

Thursday the 1st day of June 2017

S:AP:IE:2016:000065

BEFORE

THE CHIEF JUSTICE

MR JUSTICE MacMENAMIN

MISS JUSTICE LAFFOY

MS JUSTICE DUNNE

MR JUSTICE CHARLETON

High Court 2015 No 9210 P

BETWEEN

CRH PLC IRISH CEMENT LIMITED AND SEAMUS LYNCH

PLAINTIFFS

AND

THE COMPETITION AND CONSUMER PROTECTION COMMISSION

DEFENDANT

The Notice of Appeal by the Defendant filed on the 19th day of May 2016 by way of appeal from the Judgment of the High Court (Mr Justice Barrett) given on the 5th day of April 2016 and the Order made on the 26th day of April 2016 (and amended on the 16th day of May 2016 pursuant to Order 28, Rule 11 of the Rules of the Superior Courts) which restrained the Defendant from accessing reviewing or making any use whatsoever of the Electronic Documents seized from Seamus Lynch's 'crh.com' email account as referred to in Paragraph 7 of the Statement of Claim and for an Order setting aside the said Judgment and Order on the grounds and as set forth in the said Notice of Appeal coming on for hearing before this Court on the 25th and 26th days of January 2017

Whereupon and on reading the said Notice of Appeal and the Determination of this Court dated the 27th day of June 2016 granting leave to the Defendant to appeal on all of the grounds outlined in Section 6 of the said Defendant's Application for Leave

And further on reading the said Order the documents therein referred to the judgment of the High Court and the written submissions filed on behalf of the respective

SUPREME COURT

parties and on hearing Counsel for the Defendant and Counsel for the Plaintiffs

IT WAS ORDERED that the case should stand for judgment

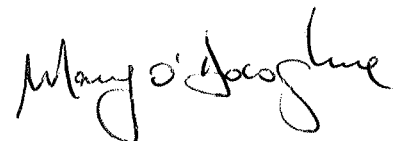
And the same being listed for judgment on the 29th day of May 2017 and being called on accordingly in the presence of said respective Counsel

IT WAS ORDERED AND ADJUDGED that this appeal be dismissed but that in lieu of the said Order of the High Court the Court doth Order that the Defendant/ Appellant be restrained from accessing reviewing or making any use whatsoever of the unrelated Electronic Documents other than in accordance with agreement between the Parties which accords with the requirements of Article 8 of the European Convention of Human Rights and in the event of no agreement that there be liberty to apply to the High Court

And the question of costs having been dealt with on this day in the presence of said respective Counsel

IT IS ORDERED

- (i) that the High Court costs Order stands affirmed and
- (ii) that the Defendant do pay to the Plaintiffs the costs of this appeal when taxed and ascertained



MARY O'DONOGHUE
ASSISTANT REGISTRAR
Perfected 16th June 2017