



**IN THE COMPETITION APPEAL  
TRIBUNAL**

Case Nos: 1284/5/7/18 (T)  
and 1290/5/7/18 (T)

BETWEEN:

**ROYAL MAIL GROUP LIMITED v DAF TRUCKS LIMITED & OTHERS**

**BT GROUP PLC & OTHERS v DAF TRUCKS LIMITED & OTHERS**

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**ORDER (DIRECTIONS)**

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**UPON HEARING** Leading Counsel for the Claimants and Leading Counsel for the Defendants at the Case Management Conference held on 29 and 30 October 2020

**IT IS ORDERED THAT:**

**Pleadings**

1. Any amendment to the Defendants' defence in light of the binding recitals' decision in C3/2020/0619; C3/2020/0625; C3/2020/0627; C3/2020/0643; C3/2020/0648: *Royal Mail Group Limited and others v DAF Trucks Limited and others* shall be filed and served by 4pm on 18 December 2020 or 4 weeks after the handing down of the Court of Appeal's judgment in that appeal, whichever is later.

**Expert evidence**

2. Each party shall notify the Tribunal of its proposals as to (i) whether, and if so how many, experts should be permitted to give written and oral evidence, (ii) the identity of its experts, and (iii) a summary of the issues to be addressed by each, in the fields of:
  - (a) regulatory and competition economics;
  - (b) forensic accounting;

(c) financing; and / or

(d) tax.

3. In respect of sub-paragraphs (a) and (b) in paragraph 2 above, the parties shall notify the Tribunal of their proposals by 4pm on 27 November 2020; and, in respect of sub-paragraphs (c) and (d), shall use their best endeavours to notify the Tribunal of their proposals by 4pm on 27 November 2020. The parties shall indicate whether their proposals are agreed and, if not, identify the areas of disagreement and provide written submissions in support of their respective proposals.

### **Disclosure**

4. Save that the parties accept that discrete disclosure applications may arise at a later date, disclosure shall otherwise be completed by the parties by 29 April 2021.

### **Witness statements**

5. By no later than 4pm on 28 May 2021, the parties shall exchange factual witness statements. Before exchange the parties shall liaise with a view to agreeing a method of identification of any documents referred to in the witness statements.
6. By no later than 4pm on 30 July 2021 the parties shall, if so advised, exchange factual witness statements in reply.

### **Expert reports**

7. The experts of like discipline shall by 4pm on 15 September 2021 hold without prejudice discussions in the absence of legal representatives for the purpose of:
- a. Identifying the issues, if any, between them;
  - b. Explaining their respective proposed approach and methodology in relation to addressing the issues; and
  - c. Where possible, reaching agreement on those issues.
8. Expert reports shall be exchanged by 4pm on 29 October 2021.
9. Expert reports in reply shall be exchanged by 4pm on 14 January 2022.
10. Any additional supplemental reports shall be exchanged by 4pm on 4 February 2022.

11. By no later than the week commencing 18 February 2022, the experts of like discipline shall have held a discussion on a without prejudice basis in the absence of legal representatives for the purpose of: (a) identifying issues in dispute between them; and (b) where possible reaching agreement on those issues.
12. By no later than 4 March 2022, the experts of like discipline shall prepare and file a joint statement for the Tribunal summarising their position on each of the issues addressed in the expert reports and setting out; (a) those issues on which they are agreed and (b) those issues on which they disagree and a summary of their reasons.

### **Pre-Trial Review**

13. A Pre-Trial Review shall be listed in the week commencing 14 March 2022 before the start of the trial window, with a provisional time estimate of 3 days (the parties to notify the Tribunal in advance of the hearing if a lesser time estimate would be sufficient).

### **Opening submissions**

14. The Claimants shall file and serve written opening submissions by 4pm on 25 March 2022. The Defendants shall file and serve written opening submissions by 8 April 2022.

### **Trial**

15. The present claims shall be listed for trial in a window commencing 26 April 2022 with an estimate of 10 weeks (including one reading week and with Fridays being non-sitting days).

### **Costs**

16. Costs in the case.

### **Other**

17. Liberty to apply.

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

Made: 29-30 October 2020  
Drawn: 3 November 2020