



**IN THE COMPETITION APPEAL  
TRIBUNAL**

Case No 1404/7/7/21

**BETWEEN:**

**DAVID COURTNEY BOYLE**

Class Representative

- v -

**(1) GOVIA THAMESLINK LIMITED  
(2) THE GO-AHEAD GROUP LIMITED  
(3) KEOLIS (UK) LIMITED**

Defendants

- and -

**SECRETARY OF STATE FOR TRANSPORT**

Intervener

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**ORDER (DIRECTIONS)**

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**UPON** the Competition Appeal Tribunal (the “**Tribunal**”) on 25 July 2022 granting the Class Representative’s application for a collective proceedings order pursuant to section 47B of the Competition Act 1998 and Rule 75 of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648)

**AND UPON** the Tribunal having made a collective proceedings order on 5 October 2022

**AND UPON** the Class Representative seeking leave for the amendments in the Re-Re-Amended Claim Form and filing a revised Costs Budget and the Second Expert Report of Dr Davis on 19 May 2023

**AND UPON** the filing by the Defendants of applications arising out of the proposed Re-Re-Amended Claim Form and the Second Expert Report of Dr Davis on 28 July 2023 (the “**Defendants’ Applications**”)

**AND UPON** the Tribunal hearing Counsel for the Parties at a case management conference on 12 October 2023 (the “**12 October 2023 CMC**”)

**AND UPON** reading the disclosure request filed by Dr Davis on 17 November 2023 on behalf of the Class Representative (the “**Disclosure Request**”)

**IT IS ORDERED THAT:**

**Articulation of Class Representative’s case and disclosure**

1. By no later than 31 July 2024, the Class Representative shall submit his case in full. The Class Representative has liberty to provide a position statement with the expert report.
2. Without prejudice to their general obligation to liaise cooperatively and effectively throughout these proceedings, during the week commencing 27 November 2023, the experts for the Class Representative and the Defendants, and the Intervener’s factual witness, will meet (and will continue to meet as and when appropriate) to explore the feasibility of providing the disclosure sought by the Class Representative in the Disclosure Request.
3. By no later than 4pm on 1 December 2023, the Parties shall update the Tribunal on the outcome of the meeting referred to in paragraph 2.
4. A case management conference with a time estimate of two days be listed, subject to Counsels’ convenience, on the first available date after 1 October 2024 (the “**2024 CMC**”).

## **Funding**

5. By 4pm on 26 October 2023, the Defendants shall (if so advised) file and serve any submissions relating to the enforceability of the Class Representative's amended litigation funding agreement in light of *R (on the application of PACCAR Inc and others) (Appellants) v Competition Appeal Tribunal and others (Respondents)* [2023] UKSC 28.
6. By 4pm on 9 November 2023, the Class Representative shall file and serve and responsive funding submissions.
7. By 16 November 2023, the Parties will indicate to the Tribunal whether they seek an oral or written determination of any funding issues in dispute.

## **Costs**

8. The Defendants' application for the costs thrown away by them because of the Class Representative's change of expert be adjourned to the 2024 CMC.
9. The cost of the 12 October 2023 CMC be in the case.

## **General**

10. There be liberty to apply.

**Sir Marcus Smith**  
President of the Competition Appeal Tribunal

Made: 23 November 2023  
Drawn: 24 November 2023