



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1745/5/7/25 (T)

BETWEEN:

(1) ROADGET BUSINESS PTE. LTD. (A COMPANY INCORPORATED IN SINGAPORE)

(2) SHEIN DISTRIBUTION UK LIMITED

Claimants

- v -

WHALECO UK LIMITED

Defendant

ORDER

UPON the proceedings having been commenced by Claim Form in Claim No. IL-2023-000132 dated 7 August 2023 (as amended)

AND UPON the Order of Bacon J dated 29 July 2025 (the “**CMC-3 Order**”) transferring the “**Competition Law Issues**” (as defined in the CMC-3 Order) to the Competition Appeal Tribunal

AND UPON the two-tier confidentiality order of Bacon J dated 29 July 2025 (as amended) (the “**Confidentiality Order**”)

AND UPON the parties filing an updated Disclosure Review Document with the Tribunal dated 1 September 2025

AND UPON hearing leading counsel for the Claimants and for the Defendant at the case management conference on 23 September 2025 (“**CMC-4**”)

AND UPON the Claimants notifying the Tribunal, by the letter from the Claimants’ solicitors to the Tribunal dated 23 September 2025 (the “**23 September Letter**”) and its enclosures, that

the parties have agreed extensions to deadlines contained in paragraphs 15-16 of the CMC-3 Order

AND UPON the Tribunal directing by its letter dated 25 September 2025 that the issues in the 23 September Letter be considered with the parties' proposal(s) for directions to Trial 2 (as defined below)

AND HAVING REGARD TO the filing by the parties on 2 October 2025 of a composite draft order reflecting the outcome of CMC-4

IT IS ORDERED THAT:

1. The Defendant shall file and serve its Re-Re-Re-Re-Amended Defence and Counterclaim to include the amended Confidential Schedule enclosed to the letter from Herbert Smith Freehills Kramer LLP to Freshfields LLP dated 17 September 2025 by no later than 4.30pm on 1 October 2025.
2. Paragraphs 15 and 16 of the CMC-3 Order be amended as follows:
 - (a) The Claimants shall file and serve their Re-Re-Amended Reply and Defence to Counterclaim by no later than 4.30pm on 22 October 2025; and
 - (b) The Defendant shall file and serve its Re-Amended Reply to Defence to Counterclaim by no later than 4.30pm on 5 November 2025.
3. The Confidentiality Order shall apply in respect of the proceedings in the Competition Appeal Tribunal.
4. There shall be a split trial in these proceedings in the following format:
 - (a) "Trial 2" shall determine the issues of liability, causation and declarative and injunctive relief in respect of the Competition Law Issues.
 - (b) "Trial 3" shall determine, in addition to the issues directed in the CMC-3 Order, the issues of loss and quantum in respect of the Competition Law Issues.
5. The Disclosure Review Document in respect of Trial 2 is approved in the form provided to the parties together with this Order (the "**Trial 2 DRD**") subject to any amendments agreed by the parties or ordered by the Tribunal. Disclosure shall be provided by 4.30pm on 12 December 2025 (as provided for in Annex 1 to this Order).
6. The Defendant shall by 4.30pm on 14 October 2025 file and serve a witness statement from a suitably authorised person from within the Temu undertaking explaining the documents that underlie its case on effects that is pleaded in paragraph 50 of the Re-Re-Re-Amended Defence and Counterclaim.

7. On or before 4.30pm on 12 December 2025, the Claimants shall file and serve:
 - (i) A witness statement from a suitably authorised person with an estimate of the online and offline sales throughout the relevant period covered by the DRD.
 - (ii) A witness statement from a suitably authorised person detailing the geographic location of their suppliers by country and region and the proportion of suppliers by number for each country and region.
8. Further case management conferences shall be listed on 17 December 2025 and 9 February 2026, each with a time estimate of one day.
9. At the CMC on 9 February 2026, the parties will liaise with the Tribunal as to whether a further CMC should be listed for July 2026.
10. The parties shall liaise with the Tribunal to list a Pre-Trial Review (“PTR”) for the first available date after 19 October 2026.
11. Trial 2 shall be listed to commence on 30 November 2026 (with three days’ pre-reading commencing 25 November 2026), with a time estimate for trial of three weeks from 30 November (including sitting on Fridays and including three days for writing and reading closing submissions), as set out in Annex 2 to this Order.
12. No expert report in chief shall exceed 100 pages and no expert report in reply shall exceed 50 pages. The page limit for trial skeleton arguments shall be considered at a later CMC.
13. The detailed directions and timetable to Trial 2 are set out in Annex 1 to this Order.
14. The timetable for Trial 2 is set out in Annex 2 to this Order. At the PTR, the parties may request an alternative use of the days provided for trial.
15. Costs in the case.
16. Permission to apply.

