



**IN THE COMPETITION APPEAL
TRIBUNAL**

Case No 1404/7/7/21

BETWEEN:

DAVID COURTNEY BOYLE

Late Class Representative

- v -

(1) GOVIA THAMESLINK RAILWAY LIMITED

(2) THE GO-AHEAD GROUP LIMITED

(3) KEOLIS (UK) LIMITED

Defendants

- and -

SECRETARY OF STATE FOR TRANSPORT

Intervener

ORDER

UPON the Late Class Representative's solicitors, Maitland Walker LLP (**MW**), having informed the Tribunal and the parties of the Late Class Representative's death on 23 June 2025

AND UPON the letter from MW dated 10 October 2025 informing the Tribunal that a proposed replacement class representative, Mr Walter Hugh Merricks CBE (**Mr Merricks**), had been identified and would be submitting an application for authorisation as replacement class representative in due course

AND UPON Mr Merricks notifying the Defendants, the Intervener and the Tribunal on 29 January 2026 that he did not intend to pursue his proposed application for authorisation as replacement class representative (the **Proposed Authorisation Application**)

AND UPON the costs applications filed by the Defendants and the Late Class Representative's Estate (the "**Estate**") against Mr Merricks and/or LCM Funding UK Ltd (**LCM**) dated 16 March 2026 (each, the **Defendants' Costs Application** and the **Estate's Costs Application**)

AND UPON hearing counsel for the Late Class Representative's Estate, leading counsel for Mr Merricks, leading counsel for the Defendants and counsel for the Intervener at a hearing on 15 April 2026

AND UPON the Tribunal's judgment dated 12 May 2026 in respect of the costs applications against Mr Merricks (the **Costs Judgment**)

AND UPON the Tribunal's Order made on 29 May 2026 ordering that Mr Merricks pay the Estate's costs of and occasioned by the Proposed Authorisation Application (the **Costs Order**)

IT IS ORDERED BY CONSENT THAT:

1. Mr Merricks pay the Estate by 6 July 2026 the sum of £50,000 (inclusive of VAT) in full and final settlement of (i) Mr Merricks' liability for the Estate's costs of and occasioned by the Proposed Authorisation Application; (ii) the costs of the Estate's Costs Application; and (iii) any contingent liability that Mr Merricks considers the Estate and/or MW may have to him in relation to the preparation of the Proposed Authorisation Application.
2. Paragraph 4 of the Costs Order be vacated.
3. Paragraph 5 of the Costs Order be varied so that the words "*and the Estate's Costs Application*" are deleted.

The Honourable Mr Justice Butcher
Chair of the Competition Appeal Tribunal

Made: 24 June 2026
Drawn: 24 June 2026