



IN THE COMPETITION
APPEAL TRIBUNAL

Case: 1418/5/7/21

BETWEEN:

BLUE PLANET HOLDINGS LIMITED

Pursuer

- v -

(1) ORKNEY ISLANDS COUNCIL
(2) ORKNEY FERRIES LIMITED
(3) SINCLAIR HAULAGE LIMITED

Defenders

ORDER

UPON the claim form and fast-track application filed by the Pursuer on 9 September 2021

AND UPON the Pursuer's request for permission to be represented by its director, Mr Kenneth Murray, and the Third Defender's request for permission to be represented by Mr David Neil pursuant to Rule 8 of the Competition Appeal Tribunal Rules 2015 (the "Tribunal Rules")

AND UPON the Pursuer's Reply and first witness statement of Kenneth Murray filed on 13 December 2021

AND UPON the Pursuer's application for summary judgment by letter of 14 February 2022 (the "Pursuer's Application")

AND UPON the First and Second Defenders' application of 14 February 2022 pursuant to Rule 41 and/or Rule 43 of the Tribunal Rules (the "First and Second Defenders' Application")

AND UPON hearing oral submissions from the parties, and an oral application for disclosure made by the Pursuer at a case management conference (“CMC”) on 21 February 2022

IT IS ORDERED THAT:

REPRESENTATION

1. The Pursuer is granted permission to be represented by Mr Murray.
2. The Third Defender is granted permission to be represented by Mr Neil.

FORUM

3. Pursuant to Rules 18 and 52 the proceedings be treated as proceedings in Scotland.

FUTURE CONDUCT OF THE PROCEEDINGS

4. By 5pm on 14 March 2022, the First, Second and Third Defenders shall file and serve their amended Defences to the Pursuer’s Reply to the Defence and first witness statement of Kenneth Murray.
5. By 5pm on 4 April 2022:
 - (a) the Pursuer shall file and serve its skeleton argument in support of the Pursuer’s Application together with the legal authorities on which it relies. The submissions should also address whether the Tribunal has the power to grant the orders sought in paragraphs 9(b) and 9(c) of the claim form;
 - (b) the First and Second Defenders shall file and serve their revised skeleton argument in support of the First and Second Defenders’ Application together with the legal authorities on which they rely; and
 - (c) the Third Defender shall file and serve its skeleton argument in relation to any summary judgment/strike-out application it wishes to make together with any legal authorities on which it relies.
6. By 5pm on 4 April 2022, the parties shall file and serve:

- (a) a list of all witnesses whom they propose to call at proof together with a summary of the evidence of each witness; and
 - (b) all productions on which they intend to rely at proof.
7. By 5pm on 25 April 2022, the parties shall file any skeleton arguments in reply to the submissions filed pursuant to paragraph 5.
 8. By 4pm on 12 May 2022, the parties shall file and serve an electronic and five hard copies of an agreed hearing bundle and authorities bundle.
 9. A hearing is listed for 26 May 2022 (with 27 May 2022 in reserve) to consider: (i) the Pursuer's Application; (ii) the First and Second Defenders' Application (including issues of time-bar); and (iii) any application for strike out or summary judgment made by the Third Defender pursuant to paragraph 5(c), if applicable.

FAST-TRACK APPLICATION

10. The determination of the Pursuer's fast-track application is reserved until determination of the parties' applications for summary judgment/strike-out.

REQUEST FOR DOCUMENTATION

11. By 5pm on 28 February 2022, the Pursuer shall file and serve a formal reasoned written request for the production of the documents specified at the CMC.
12. Within 7 days of receipt of the request specified in paragraph 11, the Defenders shall file and serve details of any objections to the production of the documents requested.

OTHER

13. Expenses be reserved.
14. There be liberty to apply.

The Honourable Lord Ericht
Chairman of the Competition Appeal Tribunal

Made: 21 February 2022
Drawn: 22 February 2022