



**IN THE COMPETITION
APPEAL TRIBUNAL**

**Case: 1061/1/1/06
1065/1/1/06**

**Before:
Marion Simmons QC (Chairman)
Mr Michael Blair QC
Ms Vivien Rose**

B E T W E E N:

MAKERS UK LIMITED

Appellant

and

OFFICE OF FAIR TRADING

Respondent

PRATER LIMITED

Appellant

and

OFFICE OF FAIR TRADING

Respondent

ORDER

UPON hearing Counsel for Makers UK Limited (“Makers”), Counsel for Prater Limited (“Prater”) and the Office of Fair Trading (“OFT”) at two case management conferences on 21 June 2006;

AND UPON each of the persons named in Part A of the Schedule to this Order (“the External Advisers”), prior to the making of this Order, having given a written undertaking to the Tribunal, in the terms of Part B of the Schedule to this Order;

IT IS ORDERED THAT:

1. Makers' and Prater's appeals be heard in the week 31 July – 4 August 2006 with time estimate of 1½ days for the Makers appeal and ½ day for the Prater appeal; Prater's appeal to follow Makers'.
2. The OFT disclose to the solicitors for Makers and Prater two Schedules (Schedule A and Schedule B) containing, respectively, the non-confidential and the confidential figures used in calculation of the penalties imposed in its Decision CA/98/01/2006 by 4.00pm on Wednesday 28 June 2006. Disclosure of Schedule B to be confined to the External Advisers.
3. In the Prater appeal, Prater serve a Reply to the OFT's defence by 4.00pm on Wednesday 5 July 2006, if so advised.
4. In the Makers appeal, the OFT serve Makers with any documents in addition to those contained in the bundles served by Makers with its notice of appeal by 12.00pm on Wednesday 12 July 2006.
5. In the Makers appeal, Makers produce an agreed bundle of any documents relied upon in chronological order (earliest date first) by 4.00pm on Monday 17 July 2006, these bundles to stand as the trial bundle.
6. The OFT update the Tribunal and each of the appellants as to the availability of the currently pending judgment of the Court of Appeal in the appeals from the Tribunal's judgments [2004] CAT 17, [2004] CAT 24, [2005] CAT 13 and [2005] CAT 22, and the parties file any submissions as to its implications for the listing of these appeals, by 4.00pm on Friday 14 July 2006.
7. Mutual exchange of skeleton arguments in each appeal by 4.00pm on Friday 21 July 2006.
8. Liberty to apply.

Marion Simmons QC
Chairman of the Competition Appeal Tribunal

Made: 21 June 2006
Drawn: 23 June 2006

Schedule

Part A

For the purposes of this Order:

“External Advisers” is limited to the following persons save as otherwise expressly authorised by the Tribunal upon further application of the parties:

Makers

Aidan Robertson, Counsel, Brick Court Chambers.

Martin Rees, Partner, DLA Piper Rudnick Gray Cary LLP.

Kate Vernon, Assistant Solicitor, DLA Piper Rudnick Gray Cary LLP.

Prater

Michael Bowsher, Counsel, Monckton Chambers.

Ben Rayment, Counsel, Monckton Chambers.

Richard Shadbolt, Shadbolt & Co LLP.

Paul Henty, Shadbolt & Co LLP.

Arif Mawany, Shadbolt & Co LLP.

Part B

In respect of any information in Schedule B not contained in Schedule A disclosed to the External Advisers pursuant to this Order (hereinafter referred to as the “Protected Information”), each External Adviser mentioned in Part A of this Order undertakes that they will comply with the following requirements, that:

- a. The Protected Information will not be disclosed to any person other than the External Advisers, the Office of Fair Trading and the Tribunal without the permission of the Tribunal;
- b. The Protected Information will only be used for the purposes of these proceedings;
- c. The documents containing the Protected Information are to remain in the custody of the External Advisers at all times; and
- d. The production of further copies of the documents containing the Protected Information shall be limited to those required for the use of the External Advisers for the purposes of these proceedings; copies shall be numbered and identified as being for the specific use of one of the External Advisers; any such copies and the documents containing the Protected Information will be returned to the respondent at the conclusion of the present proceedings.