



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) SWANSEA BAY UNIVERSITY HEALTH BOARD**
- (5) CWM TAF MORGANNWG UNIVERSITY HEALTH BOARD**
- (6) ANEURIN BEVAN UNIVERSITY HEALTH BOARD**
- (7) HYWEL DDA UNIVERSITY HEALTH BOARD**
- (8) BETSI CADWALADR UNIVERSITY HEALTH BOARD**
- (9) POWYS TEACHING HEALTH BOARD**
- (10) CARDIFF & VALE UNIVERSITY HEALTH BOARD**

Claimants

- v -

- (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**
- (12) SUN PHARMA UK LIMITED**

Defendants

ORDER

UPON the Claimants' application dated 13 September 2023 for permission to amend the Reply to plead a case based on section 32 of the Limitation Act 1980 (the "**Limitation Act Case**")

AND UPON the Tribunal's order made on 29 September 2023 (the "**Order**") granting permission to amend the Reply to advance the Limitation Act Case and giving directions for the trial of a preliminary issue on limitation

AND UPON the Claimants confirming in correspondence to the Tribunal and the Defendants that they will no longer advance the Limitation Act Case in these proceedings

IT IS ORDERED THAT:

Disclosure

1. The Claimants are no longer required to comply with paragraph 9 of the Order.

Witness evidence

2. The direction for witness statements at paragraph 10 of the Order is set aside.

Preliminary issue hearing

3. The listing of the preliminary issue shall be reduced from 3 days to 1 day.

Costs

4. The Claimants shall pay the Defendants' reasonable costs of and occasioned by the Limitation Act Case.

Andrew Lenon KC
Chair of the Competition Appeal Tribunal

Made: 9 February 2024
Drawn: 9 February 2024