



Claim No. HC-2016-000513 21 July 2017

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION

THE HONOURABLE MR. JUSTICE MARCUS SMITH

HC-2016-000513

12 July 2017

BETWEEN:

AGENTS' MUTUAL LIMITED

Claimant

AND

**GASCOIGNE HALMAN LIMITED
T/A GASCOIGNE HALMAN**

Defendant

ORDER

WHEREAS certain issues in these proceedings (“the Competition Issues”) were transferred to the Competition Appeal Tribunal pursuant to paragraph 16 of the Order of Sir Kenneth Parker dated 5 July 2016 for determination by that Tribunal and those parts of the proceedings not transferred were stayed pursuant to paragraph 1 of the Order of Mr Justice Roth dated 27 July 2016

AND UPON the Competition Appeal Tribunal having given judgment on the Competition Issues on 5 July 2017

AND UPON the Court having ordered on 5 July 2016 that the Defendant’s undertaking given to the Court on 23 February 2016 not to list any of its directly instructed and available UK residential sales and lettings properties on more than one property portal other than the Claimant’s portal known as “On the Market” (whether by its directors, servants or agents or howsoever otherwise) should remain in force

AND UPON the Defendant also undertaking to the Court on 12 July 2017 to continue to pay the fees due for its directly instructed and available UK residential sales and lettings properties that are listed on “On the Market” as a result of the Court order made on 5 July 2016

AND UPON hearing Counsel for the Claimant and the Defendant at a hearing on 12 July 2017

AND UPON the Competition Appeal Tribunal ordering that the Defendant pay the Claimant's costs of and occasioned by the Competition Issues ("the Tribunal's Order as to Costs")

IT IS ORDERED THAT:

1. The Claimant be paid the following sums out of Court:
 - 1.1. the sum of £1.33m lodged by way of security for the Defendant's costs pursuant to paragraph 1 of the order of Sir Kenneth Parker of 5 July 2016 and paragraph 1 of the order of Mr. Justice Roth of 16 September 2016, and the interest which has accrued thereon;
 - 1.2. the sum of £500,000 lodged by way of fortification of the Claimant's cross undertaking in damages pursuant to paragraph 9 of the order of Sir Kenneth Parker of 5 July 2016, and the interest which has accrued thereon
2. Without prejudice to paragraph 3 of this order, the proceedings which were not transferred to the Competition Appeal Tribunal are stayed while any application brought by the Defendant for permission to appeal is determined and, if such application is successful, while the Defendant's appeal is determined by the Court of Appeal.
3. There be liberty to apply.

Service of Order etc

4. This order shall be served by the Claimant on the Defendant.

Dated: Thursday 20th July 2017

Service of the order

The Court has provided a sealed copy of this order to the solicitors for the serving party:

Eversheds Sutherland (International) LLP
One Wood Street,
London, EC2V 7WS