



**IN THE COMPETITION  
APPEAL TRIBUNAL**

Case Number: 1188/1/1/11

**B E T W E E N:**

**(1) TESCO STORES LTD  
(2) TESCO HOLDINGS LTD  
(3) TESCO PLC**

Appellants

**-v-**

**OFFICE OF FAIR TRADING**

Respondent

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**ORDER**

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**UPON** reading a decision dated 26 July 2011 taken by the Office of Fair Trading (“the OFT”) in Case CE/3094-03 and of which the Appellants were notified on 10 August 2011 (“the Decision”)

**AND UPON** reading the notice of appeal lodged by Tesco Stores Ltd, Tesco Holdings Ltd and Tesco plc (collectively, “Tesco” or “the Appellants”) under rule 8 of the Competition Appeal Tribunal Rules 2003 (S.I. 2003/1372) (“the Tribunal Rules”) on 10 October 2011

**AND UPON** reading the written observations and submissions of the parties filed in advance of the case management conference

**AND UPON** hearing the legal representatives of the parties at a case management conference on 7 November 2011 and subsequent correspondence dated 16 and 22 November 2011

**IT IS ORDERED THAT:**

1. A main oral hearing be listed for three weeks commencing on 26 April 2012.
2. The days on which the Tribunal will not sit are contained in the Schedule to this Order.

3. In relation to that hearing:
  - a. The time for filing and serving the OFT's defence, including supporting documents, be extended to 4pm on 30 January 2012;
  - b. The parties inform the Tribunal, and each other, of the witnesses they intend to cross-examine (identifying in respect of each witness the alleged agreements and/or concerted practices in respect of which they intend to cross examine him or her) by 4pm on 16 February 2012;
  - c. Tesco file and serve its skeleton argument, and its reply, if any, together with any supporting evidence by 4pm on 14 March 2012;
  - d. The OFT file and serve its skeleton argument by 4pm on 4 April 2012;
  - e. The parties send to the Registry electronic versions (in Word format) of their pleadings, skeleton arguments and witness statements (without appendices) at the same time as filing hard copy documents. Each party is also to provide the other with those electronic copies;
  - f. Tesco prepare an agreed bundle of documents to serve as the core bundle for the hearing and a joint bundle of authorities to be referred to at the hearing with key sections flagged for reference; and
  - g. Tesco file six copies of the agreed bundle of documents and authorities by 4pm on 12 April 2012; each party to liaise with the Tribunal Registry for the insertion of any additional documents into files already lodged with the Tribunal
4. The OFT is not required in its defence (provided in accordance with paragraph 3a above) to address ground 3 of Tesco's appeal on penalty. The Tribunal will make further directions in relation to the penalty aspect of the appeal, which may be heard separately at a later date.
5. Liberty to apply.



## **SCHEDULE**

Following the commencement of the hearing on 26 April 2012, the days on which the Tribunal is unable to sit are:

Tuesday 8 May 2012

Wednesday 9 May 2012

Thursday 10 May 2012

Friday 11 May 2012

Tuesday 15 May 2012