



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1746/5/7/25 (T)
1747/5/7/25 (T)
1748/5/7/25 (T)

**(1) THE SECRETARY OF STATE FOR HEALTH AND SOCIAL CARE &
ANOTHER**

English Claimants (Case 1746/5/7/25 (T))

(2) THE SCOTTISH MINISTERS & OTHERS

Scottish/NI Claimants (Case 1747/5/7/25 (T))

(3) THE WELSH MINISTERS & OTHERS

Welsh Claimants (Case 1748/5/7/25 (T))

Claimants

- v -

(1) SERVIER LABORATORIES LIMITED

(2) SERVIER RESEARCH AND DEVELOPMENT LIMITED

(3) LES LABORATOIRES SERVIER SAS

(4) SERVIER SAS

Defendants/Rule 39 Claimants

- and -

(1) NICHE GENERICS LIMITED

(2) UNICHEM LABORATORIES LIMITED

(3) MYLAN LABORATORIES LIMITED

(4) VIATRIS INC.

(5) KRKA, TOVARNA ZDRAVIL, D.D. NOVO MESTO

(6) TEVA UK LIMITED

(7) TEVA PHARMACEUTICALS EUROPE B.V.

(8) TEVA PHARMACEUTICALS INDUSTRIES LTD

(9) LUPIN LIMITED

Rule 39 Defendants

ORDER

UPON reading the applications made by all parties on 26 February 2026 and supporting evidence

AND UPON reading the reply submissions and reply evidence filed by all parties on 28 April 2026 and the further evidence filed by the Ninth Rule 39 Defendant on 11 May 2026

AND UPON hearing Counsel on behalf of the Claimants; Counsel on behalf of the Defendants; and Counsel on behalf of the Rule 39 Defendants, at a case management conference on 12-13 May 2026

IT IS ORDERED THAT:

Use of documents containing confidential information

1. Where any document, designated on its face as containing confidential information, has been read to or by the Tribunal or referred to during the course of the case management conference on 12-13 May 2026, it is nevertheless prohibited, pursuant to CAT Rules r 102(5), for any person to use that document other than for the purposes of these proceedings.

The Claimants' request for further information of the Defendants

2. By 10 June 2026, the Defendants will file and serve a response to the following requests in the Claimants' Request for Further Information dated 26 September 2025:
 - a. Request 1, parts (a), (b) and (c).
 - b. A variant of Request 2, to the effect that: "In so far as any of 1(a) to (c) are not admitted, and the Defendants currently intend to advance a positive case in support of a denial of any of these allegations, please summarise that positive case at a high level."
 - c. Request 3(a).
 - d. Request 8.
 - e. A variant of Request 9, to the effect that "If so, please identify what information was provided, and which entity provided it."
 - f. Request 15, parts (a), (b) and (c).
 - g. Request 17.

Disclosure of documents relevant to the PPRS Issue as pleaded at paragraphs 117-124 of the Defendants' Consolidated Defence (the "PPRS Issue")

3. By 12 June 2026 the English Claimants shall disclose and produce any documents relevant to the PPRS Issue which they provided to their solicitors in 2023.
4. By 31 July 2026:
 - a. The Claimants shall disclose and produce any documents dating between 2005 and 2016 (inclusive), which are relevant to the PPRS Issue (to the extent such documents have not previously been disclosed).
 - b. The Defendants shall disclose and produce any documents on which they intend to rely in relation to the PPRS Issue and any known adverse documents (to the extent such documents have not previously been disclosed). For the avoidance of doubt, the Defendants shall not be required to undertake further searches in order to identify any such documents.
5. By 14 October 2026, the Claimants and Defendants shall make any further requests of each other for specific disclosure in relation to the PPRS Issue.

Disclosure from the Rule 39 Defendants

6. The following directions shall apply in respect of further disclosure from the Rule 39 Defendants:
- a. The Claimants shall by 11 September 2026 serve upon the Defendants and Rule 39 Defendants:
 - i. a document setting out (a) the Claimants' proposed issues for disclosure from the Rule 39 Defendants; (b) for which of the proposed issues for disclosure the Claimants consider that no further disclosure is required from the Rule 39 Defendants; and (c) for all other proposed issues, the Claimants' proposals as to the approach to further disclosure by the Rule 39 Defendants;
 - ii. a document setting out any specific requests for further disclosure, to the extent that the Claimants are able to formulate such requests; and
 - iii. for the avoidance of doubt, the Claimants' formulation of any specific requests for further disclosure pursuant to paragraph 6(a)(ii) above shall be without prejudice to whether the Rule 39 Defendants should undertake wider searches.
 - b. If so advised, the Defendants may serve further or alternative proposals for disclosure by the Rule 39 Defendants in a form corresponding to that set out at paragraph 6(a) above, by 25 September 2026.
 - c. Each of the Rule 39 Defendants shall, by 23 October 2026, provide a response to the Claimants' and Defendants' disclosure proposals under paragraphs 6(a) and 6(b) above:
 - i. indicating the extent to which they agree with the Claimants' proposed approach to disclosure which should apply;
 - ii. to the extent that it is agreed that Model C disclosure is appropriate, the searches which the Rule 39 Defendant considers it should undertake, in a form corresponding to Section 1B of a Disclosure Review Document under CPR Practice Direction 57AD.
 - d. Legal representatives of the Claimants, Defendants and Rule 39 Defendants shall meet to discuss the respective disclosure proposals in the week commencing 2 November 2026. At that meeting the representatives of the Rule

39 Defendants shall give a high level indication of the repositories of documents held by them which are likely to contain documents relevant to the issues for disclosure (unless such indication is given in writing prior to the meeting).

Further CMC

7. A further CMC shall be listed to take place on the first available date convenient to the parties after 7 December 2026.
8. In preparation for that CMC:
 - a. The Claimants shall, at least 3 weeks before the CMC, file with the Tribunal proposed directions for the future conduct of the proceedings;
 - b. Any application, together with any evidence in support of it, shall be filed and served at least 3 weeks before the CMC;
 - c. Any reply to such an application, including evidence in reply, is to be filed and served at least 2 weeks before the CMC;
 - e. The Claimants will file and serve the CMC bundle at least 10 days before the CMC; and
 - f. Skeleton arguments are to be filed and exchanged at least 1 week before the CMC.

Dispensing with certain of the requirements for a Claim Form

9. If the Claimants seek to make a claim in the Tribunal against the Defendants, for damages under section 47A of the Competition Act 1998 and relying on the same breaches of Article 101 of the Treaty on the Functioning of the European Union as are advanced in the existing claims:
 - a. they may do so by submitting a short-form Claim Form, incorporating by reference the parts of the existing Consolidated Particulars of Claim advancing the existing

Article 101 claims – that is, Sections A to H, J and K; and Annexes 1-3, Annex 5 sections 5A and 5B, and Annexes 6-8;

- b. the requirements of Rule 30(5) of the CAT Rules, requiring the annexure of additional documents, shall be dispensed with.

Other

10. There shall be liberty to apply.

11. Costs in the case.

The Honourable Mr Justice Meade

Made: 22 July 2026

Chair of the Competition Appeal Tribunal

Drawn: 22 July 2026