



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

Case No: 1379/5/7/20

BETWEEN:

**KERILEE INVESTMENTS LIMITED**

Claimant

**AND**

**INTERNATIONAL TIN ASSOCIATION LIMITED**

Defendant

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**ORDER**

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**UPON READING** the Defendant's application of 18 October 2024 for security for costs (the "**2024 SFC Application**") and the supporting evidence and documents enclosure therewith

**AND UPON READING** the Defendant's application of 18 October 2024 to exclude paragraphs 10 to 22 of the Claimant's Third Witness Statement of Brian Beckett (the "**Beckett 3 Application**") and the supporting evidence and documents enclosure therewith

**AND UPON READING** the Claimant's letter in response to the 2024 SFC Application, filed on 23 October 2024, and its letter in response to the Beckett 3 Application, filed on 25 October 2024

**AND UPON** paragraphs 12 and 13 of the Order of 30 July 2024 awarding the Defendant its costs of the Claimant's applications of 8 May 2024 to: (i) amend its Statement of Claim; (ii)

adduce the Second Witness Statement of Brian Beckett; and (iii) to serve an amended expert report

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

**AND UPON HEARING** Mr Brian Beckett on behalf of the Claimant (acting in person), and Ms Laura Elizabeth John, on behalf of the Defendant at the Case Management Conference on 1 November 2024 (the "**1 November 2024 CMC**")

**AND UPON** the Claimant agreeing, at the 1 November 2024 CMC, that it should in principle provide further security for costs, and confirming that its opposition to the 2024 SFC Application will be limited to matters of (i) quantum, and (ii) timing

**AND UPON** a preliminary issues hearing having been listed to take place during the period 14-31 July 2025

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

**IT IS ORDERED THAT:**

**Directions**

1. By 31 January 2025 the Defendant shall serve and file its expert report in the area of economics on the issues to be considered at the preliminary issues hearing.
2. By 14 March 2025 the Claimant shall serve and file a reply report from its expert in economics, if any.
3. The Claimant shall file an agreed trial bundle for the preliminary issues trial by 13 June 2025.
4. The Claimant shall file its skeleton argument for the preliminary issues trial by 27 June 2025.

5. The Defendant shall file its skeleton argument for the preliminary issues trial by 4 July 2025.
6. By 29 November 2024, the parties are to attend on the Tribunal Registry to fix a date for a Pre-Trial Review, which shall be around 4 weeks before the start of the preliminary trial, with a time estimate of 1 day.

### **Security for Costs**

7. For the purposes of the Tribunal determining the 2024 SFC Application on paper by 10 January 2025:
  - a. By 4pm on 13 December 2024, the Claimant shall file and serve written submissions in response to the 2024 SFC Application, limited to unresolved matters of (i) quantum, and (ii) timing of payment.
  - b. By 4pm on 13 December 2024, the Defendant shall file and serve written submissions on its application for costs of the 2024 SFC Application.
  - c. By 4pm on 20 December 2024, the Defendant shall file and serve any submissions in reply to the Claimant's submissions in respect of the 2024 SFC Application.
  - d. By 4pm on 20 December 2024, the Claimant shall file and serve any submissions in response to the Defendant's application for costs of the 2024 SFC Application.
8. The costs of the 2024 SFC Application are reserved.

### **Third Witness Statement of Brian Beckett**

9. Paragraphs 10 to 13 and 15 to 22 of the Third Witness Statement of Brian Beckett dated 6 September 2024 and Exhibit BB3 are excluded.

10. The Claimant shall file and serve revised versions of the Third Witness Statement of Brian Beckett and Exhibit BB3, with the excluded sections removed, by 4pm on 4 November 2024.
11. The Defendant has permission to file and serve a reply witness statement to paragraph 10 of the revised Third Witness Statement of Brian Beckett (now noted as the Fourth Witness Statement of Brian Beckett) as filed and served on 4 November 2024, if so advised, by 4pm on 18 November 2024.
12. The costs of the Beckett 3 Application shall be costs in the case.

**Defendant's costs of the Claimant's May 2024 applications**

13. Further to paragraphs 12 and 13 of the Order of 30 July 2024:
  - a. The Claimant shall pay the Defendant, by 4pm on 29 November 2024, the total sum of £24,000 in respect of:
    - i. the Defendant's costs of the Claimant's application to adduce the Second Witness Statement of Brian Beckett; and
    - ii. the Defendant's costs of the Claimant's application to file the replacement report of Tim Williams and Anton de Feuarent.
  - b. The summary assessment of the Defendant's costs of and occasioned by the Claimant's Re-Amended Statement of Claim, and its costs of those aspects of the Claimant's claim which the amendment withdraws, shall be deferred until the PTR, or any case management hearing that might take place before that date. Paragraph 12 of the Order of 30 July 2024 shall be varied accordingly.

**Further Matters**

14. Liberty to apply.

15. Save as provided above, the costs of the case management conference shall be costs in the case.

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

Made: 1 November 2024  
Drawn: 6 December 2024