



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1298/5/7/18

BETWEEN:

ACHILLES INFORMATION LIMITED

Claimant

- v -

NETWORK RAIL INFRASTRUCTURE LIMITED

Defendant

ORDER

UPON the Tribunal making an Order on 26 May 2020 for the case management of the outstanding issues of Dominance and Damages in these proceedings (“the Further Directions Order”)

AND UPON the Claimant’s application for specific disclosure from the Defendant dated 15 October 2020 (“the Application”)

AND UPON the letter from the Claimant’s solicitors (on behalf of both parties) to the Tribunal dated 21 October 2020 noting that, pending determination of the Application it was not possible for the parties to comply with the remaining directions made in the Further Directions Order

AND UPON the Tribunal’s Ruling issued on 4 January 2021 regarding the Application ([2021] CAT 1) (“the Ruling”) and letter dated 4 January 2021 directing a deadline for disclosure (“the Tribunal’s Letter”)

AND UPON the letter from the Claimant’s solicitors dated 19 January 2021 requesting, with the Defendant’s agreement, a revision to the timetable set out in the Further Directions Order and Tribunal’s Letter

IT IS ORDERED BY CONSENT THAT:

Specific Disclosure

1. The Defendant shall disclose the documents referred to at paragraphs 20, 26 and 31 of the Ruling by 4pm on 5 February 2021.

Witness Statements

2. Paragraph 7 of the Further Directions Order is varied such that Witness Statements (if any) shall be filed and served by mutual exchange by 4pm on 19 March 2021.
3. Paragraph 8 of the Further Directions Order is varied such that any supplemental Witness Statements (limited to points of reply) shall be filed and served by mutual exchange by 4pm on 1 April 2021.

Expert Reports

4. Paragraph 10 of the Further Directions Order is varied such that:
 - (a) the Claimant shall file and serve its Expert Report by 4pm on 7 May 2021.
 - (b) the Defendant shall file and serve its Expert Report by 4pm on 11 June 2021.
5. The Claimant shall file and serve any Reply Expert Report by 4pm on 25 June 2021.
6. Paragraph 11 of the Further Directions Order is varied such that any meeting of experts shall take place in the week commencing 5 July 2021. A statement of points agreed and not agreed (and concise reasons for any disagreement) shall be prepared and signed by both experts and filed no later than 4pm on 23 July 2021.

Trial

7. Paragraph 12 of the Further Directions Order is varied such that the trial shall be listed for 5 days from 11 to 15 October 2021.

Miscellaneous

8. The parties may agree to amend any of the dates above other than the trial date without the permission of the Tribunal provided that there is no impact to the trial date. The parties shall notify the Tribunal in writing of any such amended dates. In the absence of agreement, any party shall have liberty to apply.

9. Costs in the case.

Andrew Lenon QC
Chairman of the Competition Appeal Tribunal

Made: 20 January 2021
Drawn: 21 January 2021