



Neutral citation [2016] CAT 19

**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

**Case No: 1249/5/7/16**

**B E T W E E N:**

**SOCRATES TRAINING LIMITED**

**Claimant**

**- v -**

**THE LAW SOCIETY OF ENGLAND AND WALES**

**Defendant**

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**REASONED ORDER**

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**UPON** the application made by the Defendant by letter from its solicitors dated 30 September 2016 to vary paragraphs 9-10 of the Order of 16 May 2016 so as to permit it to adduce expert evidence from its economic expert on the issues of foreclosure effects and whether any objective justification is sufficient to offset any foreclosure effect, such evidence to be served by 7 October 2016

**AND UPON** reading the correspondence dated 30 September 2016 from the Claimant opposing the application and the papers submitted by the Defendant

**IT IS ORDERED THAT:**

1. The Defendant may serve by 4 pm on 7 October 2016 a factual analysis of customers across the subscriber lists of the Claimant and the Defendant and across time, as indicated in paragraph 5 of the Defendant's solicitors' letter of 30 September 2016
2. The Claimant may serve by 4 pm on 13 October 2016 any corrections it submits should be made to that analysis or any counter-analysis

3. For the avoidance of doubt, any documents served pursuant to paragraphs 1-2 of this Order are not to include or be accompanied by any opinion evidence
4. Save as aforesaid, the application is refused.

**REASONS:**

1. This case is subject to the fast-track procedure under Rule 58 of the Tribunal Rules. In a case proceeding under the fast-track, the parties are required to proceed expeditiously but this application is made extremely late. The limitation of expert evidence to issues of market definition and dominance was clear in the Order of 16 May 2016 but the Defendant made this application over four months later on the date that expert reports were due to be served pursuant to that Order.
2. The limited scope of expert evidence was discussed with the parties at the case management conference on 16 May 2016 and there was no suggestion from Counsel for the Defendant that it might seek to serve expert evidence of broader scope.
3. To allow expert opinion evidence on these issues now would significantly prejudice the Claimant. These are potentially broad issues on which it appears that the Defendant's expert has been working for some time whereas, given the terms of the Order of 16 May 2016, the Claimant's expert has not. The trial commences in the week beginning 7 November 2016 and it would be unfair to the Claimant to expect its expert now to start analysis of these issues with a view to production of a further expert's report in a very short time.
4. Insofar as the Defendant wishes to present a purely factual analysis of the data, whether prepared by its own staff, its solicitors or its expert, it may be do so pursuant to paragraph 1 of this Order.

**The Honourable Mr Justice Roth**  
President of the Competition Appeal Tribunal

Made: 5 October 2016  
Drawn: 5 October 2016