



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1584/5/7/23

BETWEEN:

WHISTL UK LIMITED

Claimant

- v -

(1) INTERNATIONAL DISTRIBUTIONS SERVICES PLC

(2) ROYAL MAIL GROUP LIMITED

Defendants

ORDER (STRIKE OUT)

UPON the application by the Defendants to strike out, or alternatively, for summary judgment on the Claimant's claims for certain losses in paragraph 110.2 of the Claimant's Particulars of Claim (the "**Application**")

AND UPON the Claimant having confirmed that it no longer intends to pursue any of the claims in paragraph 110.2 of its Particulars of Claim in respect of the "*costs of management time*"

AND UPON the Claimant having confirmed that it no longer intends to pursue any of the claims in paragraph 110.2 of its Particulars of Claim in respect of the costs or expenses of Royal Mail's application to the UK Supreme Court

AND UPON the Claimant having asserted claims in paragraph 110.2 of its Particulars of Claim for "*legal costs and expenses*" alleged to have been incurred by the Claimant "*in assisting*

Ofcom in upholding the findings of infringement in the CAT [and the] Court of Appeal” (the “Relevant Costs Claims”)

AND UPON hearing Counsel for the Claimant and Counsel for the Defendants on 25 April 2024

IT IS ORDERED THAT:

Strike Out

1. Pursuant to Rule 41(1)(b) of the Competition Appeal Tribunal Rules 2015, the Relevant Costs Claims shall be struck out.

Costs

2. Within 14 days of the date of this Order, the Claimant shall pay the Defendants’ costs of and arising from the Application summarily assessed by the Tribunal in the amount of £60,000.
3. The Claimant shall pay the Defendants’ costs of and occasioned by the Relevant Costs Claims, such costs to be subject to detailed assessment on the standard basis by the Senior Courts Costs Office, if not agreed.

Hodge Malek KC
Chair of the Competition Appeal Tribunal

Made: 25 April 2024
Drawn: 14 May 2024