



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1581/5/7/23
1597/5/7/23

BETWEEN:

- (1) UTILITA ENERGY LIMITED
(2) ~~UTILITA SERVICES LIMITED~~ LUXION SALES LIMITED

Claimants

- v -

- (1) PAYPOINT PLC
(2) PAYPOINT COLLECTIONS LIMITED
(3) PAYPOINT NETWORK LIMITED
(4) PAYPOINT RETAIL SOLUTIONS LIMITED
(5) PAYPOINT PAYMENT SERVICES LIMITED

Defendants

AND BETWEEN:

- (1) GLOBAL-365 PLC
(2) GLOBAL PREPAID SOLUTIONS LIMITED

Claimants

- v -

- (1) PAYPOINT PLC
(2) PAYPOINT COLLECTIONS LIMITED
(3) PAYPOINT NETWORK LIMITED
(4) PAYPOINT RETAIL SOLUTIONS LIMITED

Defendants

CONSENT ORDER

UPON holding the joint Case Management Conference on 31 October 2023 in Case 1581/5/7/23 (the "**Utilita Proceedings**") and 1597/5/7/23 (the "**GLOBAL-365 Proceedings**") (together, the "**Joined Proceedings**")

AND UPON the Order of the Tribunal in the Joined Proceedings made on 20 November 2023 and corrected on 24 November 2023 as amended on 29 January, 15 February, and 22 March 2024, which granted each of the Parties permission to call one expert in the field of competition economics, in the Joined Proceedings (the "**First CMC Order**")

AND UPON holding a further joint Case Management Conference on 26 April 2024 in the Joined Proceedings

AND UPON the Order of the Tribunal in the Joined Proceedings made on 5 June 2024, which granted each of the Parties permission to call one expert in the field of accountancy and/or corporate finance and/or competition economics to give evidence on quantum, and one industry expert in the energy sector (including prepayment services), in the Joined Proceedings (the "**Second CMC Order**")

AND UPON the Parties having agreed variations to the timetable and deadlines in respect of the evidence of the industry experts in the energy sector

BY CONSENT IT IS ORDERED THAT:

Variation of directions for expert evidence relevant to quantum

1. Paragraph 13 of the Second CMC Order shall be amended as follows:

“The parties shall file and exchange expert reports in the field described at paragraph 10(a) above by 7 February 2025.”

2. Paragraph 14 of the Second CMC Order shall be amended as follows:

“Any expert report in reply in the field described in paragraph 10(a) above shall be filed and served by 4pm on 21 March 2025.”

3. Paragraph 15 of the Second CMC Order shall be amended as follows:

“The provision made in paragraph 23 of the First CMC Order shall also apply to the experts referred to in paragraph 10(a) above.”

Directions for expert evidence in the energy sector

4. The parties shall be permitted to rely on the following experts in the energy sector (including energy prepayment services):
 - 4.1. Serena Hesmondhalgh of The Brattle Group on behalf of the Claimants jointly;
and
 5. Prashant Kachhala of Baringa Partners on behalf of the Defendants.
6. The Claimants shall provide confirmation to the Defendants of what datasets (if any) their energy sector expert will rely upon in their report by 4pm on 22 November 2024.
7. The Claimants shall file and serve their energy sector report by 4pm on 13 December 2024.
8. The Defendants shall file and serve their energy sector report in reply, or alternatively a responsive witness statement, by 4pm on 24 January 2025.
9. If the Defendants serve an energy sector expert report in reply, the energy sector experts shall meet for without prejudice discussions without the presence of legal advisers of the parties and produce a Joint Statement on matters on which they are agreed and matters in respect of which they are not agreed, with concise reasons for any disagreement. Any such Joint Statement shall be filed with the Tribunal by 4pm on 21 February 2025.
10. The Claimants are at liberty to apply for further directions for an energy sector report responding to any reply report, or alternatively responsive witness statement, served by the Defendants in accordance with paragraph 7 of this Order.

11. Costs in the case.

12. There be liberty to apply.

The Honourable Lord Richardson
Chair of the Competition Appeal Tribunal

Made: 2 October 2024
Drawn: 2 October 2024