



**IN THE COMPETITION APPEAL
TRIBUNAL**

Case No: 1637/5/7/24

BETWEEN:

SPORTSDIRECT.COM RETAIL LIMITED

Claimant/Applicant

- v -

(1) NEWCASTLE UNITED FOOTBALL COMPANY LIMITED

(2) NEWCASTLE UNITED LIMITED

(3) JD SPORTS FASHION PLC

(4) ADIDAS (U.K.) LIMITED

(5) ADIDAS AG

Defendants/Respondents

ORDER

UPON hearing counsel for the Claimant and counsel for the First to Fourth Defendants at the first Case Management Conference held on 3 October 2024 (“**the first CMC**”)

AND UPON the Fourth Defendant having consented to be joined to these proceedings

AND UPON the Tribunal making an order concurrently to join the Fourth and Fifth Defendants to the proceedings and for service of the Amended Claim Form on the out of the

jurisdiction (“**the Applications Order**”)

AND UPON the Fifth Defendant having been unrepresented at the first CMC and having filed no written submissions in relation thereto, and subject to its right to apply to set aside the Applications Order pursuant to paragraph 8 of that order and/ or to vary the provisions of this Order

IT IS ORDERED THAT:

Interpretation

References in this Order to “the Defendants” and to “the Parties” exclude the Fifth Defendant until such time as the Amended Claim Form has been served on the Fifth Defendant pursuant to the Applications Order, and subject to any application by the Fifth Defendant to set aside that order

Trial and further hearings

1. A CMC shall be listed for the first available date after 14 March 2025 with a time estimate of one day (the “**Second CMC**”).
2. A CMC shall be listed for the first available date after 17 November 2025 with a time estimate of one day (the “**Third CMC**”).
3. A PTR shall be listed for the first sitting week in January 2026 with a time estimate of one day.
4. The trial of these proceedings shall be listed to start on 2 February 2026 with a time estimate of four weeks. An additional week shall be held in reserve.

Pleadings

5. The Claimant shall file the Amended Claim Form on or before 11 October 2024, and shall serve the Amended Claim Form on the First to Fourth Defendants on or before 15 October 2024.
6. Each of the First to Fourth Defendants shall file and serve a Defence (or Amended Defence, as applicable) by 4pm on 8 November 2024.

7. The Claimant shall, if so advised, file and serve its Reply (if any) on the First to Fourth Defendants by 4pm on 6 December 2024.

Disclosure

8. The Claimant shall serve a draft list of issues for disclosure on the Defendants ("**List of Issues**") by 4pm on 6 December 2024.

9. The parties' experts shall meet on a without prejudice basis to discuss the draft List of Issues, potential disclosure requests and potential expert information requests between 9 December 2024 and 20 December 2024.

10. The parties shall exchange Electronic Disclosure Questionnaires by 4pm on 20 December 2024.

11. The Defendants shall respond to the Claimant's draft List of Issues by 4pm on 8 January 2025.

12. The parties shall exchange provisional expert information requests and disclosure requests by 4pm on 31 January 2025.

13. The parties shall confirm which requests for disclosure and expert information requests are agreed and / or exchange any objections to any responses to the disclosure requests and expert information requests by 4pm on 21 February 2025.

14. The parties shall, by 4pm on 28 February 2025, file:

(i) any agreed requests for disclosure or expert information (the "**Agreed Disclosure Requests**"); and

(ii) any requests for disclosure or expert information remaining in dispute.

15. The parties shall by 4pm on 11 April 2025, disclose by list documents, data or information falling within the scope of the Agreed Disclosure Requests as it may be reasonably practicable to disclose at that point. The parties shall disclose by list any

outstanding documents, data or information falling within the scope of the Agreed Disclosure Requests on a fortnightly rolling basis if reasonably practicable to do so but in any event by no later than 28 May 2025.

16. Any remaining disputes as to the scope of disclosure shall be considered by the Tribunal at the Second CMC.

17. Disclosure shall be completed by 4pm on 28 May 2025.

Witness statements

18. The parties shall file and exchange witness statements of fact by 4pm on 25 July 2025.

19. The parties shall have permission to file and exchange any witness statements of fact in reply by 4pm on 8 September 2025.

Expert evidence

20. Permission is granted for each party to rely on expert evidence in the field of competition economics.

21. The Claimant has permission to apply for an order that the Defendants should use a joint expert (in respect of some or all issues), if so advised, at the Second CMC.

22. Expert reports shall be filed and exchanged on 3 October 2025.

23. The timetable for the subsequent exchange of any expert reports in reply and / or a meeting of experts and joint expert statements shall be considered, if not agreed, at the Second CMC.

Confidentiality Ring Order

24. The parties shall file a draft Amended Confidentiality Ring Order by 11 October 2024.

Contribution claim

25. In respect of the claim brought by the First and Second Defendants against the Third Defendant:

- a. the Claim Form shall be served on the Third Defendant within seven days of this Order being made; and
- b. the claim shall be stayed.

Miscellaneous

26. Costs in the case.

27. There be liberty to apply.

Bridget Lucas KC

Chair of the Competition Appeal Tribunal

Made: 3 October 2024

Drawn: 23 October 2024