



**IN THE COMPETITION APPEAL
TRIBUNAL**

Case No: 1381/7/7/21

BETWEEN:

JUSTIN LE PATOUREL

Class Representative

- v -

**(1) BT GROUP PLC
(2) BRITISH TELECOMMUNICATIONS PLC**

Defendants

ORDER (PTR)

UPON the Tribunal making the Collective Proceedings Order on 22 October 2021 (the “**Original CPO**”)

AND UPON BT writing to the Class Representative on 21 November 2023 enclosing a letter from Mr Scott (BT’s actuarial expert) dated 21 November 2023 and subsequently filing that letter with the Tribunal on 6 December 2023 as a self-standing document with a statement of truth

AND UPON the applications of the Class Representative dated 29 November 2023 (together “**the CR’s Applications**”) for (i) permission to vary the class definition in the original CPO and to amend the Re-Re-Re-Amended Collective Proceedings Claim Form (“**Claim Form**”) and (ii) to adduce and rely upon a supplemental actuarial report by Mr Punter dated 27 November 2023 (“**Punter 3**”)

AND UPON the Tribunal being satisfied that the conditions in rule 85 of the CAT Rules 2015 are satisfied in relation to the variation of the Original CPO

AND UPON hearing counsel for the parties at the Pre-Trial Review (“PTR”) on 8 December 2023

IT IS ORDERED THAT:

Pleadings

1. The Class Representative has permission to file and serve a Re-Re-Re-Re-Amended Collective Proceedings Claim Form in the form enclosed with the CR’s Applications.
2. By 5pm on **15 December 2023**, BT shall file and serve any draft Re-Re-Amended Defence, if so advised.
3. By 5pm on **18 December 2023**, the Class Representative shall indicate to the Tribunal whether it consents to any draft Re-Re-Amended Defence filed and served by BT pursuant to paragraph 2 above.
4. By 5pm on **21 December 2023**, the Class Representative shall file and serve any Re-Re-Amended Reply, if so advised.
5. By 5pm on **22 December 2023**, BT shall indicate to the Tribunal whether it consents to any draft Re-Re-Amended Reply filed and served by the Class Representative pursuant to paragraph 4 above.

Variation to the Original CPO

6. Paragraph 5 of the Original CPO is varied as follows (updates in underlined text):

The Class shall be defined as: “all persons domiciled in any part of the United Kingdom (except in the **Hull Area**) – or their UK-domiciled personal representatives – who, during the **Claim Period**, brought a **BT Standalone Fixed Voice Services** except for the **Excluded Services** (referred to below as “**the Class Members**”), save that (i) any persons who first bought a BT Standalone Fixed Voice Service after 8 December 2023 are not Class Members and (ii) any persons who were no longer buying BT Standalone Fixed Voice Services by 8 December 2023 are only Class Members in respect of purchases made before that date”.

Notification

7. By 4pm on **13 December 2023**, the Class Representative shall file with the Tribunal a draft revised CPO notice. BT shall have the opportunity to review and provide comments on the Class Representative’s draft notice and his proposals for giving notice.

Supplemental expert statements

8. The Class Representative has permission to adduce and rely upon Punter 3.

Additional documents to be included in the trial bundle

9. By 4pm on **15 December 2023**, BT shall:
 - a. write to the Class Representative identifying any additional documents that it proposes to include in the trial bundle insofar as they have not already been included;
 - b. undertake a confidentiality review of all such documents identified pursuant to sub-paragraph (a) above, and notify the CR in writing of any documents that it has re-designated as non-confidential; and
 - c. in respect of each document over which it intends to maintain its existing confidentiality designation, provide the Class Representative with reasons for the maintenance of such designation.
10. Paragraph 9 of this Order above does not preclude BT from identifying additional documents to be included in the trial bundle after 15 December 2023, subject to the requirements outlined in sub-paragraphs 9(a) to 9(c).
11. By 4pm on **22 December 2023**, BT shall provide the Class Representative with marked up documents of the documents identified pursuant to paragraph 9(a) above over which BT seeks to maintain confidentiality, clearly identifying the specific material over which confidentiality is asserted.

Directions to trial

12. By 5pm on **10 January 2024**, the Class Representative shall file and serve an opening skeleton argument for trial (of no more than 75 pages, size 12 font, 1.5 line spacing).
13. by 5pm on **17 January 2024**, the Defendant shall file and serve an opening skeleton argument for trial (of no more than 75 pages, size 12 font, 1.5 line spacing).
14. By 12 noon on **19 January 2024**, the Class Representative shall upload an agreed bundle of authorities to the electronic trial bundle.

15. The parties shall file written closing submissions following the close of evidence, in accordance with the timetable directed by the Tribunal at the PTR.

Format of expert evidence at trial

16. Expert evidence at the trial shall be heard on a topic-by-topic basis on the following topics:
- a. Market definition and dominance
 - b. Limb 1 of *United Brands*
 - c. Limb 2 of *United Brands*
 - d. Class characteristics
 - e. Actuarial evidence
 - f. Quantum
17. The expert evidence on each topic shall initially be heard concurrently. Following the conclusion of the concurrent evidence on each topic, the parties will be permitted to cross-examine the experts in relation to that topic. The parties will not be required to put their full case to the experts in cross-examination.
18. By 4pm on **15 December 2023**, the parties are to file with the Tribunal their proposal(s) as to the time to be allocated in the timetable to each topic of expert evidence.

General

19. The Class Representative shall pay the reasonable costs of and occasioned by the amendments referred to in paragraph 1 above. Otherwise, costs in the case.
20. Liberty to apply.