



**IN THE COMPETITION  
APPEAL TRIBUNAL**

**Case: 1073/2/1/06**

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

**TERRY BRANNIGAN**

**Appellant**

**-v-**

**OFFICE OF FAIR TRADING**

**Respondent**

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**ORDER**

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**AND UPON** hearing counsel for the Respondent and Mr Greene of Edwin Coe on behalf of the Appellant at a case management conference on 23 January 2007

**AND UPON** the Tribunal considering that the matters set out in paragraph 3 of this Order do not fall within the scope of the decision against which the appeal has been brought

**IT IS ORDERED THAT:**

1. Pursuant to rule 18(1) of the Competition Appeal Tribunal Rules 2003, the proceedings are proceedings before a Tribunal in England and Wales.
2. The Respondent file and serve the defence by 5:00 p.m. on 16 February 2007.
3. The defence shall deal with the points raised in the revised Notice of Appeal save for the following:
  - (i) The allegation in paragraph 58(i) that the OFT wrongly failed to consider that the relevant geographic market was national, in which the four largest suppliers were collectively dominant;
  - (ii) The allegation in paragraph 58(ii) that the OFT wrongly failed to consider that if the relevant market was East Sussex that the four largest suppliers were collectively dominant;
  - (iii) The matters set out in paragraphs 80 to 83 inclusive;

- (iv) The allegation in paragraphs 86 and 93 that Newsquest (Sussex)'s refusal to supply printing services was, of itself, an abuse of a dominant position.
4. The Respondent prepare a bundle of documents to stand as the main hearing bundle.
  5. The Respondent file and serve nine copies of the main hearing bundle on the Tribunal and one copy on the Appellant by 5.00 p.m. on 16 February 2007.
  6. The Appellant file and serve his skeleton argument by 5 p.m. on 2 March 2007.
  7. The Appellant file and serve a witness statement verifying the truth of the matters set out in the revised Notice of Appeal (save for those mentioned in paragraph 3 of this Order), together with any further evidence on which he intends to rely by 5 p.m. on 2 March 2007.
  8. The Respondent file and serve its skeleton argument by 5 p.m. on 16 March 2007.
  9. The main hearing of this matter be listed for 27 March 2007 with a time estimate of one day.
  10. Any application for further case management directions before the hearing on 27 March 2007 to be made on 14 days' notice.
  11. Costs be reserved.
  12. Liberty to apply.

**Vivien Rose**  
Chairman of the Competition Appeal Tribunal

Made: 23 January 2007  
Drawn: 23 January 2007