



**IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
KINGS BENCH DIVISION**

BEFORE THE HONOURABLE MR JUSTICE HUDDLESTON

on Wednesday the 21st day of August 2024

KENNEDY & MORRISON LIMITED

Plaintiff

and

VIA PUGLIA

Defendant

UPON the Plaintiff having issued and served an application for an order for a transfer of these proceedings to the Competition Appeal Tribunal (“the CAT”) pursuant to Regulation 2(a) of the Section 16(1) Enterprise Act 2002 Regulations 2015 (“the Regulations”)

AND UPON reading the documents recorded in the Court file as having been read

AND UPON the Court concluding, in the light of all the circumstances of the case, that it is appropriate to make an Order pursuant to Regulation 2(a) of the Regulations in respect of these proceedings

IT IS ORDERED

1. These proceedings be transferred to the CAT pursuant to Regulation 2(a) of the Regulations;
2. For the avoidance of doubt, this Order is made subject to the following conditions:
 - a. Any appeal to the Court of Appeal against the determination by the CAT of any issue in the proceedings shall lie to Her Majesty’s Court of Appeal in Northern Ireland (“the HMCANI”);
 - b. Any appeal to the HMCANI against the determination by the CAT of any issue in the proceedings shall be governed by the Rules of the Court of Judicature (Northern Ireland) 1980;
 - c. The Defendant will not avail of any limitation defence which may arise from the transfer of these proceedings to the CAT. However, the Defendant remains at liberty to avail of any other limitation defence(s) which had accrued in the High Court proceedings;
 - d. The Court may give such further directions or make such further order as it thinks fit in connection with the transfer and/or with any of the matters referred to at 2.a. to 2.b. above.
3. Costs reserved.
4. Liberty to apply.

Christy Byers
Proper Officer

Filed Date 21 August 2024