Andrew Lykiardopoulos KC
Chair of the Competition Appeal Tribunal

Made: 8 October 2025
Drawn: 9 October 2025

ANNEX 1 – DIRECTIONS TO TRIAL 2

Event		Deadline
Pleading amendments, further CMC and disclosure		
(A)	Defendant to file and serve its Re-Re-Re-Re-Amended Defence and Counterclaim to include the amended Confidential Schedule and revised paragraphs 50 and 69A.1. ¹	4.30pm, 1 October 2025
(B)	Claimants to propose draft search terms and custodians for Model D issues	4.30pm, 14 October 2025
(C)	Defendant to file and serve a witness statement explaining the documents that underlie its case on effects that is pleaded in paragraph 50 of the Re-Re-Re-Amended Defence and Counterclaim	4.30pm, 14 October 2025
(D)	Defendant to comment on draft search terms and custodians for Model D issues	4.30pm, 21 October 2025
(E)	Claimants to file and serve their Re-Re-Amended Reply and Defence to Counterclaim	4.30pm, 22 October 2025
(F)	Parties to seek to agree search terms and custodians for Model D issues	4.30pm, 27 October 2025
(G)	Parties to file updated Section 2 DRD with the Tribunal. Parties to file written submissions with the Tribunal on any outstanding issues of disagreement to be <u>determined on the papers</u> .	4.30pm, 30 October 2025
(H)	Defendant to file and serve its Re-Amended Reply to Defence to Counterclaim	4.30pm, 5 November 2025
(I)	Service of Disclosure Certificate, Extended Disclosure List of Documents and Production of Documents in accordance with the Final DRD (subject to privilege claims / lost documents).	4.30pm, 12 December 2025
(J)	Further case management conference to address any applications made by the parties (1 day time estimate)	17 December 2025
Proposed expert issues and further CMC		
(K)	Defendant to provide a first draft list of issues for expert evidence.	4.30pm, 16 January 2026
(L)	Claimants to provide initial comments on the draft list of issues for expert evidence.	4.30pm, 23 January 2026
(M)	Parties to seek to agree the lists of expert issues; failing which the parties have liberty to apply to the Tribunal. Parties to identify any additional experts based on the list of issues.	4.30pm, 30 January 2026

¹ As enclosed to the letters from Herbert Smith Freehills Kramer dated 17 September 2025.

(N)	Further CMC to address any further applications or case management needs (1 day time estimate).	9 February 2026
Factual witness evidence		
(O)	Service of PD 57AC Trial Witness Statements and CPR 33.2 Hearsay Notices (if any).	27 March 2026
(P)	Service of Reply Trial Witness Statements and CPR 33.2 Hearsay Notices (if any).	22 May 2026
Expert evidence		
(Q)	Service of Expert Reports.	19 June 2026
(R)	Further CMC if required (parties to request from the Tribunal if needed)	First available date in July 2026
(S)	Service of Reply Expert Reports.	31 July 2026
(T)	Meeting of experts.	By 8 September 2026
(U)	Service of Joint Expert Statement (noting areas of agreement and disagreement).	29 September 2026
PTR and Trial		
(V)	Pre-Trial Review.	First available date from 19 October 2026
(W)	Trial 2 (From 30 November-18 December 2026, excluding three days' pre-reading commencing 25 November 2026 – see Annex 2)	Pre-reading from 25 November 2026

ANNEX 2 – TIMETABLE FOR TRIAL 2
November-December 2026

	Mon	Tues	Wed	Thurs	Fri
Week 1 – (23-27 Nov)			<i>Pre-Reading</i>		
Week 2 (30 Nov – 4 Dec)	Opening Submissions	Opening Submissions	Fact Evidence	Fact Evidence	Fact Evidence
Week 3 (7 Dec – 11 Dec)	Fact Evidence	Fact Evidence	Expert Evidence	Expert Evidence	Expert Evidence
Week 4 (14 Dec – 18 Dec)	<i>Writing Closings</i>	<i>Writing Closings</i>	<i>Reading Closings</i>	<i>Oral Closings</i>	<i>Oral Closings</i>