



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

Case No: 1379/5/7/20

BETWEEN:

**KERILEE INVESTMENTS LIMITED**

Claimant

- v -

**INTERNATIONAL TIN ASSOCIATION LTD**

Defendant

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**ORDER**

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**UPON READING** the Defendant's application of 20 October 2021 for (1) security for costs (the "Security for Costs Application") and (2) interim payment on account of the Defendant's costs awarded pursuant to paragraph 4 of the Tribunal's Order of 26 July 2021 (the "Payment on Account Application") and the supporting evidence and the documents enclosed therewith

**AND UPON HEARING** Laura Elizabeth John and Jack Williams for the Defendant, and Brian Kennelly QC and Timothy Parker for the Claimant at a Case Management Conference on 29 October 2021

**AND UPON** paragraph 2 of the Tribunal's Order of 29 October 2021 (the "CMC Directions Order"), directing that the Security for Costs Application shall be heard on 17 December 2021

**AND UPON READING** the correspondence from the solicitors for the Defendant dated 3 December 2021, enclosing an executed consent order on the terms below

**AND UPON READING** the other documents on the Tribunal file recorded as having been read

**IT IS ORDERED BY CONSENT THAT:**

**Security for Costs Application**

1. The Claimant shall give security for the Defendant's costs of these proceedings, up to the conclusion of the expert process in the preliminary issues trial (i.e. excluding the costs of pre-trial review hearing; preparation for the trial of the preliminary issues; the trial of the preliminary issues; and any subsequent steps in the proceedings) by paying the sum of £400,000 into the Competition Appeal Tribunal or as otherwise directed, as follows:
  - (a) By 4 p.m. on 28 January 2022, the sum of £150,000;
  - (b) By 4 p.m. on 28 February 2022, the sum of £100,000;
  - (c) By 4 p.m. on 28 March 2022, the sum of £75,000; and
  - (d) By 4 p.m. on 28 April 2022, the sum of £75,000.
2. The proceedings are stayed until the payment by the Claimant of the second instalment of security, due on 28 February 2022. Paragraph 10 of the CMC Directions Order is varied accordingly.
3. The Defendant has liberty to apply to strike out the Claimant's claim in the event of the Claimant's non-compliance with paragraph 1 of this Order.
4. The costs of the Defendant's Security for Costs Application shall be costs in the case.

**Payment on Account Application**

5. The Claimant shall pay £65,000 in respect of the Defendant's costs under the Tribunal's Order dated 26 July 2021, by 4 p.m. on 28 January 2022. Paragraph 6 of the CMC Directions Order is varied accordingly.

**The Hon Mr Justice Butcher**

Made: 7 December 2021