



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1257/7/7/16

B E T W E E N :

DOROTHY GIBSON

Applicant /
Proposed Class Representative

- and -

PRIDE MOBILITY PRODUCTS LIMITED

Respondent /
Proposed Defendant

ORDER

UPON the application of the Applicant dated 25 May 2016 for a collective proceedings order (the “CPO Application”) pursuant to section 47B of the Competition Act 1998 and Rule 75 of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648) (the “Tribunal Rules”)

AND UPON reading the material submitted by the parties

AND UPON hearing Counsel for the parties at a case management conference on 15 July 2016

IT IS ORDERED THAT:

Forum

1. Pursuant to Rules 18, 52 and 74 of the Tribunal Rules, the proceedings be treated as proceedings in England and Wales.

Revised definition of the proposed class

2. The Applicant file and serve a revised definition of the proposed class (currently defined at paragraph 11 of the collective proceedings claim form) by 4pm on 22 July 2016.

Confidentiality

3. The Respondent to file and serve any request pursuant to Rule 101 of the Tribunal Rules (to be agreed, as far as possible, with the Applicant) for the confidential treatment of any part of the documents at Tabs 7 and 8 of the collective proceedings claim form bundle by 4pm on 22 July 2016.

Additional information to be provided by the Respondent

4. The Respondent to compile and disclose to the legal representatives of the Applicant by 4pm on 5 August 2016 a list of all dealers/customers supplied with mobility scooters by the Respondent between 1 February 2010 and 29 February 2012.

Response and reply to the CPO Application

5. The Respondent file and serve a response to the CPO Application, including any evidence, and a costs budget by 4pm on 26 August 2016.
6. The Applicant file and serve any reply to the Respondent's response by 4pm on 30 September 2016.

Publicity

7. The Applicant take steps to publicise the CPO Application, including the deadline for objections and the hearing date (in accordance with paragraphs 9 and 15 below), by 14 October 2016.
8. The publicity approach set out at paragraph 20 of the Applicant's skeleton argument is approved, subject to the Applicant additionally (a) publicising the CPO Application in the next edition of the NPC quarterly newspaper, The Message, and (b) seeking to publicise the CPO Application through Age UK and the Research Institute for Consumer Affairs.

Objections to CPO Application

9. Any person with an interest (including any member of the proposed class) may object to the CPO Application or the authorisation of the Proposed Class Representative by writing to the Tribunal stating their reasons for objecting by 4pm on 11 November 2016.

Costs capping application

10. The Applicant to file any costs capping application by 4pm on 26 September 2016.
11. The Respondent to file a response to any costs capping application by 4pm on 24 October 2016.
12. Any costs capping application be determined at the hearing of the CPO Application.

Skeleton arguments and bundles

13. The parties to file and serve skeleton arguments by 4pm on 2 December 2016.
14. The Applicant to file five copies of a hearing and authorities bundle (liaising in advance with the Tribunal Registry) by 4pm on 5 December 2016.

Hearing

15. The hearing of the CPO Application be listed for hearing on 12 to 13 December 2016, with 14 December 2016 in reserve.

General

16. Costs be reserved.
17. There be liberty to apply.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 15 July 2016
Drawn: 15 July 2016