



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1178/5/7/11

B E T W E E N:

2 TRAVEL GROUP PLC (IN LIQUIDATION)

Claimant

-v-

CARDIFF CITY TRANSPORT SERVICES LIMITED

Defendant

ORDER

UPON reading the written submissions of the parties filed in advance of a case management conference on 16 December 2011

AND UPON hearing the parties' legal representatives at the case management conference on that date

IT IS ORDERED THAT:

Venue

1. The main hearing in these proceedings will take place in the Civil Justice Centre in Cardiff.

Disclosure

2. By 5pm on 23 December 2011, the Defendant shall in a witness statement of a duly authorised person provide a statement setting out with precision the scope of the search carried out by the Defendant in 2005 for documents to be provided to the OFT ("the 2005 Search"), including (without limitation):
 - a. A statement of the Defendant's understanding of the OFT's disclosure request, and the manner in which this affected the parameters and filters then applied to search subsequently carried out.

- b. A statement of all parameters (including electronic search terms) used by the Defendant in conducting this search, including (without limitation) the basis upon which individuals were included or excluded from this search and the parameters used to identify custodians.
3. By 5pm on 30 December 2011, the Defendant shall under the supervision of a solicitor use its best endeavours to search for and disclose:
 - a. Electronic documents from the 2005 Search;
 - b. Documents created between 1 June 2003 and 30 June 2005. For the avoidance of doubt that search should be for both hard copy and electronic documents (and include the recovery of data from back up tapes, old laptop and desktop computers, other forms of media storage (including but not limited to) DVDs, CDs, memory sticks)) as necessary. Adequate measures are to be implemented to ensure that no data (including metadata) is lost during the recovery of that data. The Defendant shall treat the following as custodians for the purpose of that search or explain in detail why such person is no longer a custodian and (if so) how documents in his or her custody were dealt with when that person ceased to be a custodian:
 - i. Alan Kreppel;
 - ii. David Cole;
 - iii. Greg John;
 - iv. Phil Whalley;
 - v. Karen Stafford-Smith;
 - vi. David James;
 - vii. Amanda Canterbury;
 - viii. Andy Bird;
 - ix. Martyn Dunn;
 - x. Andrew Carnell;
 - xi. Owen Pritchard;
 - xii. Rita Birch;
 - xiii. Steve Howson;
 - xiv. Toni Kemp;
 - xv. Steve Pantak;
 - xvi. The non-executive directors of the Defendant.
4. The search terms to be used for the purposes of the electronic searches carried out pursuant to paragraph 3 above shall be as specified the section entitled “A. Time period: 1 June 2003 – 30 June 2005” in the document entitled “2 Travel List of Search Terms 19 December 2011” sent under cover of Addleshaw Goddard’s letter dated 19 December 2011.

5. By 5pm on 30 December 2011, the Defendant shall, in a witness statement, describe the full extent of the searches undertaken pursuant to paragraph 3 above. In particular, this statement shall provide a chronology describing how the Defendant has dealt with its electronic documentation in the period from 1 June 2003 to date.

Witness and expert evidence

6. The witness evidence of Mr Stephen Harrison (for the Claimant) and Mr David Brown (for the Defendant) be admitted.
7. The expert evidence of Dr Gunnar Niels (for the Defendant) be admitted. The Claimant shall be at liberty to serve an expert report in response.

Liberty to apply

8. There be liberty to apply.

Lord Carlile of Berriew QC
Chairman of the Competition Appeal Tribunal

Made: 21 December 2011
Drawn: 21 December 2011