



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1402/5/7/21

BETWEEN:

ST JAMES HOLDINGS LIMITED

Claimant

- v -

THE FOOTBALL ASSOCIATION PREMIER LEAGUE LIMITED

Defendant

ORDER

UPON the Claimant having issued Case no. 1402/5/7/21 on 22 April 2021 (“the Claim”)

AND UPON the Defendant filing an acknowledgement of service on 4 May 2021

AND UPON reading the Defendant’s application by letter dated 11 May 2021 requesting a 28-day extension of time for filing and service of its application to contest the Tribunal’s jurisdiction pursuant to Rule 34 of the Competition Appeal Tribunal Rules 2015 (“the Tribunal Rules”)

AND UPON reading correspondence from the solicitors for the Claimant dated 10 and 13 May 2021 opposing the Defendant’s application

AND HAVING REGARD TO the Tribunal’s powers pursuant to Rule 53(2)(j) of the Tribunal Rules

IT IS ORDERED THAT:

The Defendant is granted an extension of time to file and serve its application to contest the Tribunal’s jurisdiction until 5pm on 11 June 2021.

REASONS

1. The Defendant seeks an extension of time to 15 June 2021 to make an application, with supporting evidence, challenging jurisdiction pursuant to Rule 34 of the Tribunal Rules (“the Jurisdiction Application”) on the basis that the Jurisdiction Application will involve detailed submissions and supporting evidence that the Defendant is preparing alongside current procedural deadlines in arbitration proceedings with Newcastle United Football Club, which are said to cover materially identical issues to those raised in the Claim and which are being heard on an expedited basis in July 2021.
2. The Defendant also considers it necessary to have sight of a confidential addendum filed by the Claimant with the Claim in order to finalise its Jurisdiction Application. The Defendant considers that it will suffer clear and obvious prejudice if required to submit its Jurisdiction Application and all of its supporting evidence by the 14-day deadline stipulated by Rule 34(4) of the Tribunal Rules and states that the Claimant has not identified prejudice to it by the requested extension.
3. Having considered the confidential addendum, I am not persuaded that the Defendant is unable to prepare its Jurisdiction Application without sight of that document which, as the Claimant submits, sets out the calculation (using commercially sensitive information) of the current estimated quantum of loss and damage on the basis articulated in the Claimant’s claim form. I also note the Claimant’s arguments that the Defendant was made aware of the Claim in December 2020 and had intimated since as early as February 2021 that it would challenge jurisdiction and that the Defendant will need to progress both procedural deadlines on the arbitration and work on the Jurisdiction Application in parallel.
4. However, in light of the concurrent arbitration procedural deadlines, there is good reason why the Defendant requires additional time to prepare what it indicates will be detailed evidence in support of the Jurisdiction Application. As present, it is not known whether the Defendant will be granted the separate extensions of time which it is currently seeking from the arbitral tribunal but in any event the extension which it is there seeking for disclosure is to 26 May

2021, which is also its current deadline for filing its evidence. Whether or not it is granted an extension for filing evidence to 9 June 2021 as it has requested, I consider that it can prepare that evidence in parallel with its evidence in support of the Jurisdiction Application. I do not see that the Defendant will be prejudiced by a limited extension. Taking all this into account, I consider that a slightly more limited extension of time to 11 June 2021 is appropriate and justified.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 13 May 2021
Drawn: 14 May 2021