



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1569/5/7/22

BETWEEN:

INSTAPLANTA (YORKSHIRE) LIMITED

Claimant

- v -

LEEDS CITY COUNCIL

Defendant

ORDER

UPON the case management conference on 17 February 2023

AND UPON hearing counsel for the Claimant and counsel for the Defendant

IT IS ORDERED THAT:

FORUM

1. These proceedings are to be treated as proceedings in England and Wales.

FAST TRACK

2. The Claimant's application for the case to be allocated to the fast-track procedure is refused, for the reasons given by the Tribunal.

COST BUDGETING

3. By 4pm on 3 March 2023, each party is to provide its proposed costs budget, broken down by phase of activity in the litigation, to the other.
4. By 4pm on 10 March 2023, each party is to provide its comments on the other's costs budget to the other party.
5. By 4pm on 17 March 2023, the parties are to provide their respective budgets to the Tribunal for approval, and may refer to the Tribunal (by letter) any observations on either party's budget.
6. The Tribunal may choose to resolve any issues arising from the proposed budgets in writing or by a hearing.
7. After the budgets have been agreed and/or approved by the Tribunal:
 - (a) Each party is to notify the other and the Tribunal promptly if its own budget for any phase is likely to be exceeded.
 - (b) There is to be a (rebuttable) presumption that, if costs are awarded on the standard basis, costs in excess of the approved budget (taking account of any revisions approved by the Tribunal) will not be recoverable.

RFI AND STATEMENTS OF CASE

8. By 4pm on 15 March 2023, each party is to serve on the other any requests for further information.
9. By 4pm on 6 April 2023:
 - (a) each party is to respond to any requests for further information served under paragraph 8 above; and

- (b) the Defendant is to serve any proposed amended defence and/or rejoinder on the Claimant (if so advised).

DISCLOSURE

- 10. By 4pm on 28 April 2023, each party is to give standard disclosure by list.
- 11. By 4pm on 5 May 2023, each party is to specify which of the documents disclosed under paragraph 10 above it wishes to be produced by the other party.
- 12. By 4pm on 12 May 2023, each party is to produce the documents specified under paragraph 11 above.

LIST OF ISSUES

- 13. By 4pm on 12 May 2023, the Defendant is to serve on the Claimant and file at the Tribunal a list of :
 - (a) which factual witnesses the Defendant proposes to call to give evidence; and
 - (b) the pleaded issues in respect of which it is proposed that each witness will give evidence.
- 14. The parties are to endeavour to agree a list of issues, by reference to the pleadings, on which the parties propose their experts should give evidence.
- 15. By 4pm on 12 May 2023 the parties are to file at the Tribunal the list of issues referred to in 14 above, identifying any dispute between the parties about the content of that list.

SECOND CMC

- 16. A remote second case management conference is to be listed for a date to be fixed during the week commencing 29 May 2023, with a time estimate of half a day. This hearing will be vacated unless there are matters requiring discussion or determination which cannot be resolved on the papers.

WITNESS STATEMENTS

17. By 4pm on 16 June 2023, each party is to serve on the other a witness statement from each witness whom the serving party intends to call to give evidence at trial, in the Defendant's case in accordance with the list of issues prepared for that witness under paragraph 13 above and any subsequent direction of the Tribunal.

EXPERT EVIDENCE

18. By 4pm on 14 July 2023, the Claimant is to serve on the Defendant an expert report confined to the issues in respect of which permission has been given (at the second CMC or otherwise).
19. By 4pm on 1 September 2023, the Defendant is to serve on the Claimant an expert report confined to the issues in respect of which permission has been given (at the second CMC or otherwise).
20. By 15 September 2023, the experts shall meet without the presence of the parties' legal advisers for without prejudice discussions and for the purpose of producing a joint statement on matters in respect of which they are agreed and matters in respect of which they are not agreed with concise reasons for any disagreement.
21. By 4pm on 27 September 2023, the experts' joint statement shall be filed at the Tribunal.

PRE-TRIAL

22. By 4pm on 8 September 2023, the Claimant shall provide a draft index to the trial bundle to the Defendant for agreement.
23. By 4pm on 15 September 2023, the Defendant shall indicate to the Claimant whether it agrees with the draft index provided under paragraph 23 above and state any changes to the index that it seeks (identifying by reference number or equivalent any documents sought to be included or excluded).

24. By 4pm on 29 September 2023, the Claimant shall provide to the Defendant and lodge at the Tribunal an electronic copy of the trial bundle.
25. A remote pre-trial review shall be listed for a date to be fixed during the week commencing 2 October 2023.
26. By 4pm five clear working days before the first day of trial, each party shall file and serve its skeleton argument for trial.
27. By 4pm two clear working days before the first day of trial, the Claimant shall lodge at the Tribunal an electronic copy of the consolidated authorities bundle.

TRIAL

28. The trial shall be listed to commence on the 6 November 2023 with a time estimate of five days.

MISCELLANEOUS

29. Costs in the case.
30. Liberty to apply.

Ben Tidswell
Chair of the Competition Appeal Tribunal

Made: 7 March 2023
Drawn: 7 March 2023