



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

Case No: 1298/5/7/18

BETWEEN:

**ACHILLES INFORMATION LIMITED**

Claimant

- v -

**NETWORK RAIL INFRASTRUCTURE LIMITED**

Defendant

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**ORDER**

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**UPON** the Tribunal handing down its judgment in respect of these proceedings on 19 July 2019 ([2019] CAT 20) (the “Judgment”)

**AND UPON** the Tribunal making an Order on 12 September 2019 giving effect to the Judgment and directing that there be a case management conference to consider directions to trial on the outstanding issues of dominance and damages

**AND UPON** considering on the papers a draft order for directions agreed between the parties

**IT IS ORDERED THAT:**

**Dominance**

1. The issue of dominance (which was assumed for the purposes of the Judgment) shall be stayed until any further Order of the Tribunal.
2. Each party shall have liberty to apply to lift the stay at any time.

## **Damages**

### *Statements of Case*

3. The Claimant shall provide further and better particulars of its claim for loss and damage caused by the Defendant's breaches of Chapter I Competition Act 1998 as established in the Judgment, to be filed and served on or before 4pm on 26 June 2020.
4. The Defendant shall file and serve its Defence to the Claimant's further and better particulars on or before 4pm on 31 July 2020.

### *Disclosure*

5. Each party shall provide a list of those documents they rely upon on the issue of loss and damage (together with copies of those documents to the extent they have not already been disclosed in these proceedings) by mutual exchange on or before 4 September 2020.
6. If any party seeks specific disclosure of any further document or narrow category of document(s) from the other party (which disclosure is not agreed between the parties) any application must be made to the Tribunal by 4pm on 18 September 2020.

## **Witness Statements**

7. Witness Statements (if any) to be filed and served by mutual exchange by 4pm on 23 October 2020.
8. Any supplemental Witness Statements (limited to points of reply) to be filed and served by mutual exchange by 4pm on 13 November 2020.

## **Expert Reports**

9. Each party shall be permitted to serve the report of one expert limited to the issue of loss and damage.
10. Expert Reports to be filed and served by mutual exchange by 4pm on 11 December 2020.
11. Any meeting of experts to take place by 15 January 2021. A statement of points agreed and not agreed (and concise reasons for any disagreement) to be prepared and signed by both experts and filed no later than 4 pm on 29 January 2021.

## **Trial**

12. Trial will be listed to commence on the first available date after 8 March 2021 with a provisional time estimate of 5 days.

13. By 4pm on 18 December 2020 the Claimant will write to the Registrar to confirm:
- (a) The estimate of 5 days is agreed between the parties; or
  - (b) An alternative time estimate is now agreed between the parties; or
  - (c) In the absence of agreement between the parties, a short hearing should be listed before the Chairman in January 2021 to fix the trial dates.
14. The parties shall co-operate and liaise with the Tribunal regarding the preparation of the trial bundle and other arrangements for trial.

**Miscellaneous**

15. The parties may agree to amend any of the dates above other than the trial date without the permission of the Tribunal provided that there is no impact to the trial date. The parties shall notify the Tribunal in writing of any such amended dates. In the absence of agreement, any party shall have liberty to apply.
16. Costs in the case.

**Andrew Lenon Q.C.**  
Chairman of the Competition Appeal Tribunal

Made: 26 May 2020  
Drawn: 26 May 2020