



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1586/4/12/23

BETWEEN:

DYE & DURHAM LIMITED
DYE & DURHAM (UK) LIMITED

Applicants

- v -

THE COMPETITION AND MARKETS AUTHORITY

Respondent

- and -

TM GROUP (UK) Limited

Proposed Intervener

ORDER

UPON reading the Notice of Application lodged by the Applicants under rules 9 and 26 of the Competition Appeal Tribunal Rules 2015 (S.I. No. 1648 of 2015) (“**the Tribunal Rules**”) on 21 April 2023 (“**the Application**”)

AND UPON the Respondent having extended the divestment period

AND UPON reading the submissions of the parties filed in advance of a case management conference (“**CMC**”) on 15 May 2023

AND UPON reading the request for permission to intervene from TM Group (UK) Limited (“**TMG**”) dated 12 May 2023

AND UPON hearing counsel for the Applicants, for the Respondent and for TMG at a CMC held on 15 May 2023

IT IS ORDERED THAT:

Forum

1. The application be treated as proceedings in England and Wales for the purposes of Rule 18 of the Tribunal Rules.

Intervention

2. TMG is granted permission to intervene in the proceedings.

Confidentiality

3. A confidentiality ring be established by separate order in terms to be agreed by the parties.

Evidence

4. Paragraphs 1-5 and 16-37, and the documents identified at footnotes 39-42 of the First Expert Report of Mr Walied Soliman (“**Soliman 1**”) dated 20 April 2023 be admitted. The remainder be excluded.
5. Sections 1-3 of the First Witness Statement of Mr Matthew Proud dated 21 April 2023 be admitted. The remainder be excluded.
6. The First Witness Statement of Mr Jonny Franklin-Adams dated 21 April 2023 be excluded.

Future conduct of the application

7. The Respondent shall file its Defence by **5pm on 22 May 2023**.
8. The Applicants shall file any Reply, if so advised, by **5pm on 30 May 2023**.
9. TMG shall file its Statement of Intervention by **5pm on 30 May 2023**.
10. The Respondent has permission to file expert evidence of Canadian law in response to Soliman 1. The Respondent shall, if so advised, file any such evidence by **5pm on 30 May 2023**.
11. The parties shall inform each other (copied to the Tribunal) of any decisions of foreign competition authorities and/or courts upon which they intend to rely by **5pm on 30 May 2023**.

12. The Applicants and Respondent shall, if so advised, file their Replies to TMG's Statement of Intervention by **5pm** on **2 June 2023**.
13. The Applicants shall lodge six hard copies and an electronic copy of an agreed hearing bundle by **5pm** on **7 June 2023**.
14. The Applicants shall file their skeleton argument by **5pm** on **9 June 2023**.
15. The Respondent shall file and serve its skeleton argument by **5pm** on **15 June 2023**.
16. TMG shall file and serve its skeleton argument by **midday** on **20 June 2023**.
17. The Applicants shall lodge six hard copies and an electronic copy of an agreed bundle of authorities by **5pm** on **21 June**.
18. The substantive hearing be listed for **26 and 27 June 2023** with a time estimate of two days.

General

19. Costs in the case.
20. Liberty to apply.

Hodge Malek KC
Chair of the Competition Appeal Tribunal

Made: 17 May 2023
Drawn: 17 May 2023