



Holcim, HeidelbergCement Lose Bid to Dismiss Lawsuit (Update1)

By Stephanie Bodoni

May 14 (Bloomberg) -- **HeidelbergCement AG**, **Holcim Ltd.** and four other cement makers lost a court bid to throw out a lawsuit over a price-fixing cartel.

A lawsuit filed by Cartel Damage Claims SA, which represents unidentified companies, can proceed, the higher regional court of Dusseldorf ruled today, backing the conclusions reached by a lower court last year. The suit is seeking at least 114 million euros (\$175.9 million) in damages.

``As far as the admissibility of the claim is concerned, the claimant has provided sufficient evidence for its calculation and the minimum damage it claims," the court said in an e-mailed statement today.

The case stems from a 2003 German investigation and fines against the cement makers, including Cemex SAB, **Dyckerhoff AG**, Schwenk Zement KG and French rival **Lafarge SA**, for fixing prices for cement by colluding on production quotas and geographical regions in a cartel stretching back to the 1970s.

The decision only says that the case can proceed at the regional court, said **Peter Gysel**, a spokesman for Jona, Switzerland-based Holcim. ``This means that in a next step that court will analyze the validity of the actual arguments in the lawsuit," he said.

Today's decision hasn't changed HeidelbergCement's view that the lawsuit is unjustified, **Brigitte Fickel**, a spokeswoman at the Heidelberg-based company said by telephone. The companies can petition for the right to appeal today's decision at the Federal Court of Justice, Germany's highest civil court.

``Nothing has been decided on the substance of the matter," Dyckerhoff spokeswoman **Birgit Eggersmeier** said. ``We're still at the beginning of the legal dispute."

A Schwenk Zement spokeswoman declined to comment and spokespeople at Cemex's German unit in Ratingen couldn't immediately be reached for comment.

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