



**IN THE COMPETITION APPEAL
TRIBUNAL**

Case no. 1404/7/7/21

BETWEEN:

DAVID COURTNEY BOYLE

Class Representative

and

(1) GOVIA THAMESLINK RAILWAY LIMITED

(2) THE GOAHEAD GROUP LIMITED

(3) KEOLIS (UK) LIMITED

Defendants

and

SECRETARY OF STATE FOR TRANSPORT

Intervener

CONSENT ORDER

UPON the parties and Mr Merricks having agreed the procedural timetable for steps to be taken in advance of the hearing listed for 15 April 2026 (“the Hearing”)

IT IS ORDERED THAT:

1. The parties shall file and serve any costs applications they wish to make against Mr Merricks by 4pm on 16 March 2026.
2. By 4pm on 31 March 2026:

- (a) The late Class Representative's solicitors shall provide to the Tribunal, the other parties and Mr Merricks a comprehensive written update setting out in full detail:
- (i) whether a candidate replacement class representative has been identified and, if so, whether that candidate has agreed in principle to act;
 - (ii) if no candidate has been identified, the steps taken by the late Class Representative's solicitors since Mr Merricks' withdrawal to identify a suitable replacement class representative;
 - (iii) whether the late Class Representative's existing funder remains willing to fund the Proceedings or has withdrawn (or indicated it may withdraw);
 - (iv) if an alternative funder is being sought, the identity of each funder approached and the nature and outcome of those discussions, including the reasons given by any funder that declined to provide cover, if appropriate;
 - (v) whether any ATE insurer and/or funder has provided an indication that cover may be available for the Proceedings and, if so, on what terms and subject to what conditions;
 - (vi) if no ATE insurer has been identified, the steps taken to secure alternative ATE insurance, including the identity of each insurer approached and the nature and outcome of those discussions, including the reasons given by any insurer that declined to provide cover, if appropriate; and
 - (vii) a realistic assessment of the prospects of securing a replacement class representative and the necessary funding and insurance arrangements, including the anticipated timetable for doing so.
- (b) The late Class Representative's solicitors shall provide to the other parties and Mr Merricks draft proposed directions setting out the next steps in the Proceedings following the Hearing.
3. The written update to be provided by the late Class Representative's solicitors under paragraph 2(a) of this Order may exclude privileged information. Confidential or commercially sensitive information may also be excluded to the extent it is not adequately protected by disclosure into the existing Confidentiality Ring in the Proceedings.
 4. Mr Merricks shall file and serve his response or responses to the costs applications (if any) made against him by 4pm on 2 April 2026.
 5. The parties and Mr Merricks shall file an agreed proposed agenda for the Hearing or, failing agreement, a composite agenda identifying areas of disagreement by 4pm on 8 April 2026.

6. The Defendants shall file four hard copies and an electronic version of the agreed documents bundle(s) and authorities bundle(s) for the Hearing by 4pm on 9 April 2026.
7. The parties and Mr Merricks shall exchange and file skeleton arguments for the Hearing, and provide the Tribunal with proposed directions identifying areas of agreement and disagreement by 4pm on 10 April 2026.

The Honourable Mr Justice Butcher
Chair of the Competition Appeal Tribunal

Made: 2 March 2026
Drawn: 2 March 2026