



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 written submissions of the parties filed in advance of a pre-trial review (“PTR”)

UPON hearing counsel for the Claimants and for the Defendants at the PTR held remotely on 13 December 2021

AND UPON the application made at the PTR by the Defendants for permission to amend their Re-Amended Defence

AND UPON the respective legal representatives for the parties confirming in their written submissions and at the PTR that there are no particular formalities that need to be completed in order for the Tribunal to receive evidence via video-link from the relevant foreign jurisdictions

IT IS ORDERED THAT:

Amendments

1. The Defendants be permitted to file and serve the Re-Re-Amended Defence in the form filed with the Tribunal on 14 December 2021.
2. The Defendants shall pay the costs of and occasioned by the amendments in any event, to be determined by a detailed assessment unless agreed.
3. The Claimants be permitted (if so advised) to amend their Amended Reply, consequential on the Re-Re-Amended Defence, to be filed and served by 4pm on 31 December 2021.

Confidentiality

4. The Defendants shall reconsider, in accordance with paragraph 1(2) of Schedule 4 of the Enterprise Act 2002, the claims for confidentiality that have been made in respect of any document disclosed by the Defendants in respect of which all of the following apply:
 - (a) confidentiality has been claimed in respect of the entire document;
 - (b) the sole reason for the confidentiality claim is that the document is expressed to be confidential; and
 - (c) the document is included in the draft trial bundle.

Trial timetable

5. The hearing dates from 24 January 2022 to 3 February 2022 shall be used for opening submissions and evidence.
6. Subject to the Claimants ensuring that the necessary arrangements (including any required foreign consents) are met, the Claimants shall be permitted to call Mr Muff to give evidence remotely from New South Wales.
7. Subject to the Defendants ensuring that the necessary arrangements (including any required foreign consents) are met, the Defendants shall be permitted to call

Mr Zhuang to give evidence remotely from New Zealand and Mr Chan to give evidence remotely from Hong Kong.

8. On hearing days when witnesses are being called remotely from abroad, the hearing shall start at 9am.
9. In relation to the economics expert evidence:
 - (a) The experts shall initially be heard concurrently and subject to questioning led by the Tribunal.
 - (b) The remaining time allocated to expert evidence shall be divided equally between the parties for clarificatory cross-examination of the experts if and insofar as appropriate.
10. The parties shall file an updated detailed trial timetable by 4pm on 14 January 2022, which will include the running order in which factual witnesses will be called and time estimates for questioning of each witness.
11. The parties shall file written closing submissions following the close of evidence, in accordance with the timetable directed by the Tribunal.
12. There shall be a further 2 day hearing on 13 to 14 April 2022 for oral closing submissions.

Costs

13. Save as ordered pursuant to paragraph 2 above, costs in the case.

The Hon Mr Justice Zacaroli
Chairman of the Competition Appeal Tribunal

Made: 13 December 2021
Drawn: 16 December 2021