



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case Nos: 1432/1/12/22  
1434/1/12/22  
1438/1/12/22  
1439/1/12/22

BETWEEN:

**(1) ADVANZ PHARMA CORP. LIMITED & OTHERS**  
**(2) CINVEN CAPITAL MANAGEMENT (V) GENERAL PARTNER LIMITED & OTHERS**  
**(3) LEXON (UK) LIMITED & ANOTHER**  
**(4) ALLIANCE PHARMACEUTICALS LIMITED & ANOTHER**

Appellants

-v-

**COMPETITION AND MARKETS AUTHORITY**

Respondent

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**ORDER**

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**UPON** reading the notices of appeal filed by the Appellants (“**Appeals**”) against the decision of the Competition and Markets Authority (“**CMA**”) dated 3 February 2022 in Case 50511-2 concerning Prochlorperazine (“**Decision**”)

**AND UPON** the Claim issued in the High Court by the CMA for a competition disqualification order to be made against several current and former directors of the Appellants and Medreich Plc pursuant to section 9A of the Company Directors Disqualification Act 1986 (“**CDDA**”), dated 2 September 2022 (“**CDO Claim**”)

**AND UPON** the CMA having made an application dated 6 September 2022 (“**Transfer Application**”) for the transfer, pursuant to regulation 2 of The Section 16 Enterprise Act 2002 Regulations 2015/1643, of the determination of the “*First Condition*” (namely, whether the undertakings of which the defendants to the CDO Claim[s] is or was a director have committed a breach of competition law) to the Tribunal (“**Transferred Proceedings**”), so that it may be heard and determined by the Tribunal alongside the Appeals

**AND UPON** the Tribunal listing a further Case Management Conference (“**CMC**”) in paragraph 6 below for the purpose of giving such directions as it thinks fit for the Transferred Proceedings

**AND UPON** hearing counsel for the parties at a CMC on 9 September 2022

**IT IS ORDERED THAT:**

**Document Management System**

1. The parties shall utilise the Magnum Opus II Case Management System (“**Case Management System**”) to upload and access all relevant documents in the case.
2. The parties shall agree a folder structure and upload of documents to the Case Management System three months prior to hearing date.
3. Any document required to be filed in the case by any party must also be uploaded to the Case Management System as soon as practicable following filing.

**Expert Evidence**

4. The Alliance appellants have permission to rely on evidence from Dr Chowdhury dated 31 March 2022.

**Trial Listing**

5. The appeals will be heard in between 5 – 27 June 2023 and 26 July – 4 August 2023. There will be further discussion of the hearing timetable at the CMC listed in paragraph 6 below.

**Subsequent CMC and Pre-Trial Review**

6. A further CMC is listed on 14 November 2022 with a time estimate of half a day.
7. There shall be a Pre-Trial Review in the week commencing 15 May 2023.

**Skeleton Arguments**

8. The Appellants will file and serve their skeleton arguments by no later than 4pm on 8 May 2023 limited to 30 pages.
9. A chronological list of evidence and a bundle comprised of that evidence shall be filed by 4pm on 8 May 2023.
10. The Respondent will file and serve its responsive skeleton argument by no later than 4pm on

22 May 2023 limited to 40 pages.

### **Hearing Bundles**

11. The parties shall agree a bundle of authorities to be uploaded to the Case Management System by no later than 5pm on 24 May 2023.
12. A copy of the bundle of authorities be uploaded to the Case Management System by no later than 5pm on 29 May 2023.

### **Other matters**

13. Costs in the case.
14. There shall be liberty to apply.

**The Honourable Lord Ericht**  
Chair of the Competition Appeal Tribunal

Made: 9 September 2022  
Drawn: 9 September 2022