



**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 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

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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 each of the Defendants 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** each of the Defendants confirming in correspondence that their position is that they dispute that the First Condition is satisfied in the CDO Claim

**AND UPON** the CMA and the Defendants agreeing and confirming that the Tribunal should determine the First Condition by reference to the Decision and the evidence and the arguments advanced by the Appellants, the CMA and the Defendants in the context of the Appeals and the Transferred Proceeding

**AND UPON** reading the documents on the Tribunal file recorded as having been read

**AND UPON** hearing counsel (and representatives) for the parties at a case management conference on 14 November 2022

**IT IS ORDERED THAT:**

**Transferred Proceeding**

1. The Transferred Proceeding shall be heard and determined by this Tribunal together with the Appeals, under the same case numbers, by reference to the Decision and the evidence and arguments advanced by and on behalf of the Appellants in the Appeals (which shall stand as evidence and arguments advanced by and on behalf of the Defendants where so agreed), the CMA, and any further evidence and arguments advanced on behalf of the Defendants respectively.
2. By 4.00 p.m. on 1 February 2023, the Defendants shall:
  - 2.1. confirm whether (and, if so, to what extent) they intend to adopt the evidence and/or submissions of any of the Appellants; and
  - 2.2. file and serve any further evidence upon which they intend to rely upon in the Transferred Proceeding.
3. The Appellants, the Defendants, and the CMA shall file and serve any response or responsive evidence related to the Transferred Proceeding by 4.00 p.m. on 1 March 2023.

4. The Defendants shall file and serve any skeleton arguments related to the Transferred Proceeding by no later than 4.00 p.m. on 8 May 2023, limited to 30 pages.
5. Subject to paragraphs 1-4 above, the directions to trial currently set shall remain otherwise un-amended but the Appellants, the Defendants and/or the CMA may apply to vary the directions made pursuant to the Tribunal's Order dated 9 September 2022 after 1 March 2023, or the expiry of any extended deadline for the filing of evidence in accordance with paragraph 3 above.
6. There shall be a Pre-Trial Review on 15 May 2023 (with a time estimate of one day).
7. The Appellants, the Defendants, and the CMA shall agree a detailed timetable for the hearing of the Appeals to be lodged at the Tribunal by no later than 4pm on 8 May 2023.
8. The evidence of Mr Richard George Neale consisting of a witness statement dated 4 April 2022, filed in support of the Third Appellant, shall stand as his evidence in chief.
9. Costs in the case.
10. There shall be liberty to apply.

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

Made: 14 November 2022  
Drawn: 14 November 2022