



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No: 1381/7/7/21

BETWEEN:

**JUSTIN LE PATOUREL**

Applicant/Proposed Class Representative

- v -

**(1) BT GROUP PLC**

**(2) BRITISH TELECOMMUNICATIONS PLC**

Respondents/Proposed Defendants

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**ORDER**

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**UPON** the Application dated 15 January 2021 for a collective proceedings order (the “CPO Application”) pursuant to section 47B of the Competition Act 1998 and Rule 75 of the Competition Appeal Tribunal Rules 2015 (S.I 2015 No. 1648) (the “Tribunal Rules”)

**AND UPON** reading the material submitted by the parties

**AND UPON** the Parties having agreed the terms of an interim confidentiality ring for the disclosure of certain confidential documents up to and including the determination of the application for the CPO Application (“the Interim Confidentiality Ring”)

**AND UPON** the Proposed Class Representative’s application dated 3 March 2021 to amend the CPO Application Claim form to add British Telecommunications PLC as an additional defendant pursuant to Rule 38 of the Tribunal Rules (the “Amendment Application”)

**AND UPON** hearing Leading Counsel for the Applicant and Leading Counsel for the Respondents at a case management conference on 4 March 2021

**IT IS ORDERED THAT:**

**Forum**

1. Pursuant to Rules 18, 52 and 74 of the Tribunal Rules, the proceedings be treated as proceedings in England and Wales.

**Disclosure**

2. The Respondents disclose to the Applicant by 4pm on 9 March 2021 the confidential versions of the documents in Annex A to this Order which are in their possession.
3. The Applicant disclose to the Respondents by 4pm on 9 March 2021 confidential versions of the documents in Annex B to this Order.
4. A Party may choose to disclose the documents referred to in paragraphs 2 and 3 above, and any other documents in respect of which a claim for confidentiality is made (whether pursuant to the terms of the Interim Confidentiality Ring or by way of request to the Tribunal by that party pursuant to Rule 101 of the Tribunal Rules), into the Interim Confidentiality Ring, with liberty to apply in due course should amendments to or an extension of that arrangement be necessary.

**Response and Reply to the CPO Application**

5. The Respondents file and serve (i) their response to the CPO Application, including any evidence, and (ii) any strike out and/or summary judgment application (if so advised), by 4pm on 30 April 2021.

6. The Applicant file and serve any reply to the Respondents' response, including any evidence, by 4pm on 28 May 2021.

### **Publicity**

7. The Applicant takes steps to publicise the CPO Application and publicise the Hearing Notice by 4pm on 9 March 2021 according to the proposal set out in section 5 and Appendix 5a of the Notice and Administration Plan exhibited as JLP1 to the First Witness Statement of Justin Le Patourel (the Proposed Class Representative) dated 15 January 2021.
8. The Applicant publicise by 4pm on 9 March 2021, in accordance with paragraphs 7, 10 and 11 of this Order, the right under Rule 76(10)(c) of persons with an interest to object to the CPO Application or the authorisation of the Proposed Class Representative.
9. The Applicant publicise by 4pm on 9 March 2021, in accordance with paragraphs 7, 10, 11 of this Order, the right under Rule 79(5) of members of the proposed class to make an application to the Tribunal for permission to make oral submissions at the hearing of the CPO Application.

### **Objections to the CPO Application and applications for permission to make observations**

10. Any person with an interest (including any member of the proposed class) may object to the CPO Application or the authorisation of the Proposed Class Representative by writing to the Tribunal stating their reasons for objecting by 4pm on 23 April 2021. Any member of the proposed class may also seek permission to make oral observations at the CPO Application Hearing, by making an application for such permission, with reasons, as part of his/her written objections.
11. Any third party with a legitimate interest (who is not a member of the proposed class) who seeks permission to make written and/or oral observations at the CPO

Application hearing is to make such application, supported by reasons, by 4pm on 23 April 2021.

### **Skeleton arguments and bundles**

12. The parties file and exchange any skeleton arguments by 4pm on 10 June 2021.
13. The Applicant file an agreed electronic bundle and an agreed electronic authorities bundle and five copies of an agreed hearing and authorities bundle by 4pm on 3<sup>rd</sup> June 2021.

### **CPO Hearing**

14. A PTR hearing be listed for hearing on 27 May 2021 with a time estimate of 1 hour. If both parties are agreed that a PTR is unnecessary they are to inform the Tribunal as soon as possible.
15. The hearing of the CPO Application be listed for hearing on 24 – 25 June 2021 with a time estimate of 2 days.
16. Any summary judgment and/or strike out applications made by the Respondents (to be made in accordance with paragraph 5 above) shall be heard together with the CPO Application in accordance with paragraph 15 above.

### **The Amendment Application**

17. The Proposed Class Representative has permission pursuant to Rule 38 of the Tribunal Rules to amend his Claim Form in the form attached to the Amendment Application and, in particular, to add British Telecommunications PLC as the second Proposed Defendant, save that insofar as it is subsequently established by the Respondents that: (i) a 5-year limitation period applies in respect of any claims made by Proposed Class Members who are resident in Scotland and (ii) consequently, claims made against British Telecommunications PLC on behalf of Proposed Class Members resident in Scotland in respect of a period prior to 4 March 2016 are time-barred, then the Proposed Class Representative does not

have permission to add British Telecommunications PLC as a Proposed Defendant in respect of the time-barred part of any such claims.

**General**

18. Costs be reserved.

19. There be liberty to apply.

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

Made: 4 March 2021  
Drawn: 9 March 2021

## **Annex A**

1. Ofcom's "Review of the market for standalone landline telephone services; Statement" (26 October 2017)
2. Ofcom's Evidence, "Evidence supporting this statement: Review of the market for standalone landline telephone services", 26 October 2017
3. Ofcom's Provisional Conclusions, "Review of the market for standalone landline telephone services", 28 February 2017
4. Ofcom's Provisional Conclusions Annexes, 28 February 2017

## **Annex B**

1. The Litigation Funding Agreement dated 13 October 2020
  2. The Conditional Fee Agreement dated 13 October 2020
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1. Main para.
    - (a) Sub para level 1.