

**THE HIGH COURT**

BETWEEN/

THE COMPETITION AUTHORITY

Plaintiff

AND

THE VINTNERS FEDERATION OF IRELAND, PAUL O'GRADY,  
PATRICK O'BRIEN, WILLIAM MARTIN, EDWARD CARROLL, JAMES  
TULLY, DAVID HICKEY AND JOHN BRENNAN

Defendants

**TERMS OF SETTLEMENT**

The parties agree to settle these proceedings on the following terms:

1. On the undertakings to the Court referred to below, these proceedings shall be struck out as against the Defendants and each of them with no order as to costs.
2. The Defendants deny the allegations made in these proceedings. the settlement of these proceedings does not constitute an admission by the Defendants that they and each of them breached Section 4(1) of the Competition Act, 1991 AS AMENDED BY THE Competition (Amendment) Act 1996, in the matter alleged in these proceedings or at all, nor does it constitute an acknowledgement by the Defendants and each of them that the facts alleged in the proceedings are true.
3. This settlement is in full and final settlement of all claims arising out of the alleged facts and matters pleaded in these proceedings.
4. The following are the undertakings to be given to the Court:
  - (1) The Vintners Federation of Ireland and its officers, servants or agents and each of them undertake to the Court not to recommend to the Federation's members the prices, margins, increases in prices and increases in margins

earned on the sale to the public of alcoholic beverages for consumption on licensed premises owned, managed or controlled by the Federation's members.

(2) The Federation and its officers, servants or agents and each of them undertake to the Court that they will not breach the provisions of Section 4 of the Competition Act, 2002 in relation to the sale of and the price at which alcoholic beverages are sold to the public for consumption on licensed premises owned, managed or controlled by the Federation's members.

(3) The Federation and its officers, servants or agents and each of them undertake to the Court to inform the Federation's members of the settlement of these proceedings and the undertakings provided for herein and that the Federation may not recommend to its members the prices, margins, increases in prices and increases in margins earned on the sale to the public of alcoholic beverages for consumption on licensed premises owned, managed or controlled by the said members.

5. This settlement is to be received and filed in Court.

6. The parties agree that any public statement to be made by either of them or on their behalf concerning the settlement of these proceedings will be confined to what is specifically stated in these Terms of Settlement and in the Order of the Court reciting and receiving same.

Dated this ~~28<sup>th</sup>~~ day of ~~January~~ 2005

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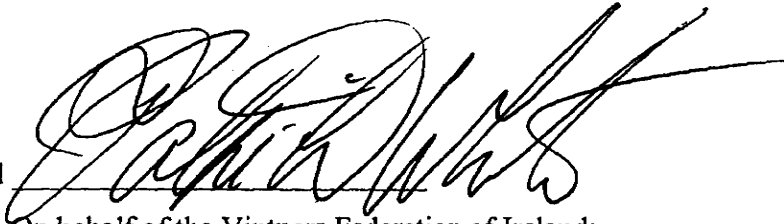
PLM

Signed 

On behalf of the Authority:

David McFadden Solicitor,

Solicitor to the Competition Authority

Signed 

On behalf of the Vintners Federation of Ireland:

Patrick White Solicitor,

Patrick White & Company Solicitors

1998 No. 6658P

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JAMES TULLY, DAVID HICKEY AND JOHN  
BRENNAN

Defendants

**Terms of Settlement**

David McFadden,  
Solicitor,  
Competition Authority,  
Parnell House,  
14 Parnell Square,  
Dublin 1.