



IN THE COMPETITION
APPEAL TRIBUNAL

Case No. 1166/5/7/10

B E T W E E N :

ALBION WATER LIMITED

Claimant

-v-

DŴR CYMRU CYFYNGEDIG

Defendant

ORDER

UPON the Tribunal handing down its ruling on various applications made at a case management conference held on 30 March 2012 ([2012] CAT 10) (“the Judgment”)

IT IS ORDERED THAT:

1. This Order adopts the same definitions as, and should be read with, the Judgment.
2. The Defendant’s application for security for costs under rule 45 of the Tribunal’s Rules is refused.
3. There is no order as to the costs occasioned by the 9 June Ruling.
4. The Claimant pay to the Defendant a sum of £30,000 in respect of its costs occasioned by the 16 December Ruling, such payment to be made within 42 days of the date of this Order.
5. Dr Jeremy Bryan’s first witness statement be withdrawn and re-served in accordance with the procedural timetable laid down by paragraph 6 of this Order.
6. The procedural timetable for the remainder of this matter is as follows:
 - (a) The Claimant serve on the Defendant a draft Re-amended Particulars of Claim no later than 5pm on 27 April 2012.

- (b) The Defendant indicate to the Claimant whether it consents, in whole or in part, to the draft Re-amended Particulars of Claim for the purposes of rule 34(a) of the Tribunal's Rules on or before 9 May 2012.
- (c) By no later than 4pm on 14 May 2012 the Claimant file and serve, in accordance with rule 34 of the Tribunal's Rules, either:
 - i. the Re-amended Particulars of Claim accompanied by the written consent of the Defendant to that re-amendment; or
 - ii. an application to the Tribunal for permission to re-amend its Particulars of Claim, together with a copy of the draft Re-amended Particulars of Claim.
- (d) The Defendant file and serve its Re-amended Defence within 28 days of either:
 - i. the date on which it consents to the Re-amended Particulars of Claim; or
 - ii. the date on which the Tribunal determines any application made in accordance with paragraph 6(c)(ii) above.
- (e) The Claimant file and serve the revised first witness statement of Dr Jeremy Bryan by the date on which the Re-amended Defence is due to be lodged in accordance with paragraph 6(d) above.
- (f) If so advised, the Defendant file any reply evidence within 28 days of service of the Re-amended Defence.
- (g) The parties inform the Tribunal, and each other, of the witnesses they intend to cross-examine at trial within seven days of the date for the filing of reply evidence.
- (h) An agreed trial bundle of documents be lodged with the Tribunal no later than 4pm on 20 August 2012.
- (i) The Claimant file and serve its skeleton argument, and a bundle of authorities, by 4pm on 10 September 2012.
- (j) The Defendant file and serve its skeleton argument, and a bundle of any additional authorities, by 4pm on 24 September 2012.

(k) The main hearing of this claim be listed to commence on 15 October 2012 with a time estimate of two weeks.

7. There be liberty to apply.

Vivien Rose
Chairman of the Competition Appeal Tribunal

Made: 23 April 2012
Drawn: 23 April 2012