



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

Case No: 1178/5/7/11

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

**2 TRAVEL GROUP PLC (IN LIQUIDATION)**

Claimant

**-v-**

**CARDIFF CITY TRANSPORT SERVICES LIMITED**

Defendant

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**ORDER OF THE CHAIRMAN**

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**UPON** reading the Claimant's application of 28 February 2012 for permission to admit the fourth witness statement of Mr Daniel Simon Conway in these proceedings

**AND UPON** reading the Claimant's further application of 28 February 2012 for an order requiring the Defendant to file witness statements from Mr David Ivar Brown and Mr Peter Heath to address alleged deficiencies in the Defendant's explanation of its search for documents pursuant to a request for information from the Office of Fair Trading ("OFT") in 2005

**AND UPON** reading the Defendant's submissions of 1 March 2012 in relation to each application

**IT IS ORDERED THAT:**

1. The fourth witness statement of Mr Conway be admitted.
2. The Claimant's application for an order requiring the Defendant to file witness statements from Mr Brown and Mr Heath be dismissed.
3. There be liberty to apply.

**REASONS:**

The fourth witness statement of Mr Conway provides the Tribunal with an update regarding the enquiries that have been carried out in relation to the Claimant's

financial documentation and records. The Defendant acknowledges the importance of this statement in these proceedings and, although it expresses concern about the late stage at which the statement has been made available, it does not object to the admission of this evidence. Given the potential relevance of the Claimant's financial documentation and records to the issue of causation in these proceedings, the statement should be admitted.

By contrast, requiring the Defendant to provide the further witness statements sought by the Claimant would not appear to serve any useful purpose in the present proceedings. In particular, the Claimant does not submit that the disclosure exercise conducted by the Defendant for the purposes of the present proceedings is inadequate. Rather, it seeks to revisit the adequacy of the Defendant's search in response to the OFT's request for information in 2005. The Defendant has, pursuant to paragraph 2 of the Tribunal's Order of 21 December 2011, provided an explanation of the search carried out in response to that request. To the extent that the Claimant alleges that this explanation is deficient, it will need to explain to the Tribunal at the hearing how this is relevant to the issues of causation and quantum that fall to be decided by the Tribunal in relation to the claim.

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

Made: 2 March 2012  
Drawn: 2 March 2012