



COMPETITION APPEAL TRIBUNAL

**IN THE COMPETITION  
APPEAL TRIBUNAL**

**Case No. 1028/5/7/04**

**Before:**

**Sir Christopher Bellamy (President)  
Professor Andrew Bain  
Marion Simmons QC**

**(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**

Defendants

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**ORDER**

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**UPON** reading the written submissions of the parties

**AND UPON** hearing Counsel for the parties at the case management conference on 8 December 2004

**IT IS ORDERED THAT:**

1. Pursuant to rule 35 of the Competition Appeal Tribunal Rules 2003 (the "Tribunal's Rules") the Claimants are granted permission to join the following parties as Defendants to the proceedings in addition to the existing parties:

- a) 2 Sisters Premier Division Limited;
- b) Broomco (2428) Limited;
- c) Broomco (2523) Limited;
- d) Broomco (2524) Limited;
- e) P D Hook (Hatcheries) Limited; and
- f) Deans Foods Limited.

together, the “Purchasers”.

2. The Claimants shall supply the Purchasers, without charge, with copies of all statements of case, written evidence and all documents appended or exhibited to them within 48 hours of a request being made by any such party.
3. The following issues shall be determined following the main hearing in this case:
  - a) the true construction of the sale agreements between the Claimants and the Purchasers;
  - b) whether the Purchasers are estopped from asserting any right to the proceeds of the action; and
  - c) whether there has been a legal or equitable assignment of the Claimants’ claims to the Purchasers;
4. Pursuant to rule 62(1) and (2) of the Tribunal’s Rules, further case management directions and orders shall be considered by Marion Simmons QC, sitting alone, on a date or dates to be notified by the Registrar.
5. Costs of the case management conference to be costs in the case.
6. There be liberty to apply.

**Sir Christopher Bellamy**  
President of the Competition Appeal Tribunal

Made: 9 December 2004  
Drawn: 9 December 2004