



**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

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**ORDER**

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**UPON** reading the submissions of the parties relating to the establishment of a confidentiality ring

**AND UPON** hearing Counsel for the parties at a case management conference held remotely on 27 October 2020

**AND UPON** the parties having agreed to the terms of this Order

**IT IS ORDERED THAT:**

1. For the purposes of this Order:
  - (a) **“Confidential Information”** means information justifying confidential treatment by the Tribunal in accordance with Rule 101 of the Competition Appeal Tribunal Rules 2015, which is contained in any documents served, disclosed or produced for the purposes of the claim between the Claimants and the Defendants (the “Claim”).

- (b) “**Confidentiality Ring**” means all those Relevant Advisers who have signed an undertaking to the Tribunal in the terms of Part B of the Schedule to this Order, of which a copy has been provided to the Tribunal.
- (c) “**Relevant Advisers**” means external advisers to the parties (such as solicitors, barristers and independent experts) listed in Part A of the Schedule to this Order whose admission to the Confidentiality Ring has received the consent of the parties pursuant to paragraph 7(a) below or has been authorised by the Tribunal pursuant to paragraph 7(b) below.
- (d) “**Relevant Documents**” means all pleadings and other documents submitted, or to be submitted, disclosed or to be disclosed by the Parties to the present proceedings before the Tribunal.
2. Any Relevant Document that a party considers to contain Confidential Information (which may be subject to review by the Tribunal on application by another party) shall be marked so as to indicate the parts in relation to which confidential treatment is claimed, in the manner referred to in paragraph 7.46 of the Tribunal’s Guide to Proceedings (October 2015). Any such Relevant Document containing Confidential Information shall only be provided to members of the Confidentiality Ring, who shall treat such documents in accordance with the terms of the undertaking each of them has given.
3. Any Relevant Document may initially, if it is necessary in the interests of time, be disclosed only to persons in the Confidentiality Ring, provided that each such document shall be reviewed and a decision taken by the disclosing party (which may be subject to review by the Tribunal on application by another party), not later than 10 calendar days after the date on which that document was first served, disclosed or produced, as to whether that document contains Confidential Information.
4. At the same time as a Relevant Document containing Confidential Information is served, disclosed or provided in accordance with paragraph 2 or 3 above, the party serving, disclosing or providing the same should also provide a non-confidential version in accordance with the procedure set out in paragraph 7.50 of the Tribunal’s Guide to Proceedings (October 2015).

5. Following a review conducted in accordance with paragraph 3 above, a document that is determined not to contain Confidential Information shall be disclosed to, and may be reviewed by, the parties and any professional advisers in addition to those within the Confidentiality Ring.
6. Membership of the Confidentiality Ring becomes effective upon the receipt by the Tribunal of the Relevant Adviser's signed undertaking in the terms of Part B of the Schedule to this Order.
7. If any party wishes to add any person as a Relevant Adviser for the purpose of this Order, they may either:
  - (a) obtain the written consent of each of the other parties to the admission of that individual to the Confidentiality Ring and inform the Tribunal in writing accordingly (copying the representatives of the other side); or
  - (b) apply to the Tribunal for an order authorising the admission of that individual to the Confidentiality Ring.
8. If any party wishes one of its Relevant Advisers to be removed from the Confidentiality Ring, they shall inform the Tribunal in writing (copying the representatives of the other parties).
9. When a Relevant Adviser is admitted to or removed from the Confidentiality Ring the relevant party will provide to the Tribunal an up-to-date list of the membership of the Confidentiality Ring.
10. The parties shall make available without charge to any person on request an up-to-date list of the members of the Confidentiality Ring

#### Provision of Confidential Information to Persons Outside the Ring

11. Nothing in this Order prevents a party, its advisors or experts from sharing (or from consenting to the sharing of) Confidential Information provided by that party in these proceedings.

12. A party that receives Confidential Information in these proceedings may request that certain Confidential Information is to be provided or made available to one or more persons who are not Confidentiality Ring Members.
13. If a party wishes such Confidential Information to be provided or made available to such persons:
  - (a) it shall notify and request the express written consent of the other parties, specifying the name and role of the proposed person(s), the specific Confidential Information that is to be provided or made available to such person(s) (by reference to the relevant documents insofar as practicable) and provide an explanation of why it is reasonable and necessary for the Confidential Information to be provided or made available to such person(s);
  - (b) following receipt of a notice pursuant to paragraph 13(a) above, any recipient of such notice shall not unreasonably withhold or delay their consent and if any such recipient objects to Confidential Information being provided or made available to the proposed person, they shall notify the requesting party in writing within 10 working days of receipt of the notice that they so object;
  - (c) if each recipient required to be provided with a notice under paragraph 13(a) (i) gives express consent; or (ii) fails to give express consent and fails to give written notice of objection within the 10 working day period specified in paragraph 13(b) above:
    - (i) the additional person will be required to give the written undertaking to the Tribunal in the terms of the Schedule to this Order, as amended to list the specific documents and/or information that are to be provided or made available to them;
    - (ii) the party concerned will provide the written undertaking referred to in paragraph 13(c)(i) above to the Tribunal and the other parties; and
    - (iii) on the completion of those steps, the additional person may be provided with the documents and/or information.

