



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1303/5/7/19

BETWEEN:

MELANIE MEIGH
(TRADING AS THE PRINKNASH BIRD AND DEER PARK)

Claimant

- v -

PRINKNASH ABBEY TRUSTEES REGISTERED

Defendant

ORDER

UPON reading the submissions and costs budgets of the parties filed in advance of the case management conference (“CMC”) held on 25 April 2019

AND UPON hearing Counsel for the Claimant and Counsel for the Defendant at the CMC

AND HAVING REGARD TO the Tribunal’s powers under the Competition Appeal Tribunal Rules 2015 (the “Tribunal Rules”)

IT IS ORDERED THAT:

Costs Capping

1. Pursuant to Rule 58(2)(b) of the Tribunal Rules, the Claimant’s recoverable costs be capped at the sum of £300,000 and the Defendant’s recoverable costs be capped at the sum of £275,000, in each case excluding VAT.

Disclosure

2. By 4pm on 1 May 2019 the Claimant’s solicitors confirm in writing to the Defendant’s solicitors the identity of any third parties that may hold accounting records of the Claimant for the period 1 January 2010 until the present day that fall within paragraph 8(a) of the Tribunal’s Order of 21 March 2019 and whether any such documents (other than those disclosed by the Claimant on 18 April 2019) exist.

3. By 4pm on 10 May 2019 the Claimant discloses to the Defendant, for the period 1 January 2019 to the present day, any stock list or similar document that itemises the gifts and souvenirs sold by her at the Prinknash Bird and Deer Park (“the Bird Park”), insofar as the same are within her possession or control.
4. By 4pm on 10 May 2019 the Defendant discloses to the Claimant, for the period 1 January 2019 to the present day, any stock list or similar document that itemises the gifts and souvenirs sold by it at the Defendant’s café and shop, insofar as the same are within its possession or control.

Consumer survey

5. The Claimant be permitted to undertake a consumer survey at the Prinknash Estate (“the Consumer Survey”) and for her economic expert to adduce at trial evidence based upon the results of the Consumer Survey.
6. By 5pm on 29 April 2019, the economic experts of each party shall hold without prejudice discussions, whether in person or by telephone, on the proposed questions for the Consumer Survey, as set out in Exhibit 2 to the witness statement of Matthew Johnson dated 15 April 2019 with a view to agreeing any amendments thereto.
7. The Claimant shall disclose to the Defendant all responses to the Consumer Survey.

Amendments to pleadings

8. By 4pm on 1 May 2019, the Defendant is to provide the Claimant a draft of its Amended Defence.
9. By 4pm on 7 May 2019, the Claimant is to provide the Defendant her response to the Defendant’s draft Amended Defence.
10. By 4pm on 10 May 2019, the Claimant is to provide the Defendant a draft of her Amended Reply (if any).
11. Pursuant to Rule 53, (a) the Defendant shall have permission to amend its Defence in the form provided in draft pursuant to paragraph 8, provided that the Claimant does not object to the amendments; and (b) the Claimant shall have permission to amend her Reply in the form provided in draft pursuant to paragraph 10, provided that the Defendant does not object to the amendments.

Witness statements and expert evidence

12. Witness statements be filed and served by 4pm on 24 May 2019. Any reply witness statements be filed and served by 4pm on 7 June 2019.
13. Expert reports be filed and served by 4pm on 7 June 2019.

14. The parties' expert witnesses to meet for without prejudice discussions without the presence of the parties or the legal advisers of the parties in the week commencing 10 June 2019 and produce a joint statement of points agreed and not agreed and concise reasons for any disagreement. The joint statement be filed with the Tribunal by 4pm on 21 June 2019.

Site visit

15. The parties are to accommodate a site visit to the Bird Park and the Prinknash Estate by the Tribunal on 19 June 2019.

Trial and trial bundles

16. There be no pre-trial review.
17. The parties to liaise and agree the content of the Trial Bundle by 25 June 2019. Six hardcopies of the Trial Bundle to be prepared by the Claimant and lodged at the Tribunal and a copy provided to the Defendant by 12 noon on 2 July 2019.
18. Word versions of the parties' pleadings, witness statements and expert reports to be lodged at the Tribunal by 12 noon on 2 July 2019.
19. Skeleton arguments to be exchanged simultaneously and filed and served by 4pm on 8 July 2019.
20. Five copies of the agreed Authorities Bundle to be lodged with the Tribunal by 4pm on 10 July 2019.
21. Trial to commence on 15 July 2019 with a time estimate of three days and a fourth day in reserve.

Miscellaneous

22. Costs in the case.
23. There be liberty to apply.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 25 April 2019
Drawn: 21 May 2019