



**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

- and -

Case No: CR-2022-002896

**IN THE MATTER OF LEXON UK HOLDINGS LIMITED, ALLIANCE
PHARMACEUTICALS LIMITED, FOCUS PHARMACEUTICALS LIMITED,
MERCURY PHARMA GROUP LIMITED, CONCORDIA INVESTMENT HOLDINGS
(UK) LIMITED AND MEDREICH PLC AND OTHERS**

**AND IN THE MATTER OF THE COMPANY DIRECTORS DISQUALIFICATION
ACT 1986**

BETWEEN:

COMPETITION AND MARKETS AUTHORITY

Claimant

-v-

**(1) PRITESH SONPAL; (2) PETER BUTTERFIELD; (3) JOHN DAWSON; (4) MARK
CRESSWELL; (5) ROLAND BROWN; (6) GRAEME DUNCAN; (7) DEBANGSHU
DEY**

Defendants

ORDER

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 (“the **Directors**”) pursuant to section 9A of the Company Directors Disqualification Act 1986 (“**CDDA**”), dated 2 September 2022, case number CR-2022-002896 (“**CDO Claim**”)

AND UPON the Order of Mr Justice Edwin Johnson dated 18 October 2022 having transferred, pursuant to regulation 2 of The Section 16 Enterprise Act 2002 Regulations 2015/1643, the determination in the CDO Claim of the “First Condition” (as defined by section 9A(2) of the CDDA) to the Tribunal, so that it may be heard and determined by the Tribunal (subject to such case management directions as the Tribunal shall think fit) alongside the Appeals (“**the Transferred Proceeding**”)

AND UPON the Tribunal having made a Confidentiality Ring Order on 20 June 2022 (“**the Confidentiality Ring Order**”) which sets out the terms upon which Confidential Information (as defined in the Confidentiality Ring Order) may be accessed by persons in the Appeals

AND UPON reading the letter from the CMA to the Tribunal dated 20 October 2022 seeking the Tribunal’s permission to amend the Confidentiality Ring Order (“the Application”) and correspondence between the CMA and the legal representatives for the Appellants in relation to the Application in which no objections were raised by the Appellants to the CMA’s proposed amendments to the Confidentiality Ring Order

AND UPON the Tribunal determining that it is appropriate for the legal representatives of the parties in the CDO Claim to be provided with access to the pleadings and evidence filed in the Appeals to enable the parties to agree appropriate directions for the future conduct of the Appeals and the Transferred Proceeding

IT IS ORDERED THAT:

1. The Confidentiality Ring Order shall be amended as follows:
 - (a) In paragraph 2(j): the definition of ‘these proceedings’ be amended as follows:
these proceedings means the appeals in cases 1432/1/12/22; 1434/1/12/22; 1438/1/12/22; and 1439/1/12/22; and High Court proceeding CR-2022-002896;
 - (b) In paragraph 10: the word ‘Appellants’ shall be replaced with ‘Parties’.
2. There shall be liberty to apply.

The Honourable Lord Ericht
Chair of the Competition Appeal Tribunal

Made: 28 October 2022
Drawn: 28 October 2022