



**Case No. 1029/5/7/04**

**IN THE COMPETITION APPEAL TRIBUNAL**

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

**DEANS FOODS LIMITED**

**Claimant**

**-and-**

- (1) ROCHE PRODUCTS LIMITED  
(2) F HOFFMANN-LA ROCHE AG  
(3) AVENTIS SA**

**Defendants**

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**ORDER**

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**UPON** reading the claim for damages dated 30 January 2004

**UPON** reading the defence of the First and Second Defendants dated 10 May 2004  
and the defence of the Third Defendant dated 7 May 2004

**UPON** hearing Counsel for the parties at the case management conference on  
26 July 2004

**AND UPON** the Tribunal noting the consent of the Defendants that the Claimant be  
permitted to amend its Claim in the terms set out in its draft amended claim dated  
9 July 2004

**IT IS ORDERED THAT:**

1. The Claimant shall provide a draft amendment to its claim in respect of carophyll yellow and any available supporting evidence upon which it intends to rely by 17 August 2004.

2. The parties shall be at liberty to apply for further directions in relation to the Application to strike out that part of the claim relating to carophyll yellow between the 17 August and the 28 October 2004.
3. Subject to 2 above, the Application by the First and Second Defendants to strike out that part of the claim relating to carophyll yellow shall be heard on 28 October 2004.
4. The parties shall exchange lists of documents for disclosure by 21 September 2004 in accordance with the categories of documents set out in Annex 1 to this Order, without prejudice to the right of any party to make, if appropriate, any later applications for specific disclosure.
5. The parties shall indicate to each other within 2 days of the exchange of lists of documents for disclosure which copies they wish to receive copies of. Any such copies provided to be subject to agreement to pay all reasonable costs of copying.
6. The parties shall provide copies of any documents listed that are requested by the other party within 5 days of receiving notice from the other party as to which documents that party wishes to receive copies of.
7. The Defendants shall serve witness statements of fact by 9 November 2004.
8. The Claimants shall serve any further witness statements of fact by 23 November 2004.
9. A further case management conference be listed for 7 December 2004.
10. The First and Second Defendants notify Linklaters that they have produced to the Tribunal a letter from Linklaters to Freshfields Bruckhaus Deringer dated 21 February 2003 and indicate to Linklaters that they may submit comments to the Tribunal on the production of that letter if so advised.
11. Costs of this Case Management Conference to be costs in the case.
12. There be liberty to apply.

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

Made 26 July 2004  
Drawn August 2004