



**IN THE COMPETITION
APPEAL TRIBUNAL**

BETWEEN:

Case No.: 1304/7/7/19

JUSTIN GUTMANN

Class Representative

– v –

(1) FIRST MTR SOUTH WESTERN TRAINS LIMITED

“SW Defendant”

Case No.: 1305/7/7/19

JUSTIN GUTMANN

Class Representative

– v –

(1) LONDON & SOUTH EASTERN RAILWAY LIMITED

(2) GOVIA LIMITED

(3) THE GO-AHEAD GROUP LIMITED

(4) KEOLIS (UK) LIMITED

“SE Defendants”

Case No.: 1425/7/7/21

JUSTIN GUTMANN

Class Representative

– v –

(1) GOVIA THAMESLINK RAILWAY LIMITED

(2) GOVIA LIMITED
(3) THE GO-AHEAD GROUP LIMITED
(4) KEOLIS (UK) LIMITED

“GTR Defendants”

DRAFT ORDER

UPON the Order of the Tribunal dated 7 July 2023 (the “**July 2023 Order**”) directing a split trial in these proceedings, with issues relating to the alleged abuse of dominance being determined first (the “**First Trial**”), followed by a determination of the issues relating to causation and the quantification of damages (the “**Second Trial**”), with the issues of market definition and dominance being adjourned to a third trial

AND UPON the First Trial having taken place during the period 18 June 2024 to 12 July 2024, for which judgment is pending

AND UPON the Second Trial being listed to commence on 23 June 2025, with a time estimate of two to three weeks, pursuant to paragraph 4 of the July 2023 Order

AND UPON the Order of the Tribunal dated 21 May 2024 (the “**May 2024 Order**”) directing a further case management conference (“**CMC**”) be listed during October or November 2024 in relation to the Second Trial

AND UPON reading the joint letter from the parties dated 7 August 2024 requesting the Second Trial be relisted for a mutually convenient date in late 2025 or early 2026, to enable the parties to await the outcome of the First Trial, and for a CMC in relation to the Second Trial to be listed in due course following the Tribunal’s determination of the First Trial

BY CONSENT IT IS ORDERED THAT:

1. All further steps pursuant to the July 2023 Order and the May 2024 Order be stayed pending the Tribunal’s determination of the First Trial or until further Order.

2. There be liberty to apply.

Mr Justice Roth
Acting President of the Competition Appeal Tribunal

Made: 16 October 2024
Drawn: 16 October 2024