



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

Case No: 1379/5/7/20

**BETWEEN:**

**KERILEE INVESTMENTS LIMITED**

Claimant

- v -

**INTERNATIONAL TIN ASSOCIATION LIMITED**

Defendant

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**ORDER**

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**UPON** the Claimant's Application to be relieved from sanctions ("the Claimant's First Application")

**AND UPON HEARING** Mr Stephen Nathan KC on behalf of the Claimant, and Ms Laura Elizabeth John on behalf of the Defendant, at a hearing on 13 May 2024

**AND UPON READING** the Claimant's further Application of 8 May 2024 to amend its Statement of Claim, to file the second witness statement of Mr. Brian Beckett and to file the replacement expert report of Tim Williams and Anton de Feuardent dated 6 May 2024 ("the Claimant's Second Application")

**AND UPON READING** the Defendant's written response to the Claimant's Second Application, and the Claimant's written reply

**AND UPON READING** the parties' applications for their costs, and the responses thereto

**AND UPON READING** the parties' proposals for further directions, including their indications as to which of those directions are agreed

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

**IT IS ORDERED THAT:**

**Pleadings**

1. The Claimant has permission to file and serve a Re-Amended Statement of Claim, in the form attached to its application of 8 May 2024, by 4pm on 7 June 2024.
2. The Defendant has permission to file and serve responsive amendments to the Amended Defence, by 4pm on 21 June 2024.
3. The Claimant has permission to file and serve reply amendments to the Amended Reply, by 4pm on 5 July 2024.
4. The parties shall file amendments to the order for preliminary issues, in paragraph 7 of the Order of 29 October 2021, agreed as far as possible, by 4pm on 19 July 2024.

**Evidence**

5. The Claimant has permission to serve the second witness statement of Mr. Brian Beckett, and shall do so by 4pm on 7 June 2024.
6. The Claimant has permission to serve the replacement expert report of Tim Williams and Anton de Feuardent dated 6 May 2024, and shall do so by 4pm on 22 July 2024.
7. By 4pm on 18 October 2024 the Claimant shall provide the Defendant and the Tribunal with clarification as to which parts of its experts' report each of its experts intends to speak to in his evidence to the Tribunal.

8. The parties shall exchange and file reply witness statements, if any, by 4pm on 30 August 2024.
9. The parties shall exchange and file reply reports from the experts on mineral supply chains, if any, by 4pm on 27 September 2024.
10. A further case management conference (“CMC”) is listed to take place on 1 November 2024, with the following directions:
  - (a) By 4pm on 18 October 2024, the parties shall file and serve their applications, together with supporting evidence, and any other proposal for directions to be considered at the further CMC;
  - (b) By 4pm on 25 October 2024, the parties shall file and serve any evidence in response; and
  - (c) By 4pm on 29 October 2024, the parties shall file and serve skeleton arguments and an electronic bundle containing any documents necessary for the further CMC.

### **Costs**

11. The Defendant’s costs of the hearing of 13 May 2024, shall be the Defendant’s costs in the case.
12. The Claimant shall pay the Defendant’s costs of and occasioned by the amendment to its Statement of Claim, and the Defendant’s costs of those aspects of the Claimant’s claim which the amendment withdraws to be assessed at the further CMC if not agreed.
13. The Claimant shall pay the Defendant’s costs of the application to adduce the second witness statement Brian Beckett. It shall also pay the Defendant’s costs of the application to file the replacement report of Tim Williams and Anton de Feuardent to be assessed at the further CMC if not agreed.

### **Further Matters**

14. The Parties have permission to serve their respective documents upon each other's solicitors electronically.
15. Liberty to apply.

**The Honourable Mr Justice Butcher**  
Chair of the Competition Appeal Tribunal

Made: 30 July 2024  
Drawn: 30 July 2024