LIMITED

Claimants

-v-

(1) EVONIK DEGUSSA GmbH
(2) DEGUSSA LIMITED

Defendants

- and -

(1) SANOFI-AVENTIS SA
(2) AVENTIS ANIMAL NUTRITION SA

Proposed Further Defendants

ORDER OF THE CHAIRMAN

UPON reading the application dated 15 April 2010 filed by the Defendants for permission to bring an additional claim against the Proposed Further Defendants

AND UPON noting that each of the Proposed Further Defendants named in the additional claim form appears to be domiciled outside the jurisdiction

IT IS ORDERED THAT:

1. Pursuant to Rule 38(1)(b) of the Competition Appeal Tribunal Rules 2003 (S.I. 1372 of 2003) (“the Tribunal Rules”), the Defendants be given permission to bring the additional claim against the Proposed Further Defendants.

2. In the event that the solicitors to the Proposed Further Defendants confirm to the Tribunal and the Defendants by 5pm on 13 May 2010 that they have instructions to accept service on behalf of the Proposed Further Defendants, the Defendants proceed to provide the Registrar with copies of the additional claim form for service on the solicitors to the Proposed Further Defendants.
3. In the event that the solicitors to the Proposed Further Defendants do not provide such confirmation, the Defendants shall, pursuant to Rule 63(3) of the Tribunal Rules, serve the additional claim form on each of the Proposed Further Defendants by any method permissible by Part 6 of the Civil Procedure Rules (“CPR”) in respect of defendants domiciled outside the jurisdiction.
4. Service of the additional claim form in accordance with paragraph 3 above shall also include service of the Tribunal’s form of acknowledgment of service and a copy of this Order on the Proposed Further Defendants.
5. Where service takes place outside the jurisdiction, the periods for acknowledging service and filing a defence which are set out in Rules 36 and 37 of the Tribunal Rules shall be varied so as to accord with the periods applicable under the CPR. The Defendants shall draw the attention of the Proposed Further Defendants to that fact, and shall notify the Tribunal of:
 - (i) the method by which service has been effected on the Proposed Further Defendants;
 - (ii) the date of deemed service;
 - (iii) the periods for acknowledging service and filing a defence.
6. Notwithstanding paragraph 5 above, proceedings in relation to the additional claim shall be stayed by way of a general stay with effect from the date on which an acknowledgment of service is filed by the Proposed Further Defendants until 8 June 2010, on which date the Tribunal has listed a hearing.
7. There shall be liberty to apply.

Marcus Smith QC
Chairman of the Competition Appeal Tribunal

Made: 11 May 2010
Drawn: 11 May 2010