



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1587/1/12/23
1588/1/12/23

BETWEEN:

SQUIBB GROUP LIMITED

Appellant

- v -

COMPETITION AND MARKETS AUTHORITY

Respondent

AND BETWEEN:

(1) KELTBRAV LIMITED
(2) KELTBRAV HOLDINGS LIMITED (collectively “Keltbray”)

Appellants

- v -

COMPETITION AND MARKETS AUTHORITY

Respondent

ORDER

UPON reading the notices of appeal filed by the Appellants against the CMA’s Decision of 23 March 2023 in Case 50697 - “*Supply of demolition and related services*” (the “**Decision**”)

AND UPON reading the single consolidated Defence and supporting evidence filed by the CMA on 15 September 2023

AND UPON reading the written submissions of the parties filed in advance of the case management conference (“**CMC**”) on 29 September 2023

AND UPON hearing counsel for each of the parties at the CMC on 4 October 2023

IT IS ORDERED THAT:

Forum

1. The appeals be treated as proceedings in England and Wales.

Decision and documents

2. By 4pm on 13 October 2023 the CMA shall file and serve a version of the Decision for use at the main hearing, which shall be redacted for material that is both confidential and irrelevant.
3. By 4pm on 20 October 2023 the CMA shall file and serve copies of all documents cited in the Decision which are relied on by one or more parties, which shall be redacted for material that is both confidential and irrelevant.

Evidence

4. The following be admitted in evidence in these appeals:
 - (a) First witness statement of Juliette Enser dated 15 September 2023.
 - (b) First witness statement of Dr Mike Walker dated 14 September 2023.
 - (c) First witness statement of Dr Jenny Haydock dated 14 September 2023.

- (d) Expert Report of Robin Noble, dated 23 May 2023.
- (e) First Witness Statement of Vince Corrigan, dated 23 May 2023.
- (f) First Witness Statement of Tim Lohmann, dated 23 May 2023.
- (g) First and Second Witness Statements of Peter Burnside, dated 23 May 2023 and 7 September 2023.
- (h) First Witness Statement of Leslie Squibb, dated 22 May 2023.
- (i) First Witness Statement of Simon Clements, dated 22 May 2023.
- (j) Expert report by Schellion Horn and Tom Middleton, dated 20 May 2023.

Future conduct of the appeals

5. The appeals be heard together.
6. By 4pm on 20 October 2023, Keltbray shall amend its Notice of Appeal to remove confidentiality markings and file and serve it on the Respondent.
7. By 4pm on 27 October 2023, each Appellant shall serve its notice of appeal (in Keltbray's case as amended pursuant to paragraph 6 of this order) and annexes on the other, substituting where applicable redacted versions of the documents provided by the CMA pursuant to paragraphs 2 and 3.
8. Each Appellant shall serve on the other any pleadings, evidence and/or submissions subsequently filed in relation to the appeal.
9. When corresponding with each other or the Tribunal in relation to the organisation of the hearing, the Parties shall keep all other Parties (if they are not addressees) copied in.
10. By 4pm on 1 December 2023, each Appellant shall (if so advised) file and serve a Reply and any supporting evidence (or alternatively confirm to the Tribunal that it does not intend to do so).

11. By 29 February 2024, economists addressing the same issues shall meet to discuss the areas of agreement and disagreement in their respective statements and reports.
12. By 4pm on 14 March 2024, economists addressing the same issues shall produce and file with the Tribunal document(s) indicating points of agreements and disagreements between them.
13. By 4pm on 28 March 2024, the Appellants shall file an electronic copy of an agreed bundle of documents to be relied upon at the hearing for the use of the Tribunal.
14. By 4pm on 5 April 2024, the Appellants shall file and serve an electronic copy of a 'core bundle' of documents for the Main Hearing, comprising the pleadings, witness statements (without exhibits), and expert reports (without exhibits) together with such hard copies (in such quantities and format(s) as the Tribunal notifies the parties are required).
15. By 4pm on 5 April 2024, each Appellant shall file and serve its skeleton argument.
16. By 4pm on 12 April 2024, the CMA shall file and serve its skeleton argument.
17. By 4pm on 17 April 2024, the Appellants shall file and serve an electronic copy of the agreed joint bundle of authorities to be referred to at the hearing, with key sections flagged for reference.
18. A Pre-Trial Review be fixed on the first available and convenient date following the filing of document(s) referred to at paragraph 12 above, with a time estimate of up to half a day. The agenda shall include the trial timetable, confidentiality, the trial time estimate and directions for expert evidence. The parties shall inform the Tribunal Registry as soon as possible if the listing is to be vacated.
19. The Main Hearing in these appeals commence on 25 April 2024 with a time estimate of seven days (excluding pre-reading and including one non-sitting day).

Costs and other matters

20. Costs be reserved.

21. There be liberty to apply.

Bridget Lucas KC
Chair of the Competition Appeal Tribunal

Made: 4 October 2023
Drawn: 5 October 2023