



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1351/5/7/20

BETWEEN:

- (1) CHURCHILL GOWNS LIMITED**
(2) STUDENT GOWNS LIMITED

Claimants

- v -

- (1) EDE & RAVENSCROFT LIMITED**
(2) RADCLIFFE & TAYLOR LIMITED
(3) WM. NORTHAM & COMPANY LIMITED
(4) IRISH LEGAL AND ACADEMIC LIMITED

Defendants

ORDER

UPON reading the Claim Form filed by the Claimants on 22 May 2020

AND UPON reading the Defence filed by the Defendants on 21 August 2020

AND UPON reading the Reply filed by the Claimants on 25 September 2020

AND UPON reading the submissions of the parties filed in advance of a case management conference (“CMC”)

AND UPON hearing Counsel for the parties at a CMC held remotely on 27 October 2020

AND HAVING REGARD TO the Tribunal’s powers under the Competition Appeal Rules 2015 (S.I. No. 1648 of 2015) (the “Tribunal Rules”)

IT IS ORDERED THAT:

Forum

1. Pursuant to Rules 52 and 18 of the Tribunal Rules the proceedings be treated as proceedings in England and Wales.

Confidentiality

2. A confidentiality ring be established by separate order in terms as agreed by the parties.

Split Trial

3. The issues arising in these proceedings be split, with issues of liability (including infringement, causation of damages and joint and several liability) being determined first (“the First Trial”), and quantification of damages adjourned to be heard after judgment on the First Trial.

Pleadings

4. By 5pm on 6 November 2020:
 - (a) the Defendants shall reply to the Claimants’ Request for Further Information served on 2 October 2020; and
 - (b) The Claimants shall reply to the Defendants’ Request for Further Information served on 9 October 2020.
5. The replies produced by the Claimants and the Defendants pursuant to paragraph 4 of this Order shall be treated as further pleadings (and permission for such pleadings pursuant to Rule 37 of the Tribunal Rules is granted).
6. The Claimants shall have permission to amend the Claim Form in the form of the draft amended Claim Form. The Amended Claim Form shall be served and filed by 5pm on 6 November 2020.

7. The Defendants shall have permission to amend the Defence in respect of any amendments made by the Claimant pursuant to paragraph 6 of this Order and the Amended Defence shall be filed and served by 5pm on 13 November 2020.
8. The Claimants shall have permission to amend the Reply in respect of any amendments made by the Defendant pursuant to paragraph 7 of this Order and the Amended Reply shall be filed and served by 5pm on 20 November 2020.

Disclosure and Inspection of Documents

9. On or before 8 December 2020, the Defendants shall give initial disclosure of all documents containing the terms of the OSAs (as defined in the Defence) to which they (or any of them) are currently a party.
10. By 21 December 2020, the parties shall serve and file (i) a disclosure report (as defined in Rule 60(1)(b) of the Tribunal Rules) and (ii) a completed Electronic Documents Questionnaire (in the form of the questionnaire in the Schedule to Practice Direction 31B of the Civil Procedure Rules 1998 (“the CPR”)).
11. A further case management conference be listed for 12 January 2021 (“the Second CMC”) at which the Tribunal will decide what further orders to make about disclosure.

Costs Management

12. Pursuant to Rule 53(2)(m) of the Tribunal Rules, the proceedings shall be subject to costs management, as follows:
 - (a) Rules 3.13 to 3.19 of the CPR and Practice Direction 3E shall apply by analogy;
 - (b) By 4pm on 14 December 2020, the parties shall serve and file costs budgets for the trial of issues of liability in the form prescribed by Precedent H;

- (c) By 4pm on 21 December 2020, the parties shall serve and file budget discussion reports; and
13. A costs case management conference be listed with the Second CMC, unless the parties agree that approval of costs budgets may be determined on the papers.

Witness Statements

14. The parties shall file and exchange witness statements from such witnesses of fact as they intend to call at the First Trial by 5pm on 2 July 2021, such witness statements to stand as evidence-in-chief at trial.
15. The parties shall have permission to file and exchange any witness statements from witnesses of fact in reply by 4pm on 13 August 2021, such witness statements to stand as evidence-in-chief at trial.

Expert Evidence

16. Each party shall have permission to call one expert in the field of competition economics at the First Trial. The parties shall liaise to seek to agree the scope of issues for economic expert evidence by 21 December 2020. In the event of dispute, the scope of economic expert evidence shall be considered at the Second CMC.
17. The experts shall meet for without prejudice discussions without the presence of legal advisers of the parties on or before 3 September 2021.
18. The Claimants and the Defendants shall file and exchange expert reports by 5pm on 8 October 2021.
19. Any expert reports in reply be filed and served by 4pm on 19 November 2021.
20. The experts shall meet for without prejudice discussions without the presence of legal advisers of the parties and produce a Joint Statement on matters in respect of which they are agreed and matters in respect of which they are not

agreed with concise reasons for any disagreement. The Joint Statement shall be filed with the Tribunal by 4pm on 3 December 2021.

Pre-Trial Review

21. A Pre-Trial Review be listed for 13 December 2021, with a time estimate of half a day.

Trial

22. The parties shall liaise to agree the content of the Trial Bundle for use at the First Trial. An electronic copy of the Trial Bundle shall be prepared by the Claimants and lodged at the Tribunal and copies provided to the Defendants by 4pm on 10 December 2021.
23. The Claimants shall file and serve their skeleton argument in relation to the First Trial by 4pm on 7 January 2022.
24. The Defendants shall file and serve their skeleton argument in relation to the First Trial by 4pm on 14 January 2022.
25. The Claimants shall lodge at the Tribunal an electronic copy of the agreed Authorities Bundle for the First Trial by 4pm on 17 January 2022.
26. The First Trial be listed for 24 January 2022, with a time estimate of 7 days with 2 days in reserve.

Miscellaneous

27. By agreement the parties may vary without further order any deadline in this Order provided that they inform the Tribunal of such agreement in advance of the expiry of the relevant deadline and the extension does not affect the date of the Pre-Trial Review or the First Trial.

28. Costs in the case, save that the Claimants shall be liable for the costs of and occasioned by the amendments to the Claim Form made under paragraph 6 above.
29. There be liberty to apply.

The Hon Mr Justice Zacaroli
Chairman of the Competition Appeal Tribunal

Made: 27 October 2020
Drawn: 4 November 2020