



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1351/5/7/20

BETWEEN:

- (1) CHURCHILL GOWNS LIMITED**
(2) STUDENT GOWNS LIMITED

Claimants

- v -

- (1) EDE & RAVENSCROFT LIMITED**
(2) RADCLIFFE & TAYLOR LIMITED
(3) WM. NORTHAM & COMPANY LIMITED
(4) IRISH LEGAL AND ACADEMIC LIMITED

Defendants

ORDER

UPON the Defendants' application for further information made by letter to the Tribunal dated 8 July 2021 (the "Further Information Application")

AND UPON the Defendants' application for certain orders relating to the Claimants' disclosure made by letter to the Tribunal dated 19 July 2021 (the "Disclosure Application")

AND UPON the Defendants' application for a variation to their approved costs budget made by letter to the Tribunal dated 17 August 2021 (the "Costs Management Application")

AND UPON the parties having (i) agreed that the Costs Management Application should be adjourned and (ii) agreed directions for the resolution of the Costs Management Application

AND UPON hearing Fergus Randolph QC for the Claimants and Conall Patton QC and Victoria Prince for the Defendants at a hearing held remotely on 8 September 2021

AND UPON the Claimants' oral application for an extension of the deadline for the exchange of witness statements from witnesses of fact in reply as set out in paragraph 15 of the Tribunal's Order made on 27 October 2020 (and subsequently amended by paragraph 2 of the Tribunal's Order made on 28 July 2021), and the Defendants having agreed to the extension sought

AND UPON the Claimants' confirmation that it is their case that the 100% Recycled Plastic Bottles Representation (as defined at paragraph 97B of the Re-Amended Defence), if made, was true at the time(s) it was made

AND UPON the Claimants' confirmation that it is their case that the 70% Recycled Plastics Representation (as defined at paragraph 98M of the Re-Amended Defence), if made, was true at the time(s) it was made

IT IS ORDERED THAT:

The Further Information Application

1. By 5pm on 15 September 2021, the Claimants shall provide substantive responses to the requests numbered 6, 7, 8(b), 10(a) and 10(b) in the request for information appended to the letter from Alius Law dated 15 June 2021. Those responses shall be provided in the form of a document, verified by a statement of truth, which includes the relevant requests as well as the responses thereto.
2. The document provided by the Claimants in accordance with paragraph 1 above shall be treated as a further pleading (and permission for that pleading pursuant to Rule 37 of the Tribunal Rules is granted).

The Disclosure Application

3. By 5pm on 15 September 2021, the Claimants shall, (i) identify those documents listed in Annex 2 to the Disclosure Application in respect of which the Claimants assert confidentiality claims and (ii) in respect of each document in respect of which a confidentiality claim is asserted, identify by reference to a file name / number where that document can be found in both the Confidential Folder and the Redacted Folder (as defined in paragraph 10 of the Disclosure Application) as amended pursuant to paragraphs 4 and 5 below.
4. By 5pm on 15 September 2021, the Claimants shall disclose copies of documents pertaining to the Claimants' purchase of items from the Defendants for the purpose of having such items copied and reproduced for sale or hire by the Claimants with redactions for confidentiality of this information removed;

information pertaining to this practice shall not be treated as confidential (with the exception that the Claimants shall be permitted to maintain their redaction of the barcode (i.e. the lines and the number appearing beneath them) in the picture appearing at page 105 of the bundle for the Disclosure Application, and such information shall continue to be treated as confidential in these proceedings).

5. By 5pm on 15 September 2021, the Claimants shall disclose copies of documents which identify Mr Steven Solomons with redactions for confidentiality of his identity removed; Mr Solomons' identity shall not be treated as confidential (with the exception that the Claimants shall be permitted to maintain redactions of Mr Solomons' personal email address, which shall continue to be treated as confidential in these proceedings).

The Costs Management Application

6. By 5pm on 22 September 2021, the Defendants shall file and serve a version of their Precedent T document dated 5 August 2021 that is amended insofar as is necessary to reflect the outcome of the Further Information Application and the Disclosure Application.
7. By 5pm on 6 October 2021, the Claimants shall provide any comments to the Defendants in respect of the Defendants' amended Precedent T document.
8. The Costs Management Application shall be re-listed for hearing on the first available date after 20 October 2021.

Reply witness statements

9. Paragraph 2 of the Tribunal's Order dated 28 July 2021 is varied such that the deadline for the Claimants to file and exchange any witness statements from witnesses of fact in reply shall be extended to 5pm on 17 September 2021.

Costs

10. By 5pm on 22 September 2021, the Claimants shall pay:

- (a) 80% of the Defendants' costs of the Further Information Application, summarily assessed as £13,724.08.
- (b) 85% of the Defendants' costs of the Disclosure Application, summarily assessed as £21,164.41.

Miscellaneous

- 11. By agreement the parties may vary without further Order any deadline in this Order provided that they inform the Tribunal of such agreement in advance of the expiry of the relevant deadline and the extension does not affect the date of the pre-trial review or the trial.
- 12. There be liberty to apply.

The Hon Mr Justice Zacaroli
Chairman of the Competition Appeal Tribunal

Made: 8 September 2021
Drawn: 16 September 2021