



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

Case No: 1288/5/7/18

BETWEEN:

**SAINSBURY'S SUPERMARKETS LTD**

Claimant

- v -

**(1) VISA EUROPE SERVICES LLC**  
**(2) VISA EUROPE LTD**  
**(3) VISA UK LTD**

Defendants

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**ORDER**

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**UPON** the Defendants' application for an order that the Claimant file further witness evidence on the alternative bases that either (i) such evidence is necessary in order to comply with paragraph 11 of the Order of the Tribunal made on 21 May 2021 (the "**May Order**") or (ii) because such evidence will assist in the determination of the issues raised in the Statements of Case

**AND UPON** the Defendants withdrawing their application for an order on the basis of (ii) above on 5 July 2021, and electing to pursue their application at the remote hearing of 9 July 2021 only on the basis of (i) above (the "**Defendants' Amended Application**")

**AND UPON** reading the First Witness statements of Michael Andrew Coupe and Terrence John Rogers dated 6 May 2021, the Second Witness Statement of Thomas Kennedy Cassels dated 22 June 2021, the Second Witness Statement of Frances Mary Murphy dated 29 June 2021, the Second Witness Statement of Terrence John Rogers dated 29 June 2021, the third Expert Report of Derek James Holt dated 6 July 2021 and the skeleton arguments for the Claimant and the Defendants

**AND UPON** the Claimant and the Defendants agreeing that the trial date should remain as presently listed

**AND UPON** hearing Leading Counsel for the Claimant and Leading Counsel for the Defendants at a case management conference heard remotely on 9 July 2021

**IT IS ORDERED THAT:**

**Expert evidence**

1. Further to paragraph 4 of the May Order, the Defendants shall have permission to rely on the expert evidence of (i) Derek Holt; and (ii) Daniel Ryan as outlined in their statements filed on 28 May 2021, provided that their reports are not duplicative and that each expert adheres to his own area of expertise.

**Disclosure and further information**

2. The Defendants' Amended Application is adjourned.
3. If upon reviewing the disclosure and information provided by the Claimant on 16 June and 16 July 2021 pursuant to paragraphs 9 to 14 of the May Order, it appears to the Defendants that there are still outstanding gaps in the disclosure, the Defendants may make further targeted requests for disclosure and/or pursue their application for further witness evidence on the basis of (i) and (ii) of the first recital to this Order above, to be determined at the Case Management Conference referred to at paragraph 4 below, if not agreed.

**Other directions**

4. A further case management conference is to be listed for a date convenient to the parties and the Tribunal in November 2021.
5. There be liberty to apply.
6. Costs reserved.

**The Hon Mr Justice Michael Green**  
Chairman of the Competition Appeal Tribunal

Made: 9 July 2021  
Drawn: 17 August 2021