



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

**Case No 1032/1/1/04**

BETWEEN:

**APEX ASPHALT AND PAVING CO LIMITED**

**Appellant**

**-v.-**

**OFFICE OF FAIR TRADING**

**Respondent**

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**ORDER**

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**UPON** considering the appellant's notice of appeal

**AND UPON** considering the relevance of the proceedings in case 1033/1/1/04 (*Richard W. Price (Roofing Contractors) Limited v Office of Fair Trading*)

**AND UPON** considering the appellant's request of 28 May 2004, pursuant to rule 53 of the Competition Appeal Tribunal Rules 2003 (SI 1372/2003) ("the Tribunal Rules"), for confidential treatment of certain passages of (i) the confidential version of the respondent's decision CA98/1/2004 ("the decision") and (ii) the appellant's response of 17 November 2003 to the respondent's rule 14 Notice of 13 August 2004 ("the rule 14 Notice response")

**AND UPON** considering the appellant's application of 14 June 2004, pursuant to rule 11 of the Tribunal Rules, for permission to amend its notice of appeal

**AND UPON** hearing counsel for the parties at a case management conference held on 15 June 2004

**IT IS ORDERED THAT:**

1. Under rule 18 of the Tribunal Rules, the proceedings be proceedings before a Tribunal in England and Wales.
2. The appellant's application for permission to amend its notice of appeal be granted.

3. The public non-confidential version of the decision be used for the purposes of the proceedings, the parties being at liberty to apply, if and when they consider it necessary for the disposal of the proceedings, for permission to insert confidential information into the decision and/or into other non-confidential versions of documents before the Tribunal in the proceedings.
4. The appellant serve on the appellant in case 1033/1/1/04 and on the respondent a non-confidential version of its notice of appeal and of the rule 14 Notice response by 5 p.m. on 22 June 2004.
5. The appellant and respondent inform the Tribunal as to whether one or both wish to call witnesses of fact for examination and/or cross-examination by 5 p.m. on 22 June 2004.
6. The respondent file and serve its Defence by 5 p.m. on 30 June 2004.
7. The appellant be granted permission if so advised to file and serve its Reply to the Defence by 5 p.m. on 14 July 2004.
8. By 5 p.m. on 28 July 2004, (i) the parties file a joint statement of agreed and non-agreed issues and a joint statement of agreed and non-agreed facts; and (ii) the OFT send a copy of the joint statement of agreed and non-agreed issues to the appellant in case 1033/1/1/04.
9. The parties file and serve an agreed chronological bundle of all factual evidence on which the parties wish to rely, divided by contracts, and a bundle of authorities by 8 September 2004.
10. The parties file and serve their skeleton arguments for the main hearing by 5 p.m. on 8 September 2004.
11. The main hearing be listed for 23 September 2004 with a time estimate of 1 day at a time and location to be notified to the parties.
12. Costs be reserved.
13. There be liberty to apply.

**Marion Simmons QC**  
Chairman of the Competition Appeal Tribunal

Made: 22 June 2004  
Drawn: 22 June 2004