

THE HIGH COURT

Record No. 1999/6916P

BETWEEN/

THE COMPETITION AUTHORITY

Plaintiff

- and -

**GLANBIA PLC (FORMERLY AVONMORE WATERFORD GROUP
PLC),**

DAIRYGOLD DAIRIES LIMITED T/A CMP DAIRY,

SLIGO DAIRIES,

SUPERQUINN,

TESCO IRELAND LIMITED

Defendants

SETTLEMENT TERMS

Solicitor for the Plaintiff,
David McFadden Solicitor,
The Competition Authority,
Parnell House,
14 Parnell Square,
Dublin 1.

Solicitor for the First named Defendant,
Arthur Cox Solicitors,
Earlsfort Centre,
Earlsfort terrace,
Dublin 2

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SLIGO DAIRIES,

SUPERQUINN,

TESCO IRELAND LIMITED

Defendants

SETTLEMENT TERMS

It has been agreed between the Plaintiff and the Third Named Defendant (Sligo Dairies Limited) that the above proceedings are settled on the following terms:

1. It is alleged in the Statement of Claim in these proceedings that between the months November and December 1995 the Third Named Defendant entered into agreements or engaged in concerted practices in breach of Section 4(1) of the Competition Act 1991 in respect of the retail price of liquid milk. It is further alleged in the Statement of Claim that the Third Named Defendant was a party to agreements and concerted practices

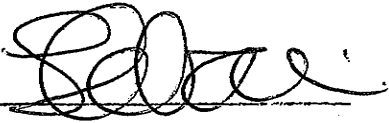
Settlement terms referred to
in the Order of the High Court
dated 25 July 2000
S. O'Connell Registrar

under which it printed prices on containers of branded liquid milk supplied to retailers and distributors and on price lists in breach of Section 4(1) of the Competition Act, 1991. It is further alleged that in June / June 1997, the First and Third Named Defendants entered into a further agreement or engaged in a further concerted practice in breach of Section 4(1) of the Competition Act, 1991. However, it is agreed that the settlement of these proceedings does not constitute an admission by the Third Named Defendant that it breached Section 4(1) of the Competition Act, 1991 in the matter alleged in these proceedings or at all or an acknowledgement by the Third Named Defendant that the facts alleged in the proceedings are true.

2. On the Third Named Defendant's undertaking to the Court that it, its officers, servant or agents will not enter into any agreement or engage in a concerted practice to fix the retail price of liquid milk contrary to section 4 of the Competition Act, 2002, these proceedings are to be struck out as against the Third Named Defendant with no order as to costs;
3. The Plaintiff and the Third Named Defendant hereby agree that this settlement is in full and final settlement of all claims arising out of the facts pleaded in these proceedings
4. The Plaintiff and the Third Named Defendant further agree that any public statement made by either of them or their servants or agents concerning the settlement of these proceedings will be confined to what is specifically stated in the Order of the Court reciting the Third Named Defendant's said undertaking and receiving these Terms of Settlement.
5. This settlement to be received and filed in court.

Dated this 21st day of July 2003

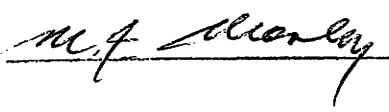
Signed



Terry Calvani,

Member of the Competition Authority

Signed



Michael Morley,

Secretary and Financial Controller Sligo Dairies

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PLC),
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SLIGO DAIRIES,
SUPERQUINN,
TESCO IRELAND LIMITED**

Defendants

Settlement Terms

Solicitor for the Plaintiff:
David McFadden Solicitor,
The Competition Authority,
Parnell House,
14 Parnell Square,
Dublin 1.

Solicitor for the Third named Defendant:
Rochford Gallagher & Co.,
Tubbercurry,
Co. Sligo

Darragh Daly c/o R/B

19/12/03

15361

THE HIGH COURT

The 25th day of July 2003

RE:-

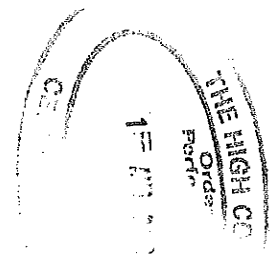
THE COMPETITION AUTHORITY

AND

GLANBIA PLC (FORMERLY
AVONMORE WATERFORD GROUP
PLC) AND ORS

Nature of Document:-

ORDER



Entering Fee:-

~~TWO~~ Pages

Solicitor:- DAVID McFADDEN

Address

THE CLERK OF THE COURT
THE HIGH COURT
WATERFORD

