



IN THE HIGH COURT OF JUSTICE
001149
CHANCERY DIVISION

Claim No: HC-2016-

HC-2016-001149

MR JUSTICE ROTH
14 September 2016

BETWEEN:

AGENTS' MUTUAL LIMITED

Claimant

-v-

MOGINIE JAMES LIMITED

Defendant

ORDER

UPON reading the papers filed by the parties

AND UPON noting the undertaking given by the Defendant to the Court and the cross-undertaking given by the Claimant to the Court recorded in the recitals to the order of Mr Justice Arnold dated 19 April 2016

AND UPON the Defendant's application of 28 June 2016 that the Claimant provide security for costs, that application having been part heard by the Hon. Sir Kenneth Parker at a hearing on 5 July 2016, and its application of 21 July 2016 that the Claimant provide fortification of its cross-undertaking

AND UPON hearing Counsel for the Claimant and for the Defendants at a hearing on 14 September 2016

BY CONSENT IT IS ORDERED THAT:

Fortification of cross-undertaking

1. The Claimant shall fortify the cross-undertaking given to the Defendant by paying the sum of £100,000 into the Court Funds Office as follows:

- 1.1 £50,000 by 30 September 2016;
- 1.2 £50,000 by 30 December 2016.
2. Unless fortification is given as ordered, the Defendant's undertaking shall be discharged.

AND IT IS ORDERED THAT:

Security for costs

3. The Claimant provide a payment of security for the Defendant's costs of these proceedings up to the determination of the competition issues transferred to the Competition Appeal Tribunal by paying the sum of £350,000 into the Court Funds Office as follows:
 - 3.1 £120,000 by 30 September 2016;
 - 3.2 £110,000 by 31 October 2016;
 - 3.3 £120,000 by 30 December 2016.
4. Unless security is given as ordered:
 - 4.1 The claim be struck out without further order.
 - 4.2 On production of the Defendant of evidence of default, there be judgment for the Defendant without further order, with costs of the claim to be the subject of detailed assessment if not agreed.
5. The balance of the Defendant's application for security for costs be adjourned.

SERVICE OF ORDER, etc

6. This order shall be served by the Defendant upon the Claimant
7. The costs of the application be reserved.
8. There be liberty to apply.

The Court has provided a sealed copy of this order to the solicitors for the serving party:

Gordon Dadds LLP
26 Windsor Place

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