



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

ORDER

UPON the Tribunal's Order made on 14 March 2022, as amended by the Tribunal's Reasoned Order made on 21 June 2022 and as further varied by the Tribunal's Order made by consent on 28 June 2022 (the "Directions Order")

AND UPON reading the application, by letter from the solicitors for the Defendants dated 25 July 2022, for an extension of time of 24 hours for the filing and service of the expert report of the Defendants' economic expert and the Claimant having no objection to the Defendants' request

AND UPON reading the application, by letter from the solicitors for the Defendants dated 27 July 2022, for an extension of time of one week for the filing and service of the joint statement of matters agreed and not agreed by the parties' industry experts (the "Industry Experts' Joint Statement") and the Claimant's letters dated 26, 27 and 28 July 2022

IT IS ORDERED THAT:

1. Paragraphs 21-22 of the Directions Order are varied such that:

- (a) By 4pm on 26 July 2022, the Defendants shall file and serve a signed expert report from their economic expert, addressing the matters set out in paragraph 20 of the Directions Order in accordance with the agreed methodology of the parties' experts filed with the Tribunal on 16 June 2022, and any Reply to the Claimant's economic expert report.
 - (b) By 4pm on 8 August 2022, the Claimant shall file and serve any Reply to the Defendants' economic expert report.
2. Paragraph 19 of the Directions Order is varied such that:
 - (a) The Defendants' industry expert shall by 4pm on 29 July 2022 provide to the Claimant's industry expert comments on the draft joint statement (provided by the Claimant's industry expert on 27 July 2022).
 - (b) The Industry Experts' Joint Statement shall be filed by 4pm on 3 August 2022.
3. Liberty to apply.

REASONS

1. The extension of time in relation to the economic expert reports is agreed.
2. As to the extension of time in relation to the Industry Experts' Joint Statement, the Claimant raised the possibility that an extension would probably be required, and indicated that it would not object to 48 hours. The Defendants then on 27 July 2022 formally sought an extension of time of a week. The Claimant's position is that the need for an extension has arisen because the Defendants' expert cancelled the joint meeting which had been fixed for 15 July 2022 (the Directions Order required this meeting to be held by 19 July 2022). The meeting did not take place until 22 July 2022 – so three days late. The Claimant's expert then took on the task of drafting the joint statement which was due on 27 July 2022. I am told (and accept) that this necessitated working over the weekend in order to turn it around. It was provided to the Defendants' expert

by 11am on 27 July 2022 i.e. the day it was due to be filed. An extension is therefore obviously required.

3. The Claimant has indicated that they do not “formally object” to a week’s extension. What it is keen to avoid is its own expert receiving comments at the last minute. It has therefore proposed that the Defendants’ expert provide his comments by 4pm on 29 July 2022. That will provide the Defendant’s expert almost three days to consider the draft (which took only about one day longer – including the weekend - to draft from scratch) and give the parties’ experts two further business days to resolve any differences between them. That seems to me to be entirely reasonable and sensible, and I will so order.

Bridget Lucas QC

Chair of the Competition Appeal Tribunal

Made: 28 July 2022

Drawn: 28 July 2022