



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1597/5/7/23

BETWEEN:

GLOBAL-365 PLC & ANOR

Claimants

- v -

PAYPOINT PLC & ORS

Defendants

ORDER

UPON the trial in this Claim 1597/5/7/23 having been listed to be heard jointly with the trial in Claim 1581/5/7/23 (the “**Utilita Claim**”) with a time estimate of 6 weeks to commence on 10 June 2025

AND UPON the Tribunal being informed of the settlement of the Utilita Claim on 14 May 2025

AND UPON holding the Pre-Trial Review (“**PTR**”) in these proceedings on 16 May 2025

AND UPON hearing Counsel for the parties at the PTR

IT IS ORDERED THAT:

SKELETON ARGUMENTS

1. The parties shall each have permission to file a skeleton argument for trial of up to 60 pages in length.
2. Paragraphs 26 and 27 of the Tribunal’s Order of 31 October 2023 shall be varied as follows:

- (a) The Claimants shall lodge and serve their skeleton argument for the trial by 4pm on 21 May 2025;
- (b) The Defendants shall lodge and serve their skeleton argument for the trial by 4pm on 30 May 2025.

CONCURRENT EVIDENCE

- 3. The Tribunal shall hear concurrent evidence from the parties' experts as follows:
 - (a) Dr Hesmondhalgh (for the Claimants) and Mr Kachhala (for the Defendants) in relation to the operation of the retail energy sector and the operation of prepayment services therein;
 - (b) Mr Hughes (for the Claimants) and Mr Majumdar (for the Defendants) in relation to issues of market definition, dominance, abuse and causation;
 - (c) Mr Hughes (for the Claimants), Mr Majumdar and Dr Anaman (for the Defendants) in relation to the quantum of loss.
- 4. By 4pm on 6 June 2025, the parties shall file a draft protocol, proposed agenda and proposed lists of questions for each of the concurrent evidence sessions referred in to paragraph 3 above, to be agreed insofar as possible (and with any disagreements clearly indicated).
- 5. Following the conclusions of each relevant concurrent evidence session, the parties shall be permitted to cross-examine the relevant experts in relation to those issues if so advised.
- 6. The parties shall not be required to put their full case to the experts in cross-examination.

TRIAL LENGTH AND TIMETABLE

- 7. The time estimate for the trial in these proceedings only is revised to 5 weeks (of sitting and non-sitting days).
- 8. The trial timetable is approved in the form attached at Annex 1 hereto.

MISCELLANEOUS

9. Costs in the case.
10. Liberty to apply.

The Honourable Lord Richardson
Chair of the Competition Appeal Tribunal

Made: 20 May 2025
Drawn: 20 May 2025

ANNEX 1: TIMETABLE FOR THE GLOBAL-365 v PAYPOINT TRIAL

	Monday	Tuesday	Wednesday	Thursday	Friday
w/b 9 Jun	non-sitting / reading	Global opening	PayPoint opening	Factual evidence – Global	Factual evidence – Global
w/b 16 Jun	non-sitting	Factual evidence – Global [1/2 day] PayPoint [1/2 day]	Factual evidence – Paypoint	Factual evidence -PayPoint	non-sitting
w/b 23 Jun	non-sitting	Experts – industry CONCURRENT & CROSS- EXAMINATION <u>Hesmondhalgh/Kachhala</u> Experts - market def, dominance, abuse & causation CONCURRENT Hughes/Majumdar	Experts - market def, dominance, abuse, causation & loss CONCURRENT Hughes/Majumdar Anaman (to join concurrent session for discussion of loss only)	non-sitting	non-sitting
w/b 30 Jun	non-sitting	Experts CROSS- EXAMINATION Hughes	Experts CROSS-EXAMINATION Hughes /Majumdar	Experts CROSS-EXAMINATION Majumdar / Anaman	non-sitting
w/b 7 Jul	non-sitting Written closings by 4pm	non-sitting	non-sitting	Global closings PayPoint closings	PayPoint closings Global reply