



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No. 1028/5/7/04

Before:

Marion Simmons QC (Chairman)

- (1) BCL OLD CO LIMITED**
- (2) DFL OLD CO LIMITED**
- (3) PFF OLD CO LIMITED**

Claimants

-and-

- (1) AVENTIS SA**
- (2) RHODIA LIMITED**
- (3) F HOFFMANN-LA ROCHE AG**
- (4) ROCHE PRODUCTS LIMITED**
- (5) 2 SISTERS PREMIER DIVISION
LIMITED;**
- (6) BROOMCO (2488) LIMITED;**
- (7) BROOMCO (2523) LIMITED;**
- (8) BROOMCO (2524) LIMITED;**
- (9) P D HOOK (HATCHERIES)
LIMITED; AND**
- (10) DEANS FOODS LIMITED.**

Defendants

ORDER

UPON reading the submissions of the 3rd and 4th Defendants in support of their application for directions and disclosure

AND UPON hearing Counsel and Instructing Solicitors for the Claimants and the 1st, 2nd, 3rd and 4th Defendants

IT IS ORDERED THAT:

1. The Claimants have permission to adduce factual evidence from Mr Bamford (and/or any other suitably qualified person or persons) as to the tax position of the Claimant, as set out in the 3rd and 4th Defendants' submissions dated 31 January 2005.
2. The Claimants file and serve the evidence at paragraph 1, above, by 5.00p.m. on Monday 7 February 2005.
3. The Claimants provide disclosure relating to the evidence at paragraph 1, above, by 5.00p.m. on Monday 7 February 2005, such disclosure to be supported by a disclosure statement.
4. The Claimants disclose the identity of the individuals who were responsible for the decisions referred to at paragraphs 7.3-7.6 of the Report to the Tribunal on quantum, prepared by Colin Morrell, dated 24 January 2005 by 5.00p.m. on Monday 7 February 2005.
5. The Claimants provide an excel version of the Morrell Model referred to in paragraph 1.3.4 of the Report to the Tribunal on quantum, prepared by Colin Morrell, dated 24 January 2005 the Report to the Tribunal on quantum, prepared by Colin Morrell, dated 24 January 2005 by 5.00p.m. on Thursday 3 February 2005.
6. The Tribunal's Order made on 17 December 2004, as varied by the Tribunal's Order made on 21 January 2005, be further varied as follows:
 - i. As to paragraph 12, the word "economic" be inserted before "expert" in the first line and the word "and by the accountancy experts by 5.00p.m. on 4 February 2005" be added after "2 February 2005";
 - ii. As to paragraph 13(a), the time for lodging of an agreed chronology relevant to the issues to be decided pursuant is extended until 5.00p.m. on Wednesday 16 February 2005.
 - iii. As to paragraph 13(e), the words "final fully completed" be replaced by the word "provisional".

7. The 3rd and 4th Defendants' application for permission to adduce expert evidence in relation to the Claimants' tax position be adjourned to the case management conference on 10 February 2005.
8. In respect of the Claimants' application to amend their Claims, the following directions apply:
 - i. An authorities bundle be agreed and served by 9.30a.m. on Tuesday 8 February 2005;
 - ii. The Claimants file and serve their skeleton submissions by 2.00p.m. on Tuesday 8 February 2005.
9. Costs be reserved.

Marion Simmons QC
Chairman of the Competition Appeal Tribunal

Made: 2 February 2005
Drawn: 11 February 2005