



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1077/5/7/07

BETWEEN:

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

Claimants

-v-

(1) MORGAN CRUCIBLE COMPANY PLC

Defendant

-and-

(1) SCHUNK GmBH
(2) SCHUNK KOHLENSTOFFTECHNIK GmBH
(3) SGL CARBON AG
(4) LE CARBONE LORRAINE SA
(5) LE CARBONE (GREAT BRITAIN) LIMITED

Proposed Defendants

ORDER

UPON reading the claim form dated 9 February 2007 filed by the Claimants in the above proceedings

AND UPON considering the Tribunal's Order of 11 March 2010 establishing a timetable for the future conduct of the proceedings

AND UPON reading the Claimants' applications dated 31 March 2010 under rules 34 and 35 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) ("the Tribunal Rules") respectively for permission to amend the claim form in certain respects and to join as additional defendants Schunk GmBH, Schunk Kohlenstofftechnik GmBH (together "Schunk"), SGL Carbon AG ("SGL"), Le Carbone Lorraine SA ("Carbone Lorraine") and Le Carbone (Great Britain) Ltd (collectively "the Proposed Defendants")

AND UPON providing all parties with an opportunity to comment on the Claimants' applications, and upon there being no objection thereto

AND UPON noting that several of the Defendants named in the draft claim form appear to be domiciled outside the jurisdiction

IT IS ORDERED THAT:

1. Pursuant to rule 34 of the Tribunal Rules the Claimants be granted permission to amend the said claim form in accordance with the draft attached to their application, as corrected by the Claimants' letter to the Tribunal dated 21 April 2010
2. The Claimants serve the amended claim form on the Defendant by within 5 days of the date of this Order
3. Pursuant to rule 35 of the Tribunal Rules the Claimants be granted permission to join the Proposed Defendants as additional defendants
4. The Claimants serve the amended claim form on Le Carbone (Great Britain) Ltd or on solicitors authorised to accept service on their behalf
5. In the event that solicitors for Schunk, SGL, and Carbone Lorraine respectively confirm to the Tribunal and the Claimants by 5pm on 19 May 2010 that they have instructions to accept service on their behalf, the Claimants proceed to serve the amended claim form on the firm(s) of solicitors in question
6. In the event that solicitors for Schunk, SGL, or Carbone Lorraine do not provide the confirmation referred to in paragraph 5, the Claimants shall, pursuant to rule 63(3) of the Tribunal Rules, serve the amended claim form on the relevant Proposed Defendant(s) by any method permissible by Part 6 of the Civil Procedure Rules ("CPR") in respect of defendants domiciled outside the jurisdiction
7. Together with the amended claim form served on the relevant Proposed Defendants in accordance with paragraph 4, 5 or 6 above there shall also be served the Tribunal's form of acknowledgment of service and a copy of this Order

8. Where service takes place outside the jurisdiction, the periods for acknowledging service and filing a defence which are set out in rules 36 and 37 of the Tribunal Rules shall be varied so as to accord with the periods applicable under the CPR and the Claimants shall draw the attention of the relevant Proposed Defendant to that fact
9. The Claimants shall notify the Tribunal of:
 - (i) the method by which service has been effected on the Proposed Defendant
 - (ii) the date of deemed service
 - (iii) the periods for acknowledging service and filing a defence
10. If so advised Morgan Crucible file and serve an amended defence by the date fixed under paragraph 9(iii) above for the filing of their respective defences by the Proposed Defendants
11. The case management conference previously fixed for 17 May 2010 be vacated
12. There be liberty to apply

The Honourable Mr Justice Barling
President of the Competition Appeal Tribunal

Made: 19 May 2010
Drawn: 19 May 2010