



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

Case No: 1415/5/7/21 (T)

BETWEEN:

- (1) THE SECRETARY OF STATE FOR HEALTH AND SOCIAL CARE**
- (2) THE NATIONAL HEALTH SERVICE BUSINESS SERVICES AUTHORITY**
- (3) THE WELSH MINISTERS**
- (4) ABM UNIVERSITY HEALTH BOARD**
- (5) CWM TAF HEALTH BOARD**
- (6) ANEURIN BEVAN HEALTH BOARD**
- (7) HYWEL DDA HEALTH BOARD**
- (8) BETSI CADWALADR UNIVERSITY HEALTH BOARD**
- (9) POWYS TEACHING HEALTH BOARD**
- (10) CARDIFF & VALE UNIVERSITY HEALTH BOARD**

Claimants

- and -

- (1) LUNDBECK LIMITED**
- (2) H. LUNDBECK A/S**
- (3) GENERICS (U.K.) LIMITED**
- (4) MERCK KGAA**
- (5) ARROW GENERICS LIMITED**
- (6) ARROW GROUP APS**
- (7) RESOLUTION CHEMICALS LIMITED**
- (8) XELLIA PHARMACEUTICALS APS**
- (9) ALPHARMA LLC**
- (10) A.L. INDUSTRIER AS**
- (11) SUN PHARMACEUTICAL INDUSTRIES LIMITED**

Defendants

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## ORDER

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**UPON** the Claimants having issued a claim in the High Court of Justice, Chancery Division on 19 June 2019, in relation to which the Claimants' claim form has not yet been served on the Defendants

**AND UPON** the Claimants having discontinued their claim as against the Tenth Defendant by Notice of Discontinuance dated 29 August 2019

**AND UPON** the Consent Order of Deputy Master Linwood dated 2 July 2021 transferring these proceedings from the Chancery Division of the High Court of Justice of England and Wales to the Competition Appeal Tribunal

**AND UPON** the Claimants requesting that the Second, Fourth, Sixth, Eighth, Ninth and Eleventh Defendants (the "Foreign Defendants") instruct their respective legal representatives to accept service on their behalf within the jurisdiction on the understanding that the Claimants would agree for all Defendants in these proceedings to file their respective Defences (or a consolidated Defence) within four months of the last served Defendant being served with the Claimants' claim form

**AND UPON** each of the legal representatives of the Foreign Defendants having confirmed in writing to the Claimants that they are acting for the Foreign Defendants and have been instructed to accept service of the Claimants' claim form, at a business address within the jurisdiction, to be filed under rule 30 of the Competition Appeal Tribunal Rules 2015 (the "Tribunal Rules")

**AND UPON** the legal representatives of Sun Pharma UK Limited, a private company limited by shares registered in England and Wales under Company No. 02992795 ("SPUL"), formerly known as Ranbaxy (U.K.) Limited, having confirmed by letter dated 4 November 2022 to the Claimants that they are acting for SPUL, SPUL has agreed to be a defendant to these proceedings and will consent to an application by the Claimants pursuant to rule 38 of the Tribunal Rules, and they have been instructed to accept service of the claim form at a business address within the jurisdiction

**AND UPON** the parties and SPUL having agreed to the terms of this Order

**AND UPON** considering the application dated 28 February 2023 from the Claimants under rule 38 of the Tribunal Rules seeking permission to add SPUL as a defendant to these proceedings on the grounds that (i) it is desirable to add SPUL so that the Tribunal can resolve the matters in dispute in the proceedings and/or (ii) there are issues involving SPUL and the existing parties in the proceedings which are connected to the matters in dispute in these proceedings and it is desirable to add SPUL to resolve those issues

**IT IS ORDERED BY CONSENT THAT:**

**Addition of Twelfth Defendant**

1. Pursuant to rule 38(1) of the Tribunal Rules, the Claimants have permission to add SPUL as the Twelfth Defendant to these proceedings and the Claimants shall file with the Tribunal their amended Claim Form in accordance with rule 30 of the Tribunal Rules.

**Service on the Foreign Defendants at the business address within the jurisdiction of their legal representatives**

2. Insofar as the Foreign Defendants have instructed their respective legal representatives to accept service of the Claimants' claim form in this jurisdiction on their behalf and service is effected by the Claimants at the business addresses within the jurisdiction of the respective legal representatives for the Foreign Defendants, the Claimants shall not be required to apply to the Tribunal under rule 31(2) of the Tribunal Rules for permission to serve their claim form on those Foreign Defendants out of the jurisdiction.

**Extension of time for the Defendants to comply with rule 35**

3. All of the Defendants shall have until 4pm on the day four calendar months after the date of service of the claim form on the last served Defendant to comply with rule 35 of the Tribunal Rules.

**General**

4. There shall be liberty to apply.
5. Costs in the case.

**Andrew Lenon KC**  
Chair of the Competition Appeal Tribunal

Made: 14 March 2023  
Drawn: 15 March 2023