



COMPETITION APPEAL TRIBUNAL

**IN THE COMPETITION
APPEAL TRIBUNAL**

Case: 1008/2/1/02

BEFORE:

**Sir Christopher Bellamy (President)
Peter Clayton
Peter Grant Hutchison**

**(1) CLAYMORE DAIRIES LIMITED
(2) EXPRESS DAIRIES PLC**

Applicants

-v-

THE OFFICE OF FAIR TRADING

Respondent

supported by

**(1) ROBERT WISEMAN DAIRIES PLC
(2) ROBERT WISEMAN AND SONS LIMITED**

Interveners

ORDER OF THE TRIBUNAL

UPON reading the revised notice of application filed by the applicants pursuant to Rule 8 of the Commission Appeal Tribunal Rules 2003 on 16 February 2004

AND UPON reading the defence filed by the respondent on 29 March 2004

AND UPON identifying late June or July 2004 as a suitable time for the main hearing of the appeal

AND UPON hearing counsel for the parties at the case management conference on 1 April 2004

AND UPON the applicants through counsel offering further to particularise their request for disclosure by way of a letter to the respondent

AND UPON the Tribunal inviting (i) the applicants to concentrate as far as possible in their skeleton argument on their main grounds of challenge to the decision, and (ii) the respondent to consider the question of the disclosure sought

IT IS ORDERED THAT:

1. A further case management conference shall be listed on 24 May 2004 at a time to be notified to the parties to consider the question of disclosure and any further issues relating to the main hearing.
2. The respondent file and serve its skeleton argument for that case management conference, addressing the Applicants' request for disclosure, by 5pm on 11 May 2004.
3. The applicants and interveners file and serve skeleton arguments in response by 5pm on 18 May 2004.
4. Liberty to apply.

Sir Christopher Bellamy
President of the Competition Appeal Tribunal

Made: 1 April 2004
Drawn: 14 April 2004