



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

Case Nos: 1275-1276/1/12/17

BETWEEN

**(1) FLYNN PHARMA LIMITED**  
**(2) FLYNN PHARMA (HOLDINGS) LIMITED**

Appellants

-v-

**COMPETITION AND MARKETS AUTHORITY**

Respondent

AND BETWEEN

**(1) PFIZER INC.**  
**(2) PFIZER LIMITED**

Appellants

-v-

**COMPETITION AND MARKETS AUTHORITY**

Respondent

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**ORDER**

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**UPON** reading the correspondence sent on behalf of (1) Pfizer Inc. and Pfizer Limited (“Pfizer”); (2) Flynn Pharma Limited and Flynn Pharma (Holdings) Limited (“Flynn”); and (3) the Competition and Markets Authority (“CMA”) in response to the Tribunal’s letter of 18 August 2017 regarding the production of a joint statement by Mr Williams (on behalf of Flynn) and Mr Harman (on behalf of the CMA)

**IT IS ORDERED THAT:**

1. The CMA and Flynn's legal representatives shall agree an agenda for a joint meeting between Mr Williams and Mr Harman, confined to issues of cost allocation (the "Agenda"), to be filed with the Tribunal and served on Pfizer by 4pm on 8 September 2017.
2. Mr Williams and Mr Harman shall meet (without the parties or their legal representatives but each with the assistance of no more than one colleague) (the "Expert Meeting") and discuss on a without prejudice basis according to the provisions of Civil Procedure Rule 35.12 the issues of cost allocation set out in the Agenda, and identify in a joint statement those issues on which:
  - (a) they agree; and
  - (b) they disagree, with a summary of their reasons for disagreeing (the "Joint Statement").
3. The Expert Meeting shall take place by 15 September 2017 and the resulting Joint Statement shall be produced and filed with the Tribunal and served on Pfizer by 4pm on 25 September 2017.
4. Pfizer has permission to identify any issue on the Agenda that is addressed by evidence filed by Mr Ridyard and to request permission for Mr Ridyard to attend the Expert Meeting, with any such request to be filed with the Tribunal and served on Flynn and the CMA by midday on 12 September 2017.
5. There be liberty to apply.

**Peter Freeman CBE QC (Hon)**  
Chairman of the Competition Appeal Tribunal

Made: 1 September 2017  
Drawn: 1 September 2017