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**IN THE COMPETITION**

Case No. 1077/5/7/07

**APPEAL TRIBUNAL**

Victoria House  
Bloomsbury Place  
London WC1A.2EB

Friday, 16 November 2007

Before:  
MARION SIMMONS QC  
(Chairman)

Sitting as a Tribunal in England and Wales

BETWEEN:

(1) EMERSON ELECTRIC CO.  
(2) VALEO SA  
(3) ROBERT BOSCH GmbH  
(4) VISTEON CORPORATION  
(5) ROCKWELL AUTOMATION, INC

Claimants

and

MORGAN CRUCIBLE COMPANY PLC

Defendant

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Transcribed from Tape by  
Competition Appeal Tribunal  
Victoria House, Bloomsbury Place, London WC1A 2EB  
Tel: 020 7979 7979 Fax: 020 7979 7978

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**PROCEEDINGS AFTER JUDGMENT HANDED DOWN**

Ms Jane Wessel of Crowell & Moring appeared for the Claimants.

THE CHAIRMAN: There are two applications before the Tribunal:

The first is whether the Emerson Claimants should be granted permission by the Tribunal to make a claim for damages under Rule 31(3) of the Competition Appeal Tribunal Rules 2003 (S.I. 2003, No. 1372) (“the Tribunal Rules”);

The Tribunal holds that for the reasons set out in this Judgment, I am now handing down this morning that the Emerson Claimants should be granted permission to make a claim for damages against Morgan Crucible under Rule 31(3) of the Tribunal Rules.

The second is an application by Morgan Crucible for the Emerson Claimants claim for damages to be rejected under Rule 40 of the Tribunal Rules. Morgan Crucible’s Rule 40 application is dismissed by the Tribunal.

At the end of the Judgment we have directed that a case management conference should take place on 13 December 2007 to consider:

- (a) The directions which should be made in these proceedings brought by the Emerson Claimants against Morgan Crucible; and
- (b) Whether the Tribunal should give permission under Rule 31(3) for the claims to be made against the second to fourth and now the fifth proposed defendants.

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