



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1427/5/7/21

BETWEEN:

BELLE LINGERIE LIMITED

Claimant

- v -

(1) WACOAL EMEA LTD
(2) WACOAL EUROPE LTD

Defendants

REASONED ORDER

UPON the Claimant having issued Case no. 1427/5/7/21 on 17 December 2021 (“the Claim”)

AND UPON the Claimant filing an application for fast-track designation of the Claim on 17 December 2021 (“the Fast-Track Application”)

AND UPON the deemed date of service of the Claim on the Defendant being 22 December 2021

AND UPON reading the Defendants’ request by letter from their solicitors treated as filed on 19 January 2022 requesting an extension of time to file and serve their Defence and response to the Fast-Track Application

AND UPON reading the letter dated 19 January 2022 from the solicitors for the Claimant in response to the Defendants’ request

IT IS ORDERED THAT:

1. The time for the Defendants to file and serve their Defence and response to the Fast-Track Application is extended to 4 February 2022.

2. There shall be no order as to costs.
3. There be liberty to apply.

REASONS:

1. The Claim was served on the Defendants on 22 December 2021, which was the penultimate working day before Christmas for the majority of staff at the Defendants' solicitors and the Defendants' solicitors' offices were closed from 24 December 2021 to 3 January 2022 inclusive.
2. The Defendants instructed Counsel in the new year and learnt at their initial conference call with Counsel that he did not have availability to start working on a Defence until the beginning of February 2022. By letter dated 13 January 2022, the Defendants' solicitors sought the Claimant's consent for an extension of time of eight weeks for the Defendants to file their Defence and response to the Fast-Track Application.
3. Although the Claimant notified the Defendants' solicitors on 17 December 2021 that it had filed the Claim and Fast-Track Application, the Defendants left it until after the service of the Claim to identify and instruct Counsel. I recognise that those steps were interrupted due to the intervening Christmas and New Year period. Nonetheless, it is not appropriate, when identifying and instructing Counsel to prepare a Defence, for a defendant to seek a lengthy extension to procedural deadlines on the basis that the Counsel it has instructed lacks availability.
4. In these circumstances, I consider that a more limited extension to 4 February 2022 is appropriate.

Sir Marcus Smith
President of the Competition Appeal Tribunal

Made: 19 January 2022
Drawn: 19 January 2022