



IN THE COMPETITION
APPEAL TRIBUNAL

Case: 1060/5/7/06

BETWEEN:

HEALTHCARE AT HOME LIMITED

Claimant

-v-

GENZYME LIMITED

Defendant

CONSENT ORDER

UPON considering the Defendant's letter dated 12 October 2006

AND UPON reading the agreed bundle of documents filed with the Tribunal on 14 November 2006

AND UPON hearing counsel for the parties at a case management conference held on 15 November 2006

BY CONSENT IT IS ORDERED THAT:

1. Subject to the receipt by the Tribunal of written undertakings in the terms of Part C of the Schedule to this Order from each of the persons named in Part B of the Schedule to this Order ("the External Advisers"), the Claimant do serve on the Defendant:
 - (a) the First Witness Statement of Charles Walsh dated 30 April 2003
(confidential version);
 - (b) the Second Witness Statement of Charles Walsh dated 2 May 2003
(confidential version);

- (c) the OFT Report on the Costs of Homecare Services for Gaucher Patients and the Discount Necessary for Genzyme to Bring the Margin Squeeze to an End (confidential version);
- (d) the OFT Supplementary Report on the Costs of Homecare Services for Gaucher Patients and the Discount Necessary for Genzyme to Bring the Margin Squeeze to an End (confidential version);
- (e) the Response of Healthcare at Home to the OFT's Margin Squeeze Report (confidential version);
- (f) a draft policy document attached to an e-mail from Will Wilson of Addenbroke's Hospital to Anne Pope dated 26 July 2004.

2. There be permission to apply.

Marion Simmons QC
Chairman of the Competition Appeal Tribunal

Made: 15 November 2006
Drawn: 18 December 2006

Schedule

Part A

For the purposes of this Order:

“**Protected Information**” means all the confidential material which was excised from the versions of the documents listed at paragraph 1 of this Order when those documents were disclosed pursuant to the Orders of the Tribunal in Case 1016/1/1/03.

Part B

“**External Advisers**” is limited to the following persons save as otherwise expressly authorised by the Tribunal upon the further application of the parties:

Christopher Vajda QC	Queen’s Counsel	Monckton Chambers
Tim Ward	Counsel	Monckton Chambers
Philip Haberman	Expert	Ernst & Young
Sam des Forges	Expert	Ernst & Young
Steven Maier	Partner	Manches LLP
Chris Shelley	Partner	Manches LLP
Alasdair Taylor	Solicitor	Manches LLP

Part C

In respect of any Protected Information disclosed to them pursuant to this Order, each External Adviser mentioned in Part B of this Order undertakes that they will comply with the following requirements, that:

- i. The Protected Information will not be disclosed to any person other than the External Advisers and the Tribunal without the permission of the Tribunal;
- ii. The Protected Information will only be used for the purpose of these proceedings;
- iii. The documents containing the Protected Information are to remain in the custody of the External Advisers at all times; and
- iv. The production of further copies of the documents containing the Protected Information shall be limited to those required for the use of the External Advisers for the purposes of these proceedings; copies shall be numbered and

identified as being for the specific use of one of the External Advisers; any such copies and the documents containing the Protected Information will be returned to the Claimant at the conclusion of the present proceedings and any appeal/appeals therefrom, subject to any requirement in law to retain copies (in which case such copies shall continue to be held subject to the undertakings given pursuant to this order) ; and

- v. The External Advisers will not, without the permission of the Tribunal, be involved in any commercial negotiations in respect of the provision of homecare services or any element of such service within England and Wales for a period of two years from the date of this Order. For the purpose of clarification “involvement in commercial negotiations” (for the purposes of this part C(v)) does not include subsequent drafting or advisory work of a purely legal nature undertaken by Steven Maier, Chris Shelley, Aladair Taylor where the performance of such work is of such a nature that it would be unaffected by any Protected Information that may come into their possession or knowledge.
- vi. The period of two years referred to in paragraph (v) is subject to review by the Tribunal, on the application of any interested party, at the conclusion of the present proceedings.