



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1407/1/12/21
1411/1/12/21
1412/1/12/21
1413/1/12/21
1414/1/12/21

BETWEEN:

(1) ALLERGAN PLC
(2) ADVANZ PHARMA CORP. LIMITED & OTHERS
(3) CINVEN CAPITAL MANAGEMENT (V) GENERAL PARTNER LIMITED & OTHERS
(4) AUDEN MCKENZIE (PHARMA DIVISION) LIMITED & ANOTHER
(5) INTAS PHARMACEUTICALS LIMITED & OTHERS

Appellants

- v -

COMPETITION AND MARKETS AUTHORITY

Respondent

ORDER

UPON the Tribunal hearing the appeals in these proceedings between 22 November 2022 to 23 December 2022, and 25 January 2023 and 3 February 2023

AND UPON the Tribunal having handed down its judgment [2023] CAT 56 on 18 September 2023 (“**Hydrocortisone 1**”), a judgment which disposes of the appeals relating to the Abuse of Dominance Infringements (as defined in Hydrocortisone 1) only

AND UPON the Tribunal having circulated a draft embargoed judgment relating to the Cartel Infringements (as defined in Hydrocortisone 1) only (“**Hydrocortisone 2**”) to a restricted number of persons listed in Annex 1

IT IS ORDERED THAT:

1. Hydrocortisone 2 will be handed down on 29 September 2023 as a closed judgment until further order of the Tribunal. Absent order of the Tribunal, access to

Hydrocortisone 2 will remain limited to the persons listed in Annex 1 of this Order, who remain subject to the strict obligations of confidentiality that they have accepted.

2. A closed hearing will be held on 26 and 27 of October 2023 to deal with certain consequential matters relating to Hydrocortisone 2 (the “**Consequentials Hearing**”). The only individuals who may attend the Consequentials Hearing are those who have been invited by the Tribunal to do so.
3. The parties are to file skeleton arguments, of a maximum of 25 pages, for the Consequentials Hearing by 4pm on 24 October 2023.
4. Permission to appeal the findings in Hydrocortisone 1 in relation to penalties is stayed until such time as penalties in relation to Hydrocortisone 2 can be appealed.
5. Permission to appeal the substantive findings in Hydrocortisone 1 is stayed until judgment from the Consequentials Hearing has been handed down.

Sir Marcus Smith
President of the Competition Tribunal

Made: 29 September 2023
Drawn: 29 September 2023

Annex 1

(a) Those to whom access to Hydrocortisone 2 has been granted	
Marie Demetriou KC	Jack Ashfield
Josh Holmes KC	Robert Palmer KC
Tristan Jones	Jonathan Ford
David Bailey	Laura John
Daisy Mackersie	Jack Williams
Jessica Radke	Nicole Kar
Sarah Cardell	Verity Egerton-Doyle
Michael Grenfell	Robert O'Donoghue KC
James Wright	Max Schaefer
Chris Prevett	Luke Tolaini
Ronan Flanagan	Ben Jasper
Mark Brealey KC	Nissim Massarano
Frances Murphy	Bruce Kilpatrick

Joanna Christoforou	Tim Johnston
Daniel Jowell KC	Ben Ackroyd
Sarah Persky	Sarah Ford KC
Cameron Firth	Charlotte Thomas
Emma Radcliffe	Andrew Morrison
Jemima Stratford KC	Tom Pascoe
Alastair Richardson	Eve-Anadel Coronado
James Granshaw	Chantal Wheatley
John Beighton	
(b) Those to whom the contents of Hydrocortisone 2 has been communicated for the purposes of taking instructions	
Babett Carrier	John McLeod
Taylor Reynolds	David Fakes
Jim Back	