



IN THE COMPETITION
APPEAL TRIBUNAL

Case:1008/2/1/02

BETWEEN:

(1) CLAYMORE DAIRIES LIMITED
(2) ARLA FOODS UK PLC

Applicants

-v-

OFFICE OF FAIR TRADING

Respondent

supported by

ROBERT WISEMAN DAIRIES PLC
ROBERT WISEMAN AND SONS LIMITED

Interveners

ORDER

UPON the Tribunal issuing judgment in respect of the applicants' application to recover their expenses in the proceedings ([2005] CAT 33)

IT IS ORDERED THAT:

1. The applicants be awarded their reasonably and proportionately incurred expenses in respect of the issues relating to the admissibility of the appeal. 90 per cent of that sum is to be met by the respondent and 10 per cent of that sum is to be met by the interveners.
2. There shall be no order as to expenses incurred in respect of interlocutory matters, including the applicants' applications for recovery and inspection and request for further and better particulars together with the respondent's reply to that request.
3. The applicants be awarded 50 per cent of their reasonably and proportionately incurred expenses in respect of the substantive issues. 70 per cent of that sum is to be met by the respondent and 30 per cent of that sum is to be met by the interveners.
4. Any dispute between the parties as to the apportionment of expenses between admissibility, interlocutory and substantive issues shall be determined, if necessary, by the Tribunal upon application by any party.

5. In default of agreement between the parties within 56 days of notification of the Tribunal's judgment the matter will be remitted to the Auditor of the Court of Session for detailed assessment pursuant to Rule 26(3) of the Competition Commission Appeal Tribunal Rules 2000 (SI 2000 No 261).

Sir Christopher Bellamy
President of the Competition Appeal Tribunal

Made: 14 October 2005
Drawn: 21 October 2005