



Neutral Citation [2013] CAT 11

**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Cases No.: 1198/5/7/12  
1199/5/7/12

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

**SIEMENS PLC**

Claimant

-v-

**NATIONAL GRID PLC**

Defendant

**CAPITAL METERS LIMITED**

Claimant

-v-

**NATIONAL GRID PLC**

Defendant

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**ORDER**

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**UPON** considering the terms of the Order made on 25 March 2013 listing a Case Management Conference for 31 May 2013 (the “CMC”) in the above claims

**AND UPON** Siemens plc (“Siemens”), on 30 May 2013, applying for an order vacating the CMC and staying case 1198/5/7/12 (the “Siemens Claim”) until further order of the Tribunal, and there being no objection to that application

**AND UPON** Capital Meters Limited (“CML”), on 30 May 2013, applying for an order vacating the CMC and staying case 1199/5/7/12 (the “CML Claim”) until 21 June 2013, and there being no objection to that application

### **IT IS ORDERED THAT:**

1. The CMC be vacated
2. Both claims be stayed until 21 June 2013
3. The parties to each of the Claims notify the Tribunal by not later than 4pm on 17 June 2013 how the respective Claims are to proceed and whether a Case Management Conference ought to be listed
4. There be no order as to costs
5. There be liberty to apply

### **REASONS**

Although Siemens applied for the Siemens Claim to be stayed until further order of the Tribunal (and the Defendant did not object to that application), I do not consider that to be an appropriate form of order, taking into account, in particular, the length of time that that Claim has already remained stayed before the Tribunal pending negotiations.

It is unsatisfactory for a claim of this sort to remain stayed before the Tribunal for an unspecified, and in theory unlimited, period of time, and it is not the Tribunal's general practice to grant such open-ended stays (although such orders have in certain circumstances been made). On that basis, I consider it appropriate to initially stay the Siemens Claim for the same period as that for which the CML Claim is stayed.

In the event that a further stay is required, then it is open to Siemens to make an appropriate application on or before 17 June 2013, in accordance with paragraph 3 of this Order.

**Lord Carlile of Berriew QC**  
Chairman of the Competition Appeal Tribunal

Made: 30 May 2013  
Drawn: 30 May 2013