- (d) If any objection referred to in paragraph 13(b) above is received within the 10 working day period specified, the requesting party may apply to the Tribunal, provided that prior written notice is given of such application to the other parties. The additional person may be provided with the documents and/or information if the Tribunal so orders.

**The Hon Mr Justice Zacaroli**  
Chairman of the Competition Appeal Tribunal

Made: 27 October 2020  
Drawn: 4 November 2020

## SCHEDULE

### PART A

The following persons are Relevant Advisers for the purposes of paragraph 1(c) of this Order:

#### **On behalf of the Claimants:**

##### *Solicitors*

Stephen Tupper (TupperS Law Limited)

Adam Rooney (TupperS Law Limited)

Lisa Navarro (TupperS Law Limited)

##### *Counsel*

Christopher Brown (Matrix Chambers)

Paul Skinner (Matrix Chambers)

##### *Economists*

Maria Maher (Maher Economics)

#### **On behalf of the Defendants:**

##### *Solicitors*

Bree Taylor (Fladgate LLP)

Nadia Osborne (Fladgate LLP)

Joshua Bennett (Fladgate LLP)

##### *Counsel*

Meredith Pickford QC (Monckton Chambers)

Michael Armitage (Monckton Chambers)

## **PART B**

### UNDERTAKING

I, the undersigned, undertake to the Tribunal and each of the parties as follows:

1. I have read a copy of the Tribunal's Order of 27 October 2020 ("the Tribunal's Order") and understand the implications of that Order and the giving of this undertaking.
2. Save in respect of provision to the Tribunal, I will not disclose the Confidential Information (as defined in the Tribunal's Order) to any person who is not within the Confidentiality Ring (as defined in the Tribunal's Order) without the express written consent of the party originally disclosing the Confidential Information ("the Disclosing Person") or the permission of the Tribunal.
3. For the avoidance of doubt any notes, copies, reports, submissions or other documents containing, reproducing or reflecting any aspects of the Confidential Information are themselves to be treated as Relevant Documents containing Confidential Information but versions of the same in which those parts containing, reproducing or reflecting the Confidential Information are redacted are not subject to the obligations of confidentiality.
4. I will use the Confidential Information only for the purpose of these proceedings (including any appeals) and not for the purpose of any other current or future proceedings, dispute, complaint or other use whatsoever without the express written consent of the Disclosing Person or the permission of the Tribunal.
5. I have read, and understand the implications of, Rule 102 of the Competition Appeal Tribunal Rules 2015, and will use the Confidential Information only in accordance with that Rule.
6. The Relevant Documents containing the Confidential Information will remain in my custody or the custody of another person within the Confidentiality Ring at all times and be held in a manner appropriate to the circumstances so as to prevent unauthorised access or disclosure. For the avoidance of doubt, I may make reasonable use of necessary secretarial and other support personnel under my supervision or the supervision of [insert name of organisation], provided that such personnel have been informed of the confidential nature of the Confidential Information and the terms of this Schedule to the Tribunal's Order.
7. The production of further copies by me of the Relevant Documents containing the Confidential Information shall be limited to those required for the use of

persons within the Confidentiality Ring for the purpose of these proceedings and shall be held in accordance with paragraph 6 of this undertaking.

8. Save where the express written consent of the Disclosing Person has been obtained, any and all copies of the Relevant Documents in paper form containing the Confidential Information made available to me will be either returned to the Disclosing Person or destroyed at the conclusion of the present proceedings (including any appeals) unless they contain Confidential Information from more than one party, in which case they shall be destroyed; any copies of the Relevant Documents containing Confidential Information in electronic form made available to me will be destroyed at the conclusion of the present proceedings (including any appeals) or where that is not possible will be rendered inaccessible from any computer systems, disk or device so that the Confidential Information is not available to any person.
9. Save that none of the requirements listed at paragraphs 2 to 7 above shall prevent Relevant Advisers from disclosing to a party instructed by them information (i) of which that party was the original provider in the proceedings, or (ii) which that party has already legitimately seen.

Name: .....

[Firm] OR [Company] OR [Establishment]: .....

[Legal qualification] OR [Role / Job title]: .....

IF APPLICABLE [Professional regulator:] .....

Signed: .....

Date: .....