



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No: 1262/5/7/16 (T)

AGENTS' MUTUAL LIMITED

Claimant

-v-

**(1) GASCOIGNE HALMAN LIMITED (T/A GASCOIGNE HALMAN)
(2) MOGINIE JAMES LIMITED**

Defendants

ORDER

UPON reading the papers filed with the Tribunal

AND UPON noting the Order of the Hon. Sir Kenneth Parker of 5 July 2016 in the High Court proceedings HC-2016-000513 between the Claimant and Gascoigne Halman Ltd (“Gascoigne Halman”) and HC-2016-001149 between the Claimant and Moginie James Ltd (“Moginie James”) transferring the Competition Issues in those proceedings to the Tribunal

AND UPON noting the applications of Gascoigne Halman and Moginie James for security for costs and of Moginie James for fortification of the Claimant’s Cross-Undertaking and the indication of counsel for the Claimant of the Claimant’s intention to issue an application for a cost capping order (the “Applications”)

AND UPON hearing counsel for the parties at the case management conference (“CMC”) on 26 July 2016

IT IS ORDERED THAT:

General Provisions and Confidentiality

1. The Competition Issues in the two proceedings shall be heard together and evidence in each set of proceedings shall stand as evidence in the other set of proceedings so far as relevant
2. A confidentiality ring shall be established by separate order to be confined to the parties’ external legal representatives and the in-house lawyer acting on behalf of Gascoigne Halman

Pleadings

3. The Claimant has permission to serve and file an amended Reply to Gascoigne Halman's Amended Defence by 4pm Friday 29 July 2016 on the basis confirmed at the CMC
4. The Claimant has permission to serve and file amended Particulars of Claim against Moginie James reflecting any relevant amendments made to its Particulars of Claim in the proceedings against Gascoigne Halman by 4pm Friday 29 July 2016
5. The Claimant shall particularise paragraph 36 of its Reply to Gascoigne Halman's Amended Defence and paragraph 27 of its Reply to Moginie James' Defence (unless incorporated in the amended Reply served pursuant to paragraphs 3 and 4 above) by way of serving and filing further information in each case by 4pm on Thursday 18 August 2016
6. Gascoigne Halman shall have permission to serve and file a rejoinder by 4pm on Friday 2 September 2016

Disclosure and Inspection of Documents

7. Save to the extent the disclosure and inspection have previously been provided and subject to paragraphs 8 and 9 below, the parties are to provide standard disclosure (including any data provided to their experts) by list by 4pm on 23 September 2016 in respect of all issues in the actions, and each party shall simultaneously give inspection by provision of copies subject to agreement to pay all reasonable costs of copying. The parties to co-operate regarding the provision of inspection in electronic form
8. The Claimant shall be entitled to apply to the Tribunal to withhold from the in-house lawyer referred to at paragraph 2 above documents alleged to contain highly confidential information pending the determination of any such application by the Tribunal
9. The Claimant's searches in relation to the allegations at paragraphs 38 to 40 of Gascoigne Halman's Amended Defence shall be confined to: (i) communications between Mr Springett and the individuals identified at paragraph 40(a)(iii) of the Amended Defence during the period 1 January 2013 until 31 January 2015 inclusive; and (ii) documents relating to the allegations at paragraphs 40(k)-(l) of Gascoigne Halman's Amended Defence

Witness Statements

10. The parties shall file and exchange witness statements from such witnesses of fact as they intend to call at trial by 4pm on Friday 21 October 2016, such witness statements to stand as evidence-in-chief at trial

11. The parties shall have permission to file and exchange any witness statements from witnesses of fact in reply by 4pm on Friday 11 November 2016, such witness statements to stand as evidence-in-chief at trial

Expert Evidence

12. The Claimant and Gascoigne Halman shall each have permission to call one expert economist at the trial of the Competition Issues
13. Moginie James shall have permission to call one expert economist if so advised, whose evidence shall be confined to matters additional to those raised in the evidence of the expert called by Gascoigne Halman
14. The experts shall meet for without prejudice discussions without the presence of legal advisers of the parties on or before Monday 21 November 2016
15. The Claimant and the Defendants shall file and exchange expert reports by 4pm on Friday 2 December 2016
16. Any expert reports in reply to be filed and served by 4pm on Monday 9 January 2017
17. The experts shall meet and produce a Joint Statement on matters in respect of which they are agreed and matters in respect of which they are not agreed by Friday 20 January 2017

Pre-Trial Review

18. There be a Pre-Trial Review in respect of the Competition Issues in the Tribunal to be listed in the week commencing Monday 12 December 2016, with a time estimate of one day

Trial Bundle and Skeleton Arguments

19. The parties to liaise to agree the content of the Trial Bundle for use at the trial of the Competition Issues. Five hardcopies and an electronic copy of the Trial Bundle to be prepared by the Claimant and lodged at the Tribunal and copies provided to the Defendants by Wednesday 18 January 2017
20. In relation to the trial of the Competition Issues, the parties exchange and lodge skeleton arguments by 4pm on Thursday 26 January 2017

Trial

21. There be a Trial of the Competition Issues in the Tribunal, which shall commence on Friday 3 February 2017, to be completed by Monday 20 February 2017 including an interval of two days for the preparation and one day for the reading by the Tribunal of written closing submissions

Hearing of the Applications

22. The Claimant is to file any further application relating to costs by 4pm on Monday 15 August 2016
23. The Claimant is to file any further evidence in response to Gascoigne Halman's Application and all evidence in response to Moginie James' Applications and in support of any application pursuant to paragraph 22 above by 4pm on Monday 29 August 2016
24. Gascoigne Halman and Moginie James are to file any further evidence in reply by 4pm on Monday 5 September 2016
25. The parties exchange and lodge skeleton arguments by 12 noon on Monday 12 September 2016
26. The Applications, to be heard by a chairman who is also a judge of the Chancery Division, shall be provisionally listed for Wednesday 14 September 2016

Miscellaneous

27. By agreement the parties may vary without further Order any deadline in this Order relating to witness or expert evidence by up seven days provided that they inform the Tribunal of such agreement in advance of the expiry of the relevant deadline
28. Costs in the case
29. There be liberty to apply

The Honourable Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 26 July 2016
Drawn: 27 July 2016