



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1639/7/7/24

BETWEEN:

BULK MAIL CLAIM LIMITED

Applicant/Proposed Class Representative

- v -

INTERNATIONAL DISTRIBUTION SERVICES PLC
(FORMERLY ROYAL MAIL PLC)

Respondent/Proposed Defendant

ORDER (CMC DIRECTIONS)

UPON the Proposed Class Representative's (the "**PCR**") application dated 29 May 2024 for a Collective Proceedings Order (the "**CPO Application**") pursuant to section 47B of the Competition Act 1998 ("**the 1998 Act**") and Rule 75 of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648) (the "**Tribunal Rules**")

AND UPON the PCR's application under Rule 101 of the Tribunal Rules that certain information in the Litigation Funding Agreement and the After-the-Event Insurance Policy (the "**Funding Documents**") filed in the proceedings be treated as confidential and redacted (the "**Rule 101 Application**")

AND UPON review of the written submissions of the parties filed in advance of the CMC

AND UPON hearing Counsel for the PCR and Counsel for the Proposed Defendant at the case management conference on 12 September 2024

IT IS ORDERED THAT:

Forum

1. Pursuant to Rules 18, 52 and 74 of the Tribunal Rules, the CPO Application be treated as proceedings in England and Wales.

Confidentiality

2. Pursuant to the PCR's Rule 101 request dated 5 September 2024, confidential treatment shall be accorded to the information redacted or highlighted in the versions of the Funding Documents appearing in the Confidential Bundle for the case management conference on 12 September 2024.

Publicity

3. The PCR shall publicise the CPO Application in accordance with the proposal set out in Annex D of the Notice and Administration Plan (contained in the Litigation Plan) that is exhibited to the First Witness Statement of Robin Aaronson at Tab 11(a) of the Non-Confidential Case Management Conference Bundle by **26 September 2024**.
4. The PCR shall publicise in accordance with paragraphs 3, 8 and 9 of this Order, the right under Rule 76(10)(c) of the Tribunal Rules of persons with an interest to object to the CPO Application or the authorisation of the PCR by **26 September 2024**.
5. The PCR shall publicise, in accordance with paragraphs 3 and 8 of the Order, the right under Rule 79(5) of the Tribunal Rules of members of the proposed class to make an application to the Tribunal for permission to make oral submissions at the hearing of the CPO Application by **26 September 2024**.

Responses and replies to the CPO Application

6. The Proposed Defendant shall file and serve its response to the CPO Application, together with any factual and/or economic expert evidence, and any application made

pursuant to rule 41(1) or rule 43(1) of the Tribunal Rules, by **4pm on 9 December 2024**.

7. The PCR shall file and serve any reply to the Proposed Defendant's response, together with any factual and/or economic expert evidence, and any response to any application made pursuant to rule 41(1) or rule 43(1) of the Tribunal Rules by **4pm on 31 January 2025**.

Objection to the CPO Application and applications for permission to make observations

8. Any person with an interest (including any member of the proposed class) may object to the CPO Application or the authorisation of the Proposed Class Representative by writing to the Tribunal stating their reasons for objecting by **4pm on 31 January 2025**. Any member of the proposed class may also seek permission to make oral observations at the CPO Application hearing, by making an application for such permission, with reasons, as part of his/her written objections.
9. Any third party with a legitimate interest (who is not a member of the proposed class) who seeks permission to make written and/or oral observations at the CPO Application hearing is to make such application, supported by reasons, to the Tribunal by **4pm on 31 January 2025**.

Litigation Timetable

10. By **4pm on 9 December 2024**, the PCR shall file and serve an updated version of the Litigation Timetable appended to the CPO Application.

Skeleton arguments and bundles

11. The PCR shall file an electronic version and four hard copies of the agreed hearing bundle by **12pm on 24 February 2025**.
12. The PCR shall file an electronic version and four hard copies of the agreed authorities bundle by **12pm on 24 February 2025**.

13. The parties shall file and serve skeleton arguments cross referenced to the hearing and authorities bundles by **12pm on 24 February 2025**.
14. By **12pm on 24 February 2025**, the parties shall file a chronology, split into (i) a chronology of events and (ii) a chronology of proceedings, which shall contain cross-references to relevant documents in the bundles and which shall be agreed between the parties as far as possible.

Hearing

15. The hearing of the CPO Application be listed to be heard on **3 March 2025** (with the first day commencing at 10am unless the parties are notified by the Tribunal of a later start time), with a time estimate of 1½ to 2 days, with a further 1 day in reserve.

Other issues

16. Costs in the case.
17. There be liberty to apply.
18. By agreement the parties may vary without further order any deadline in paragraphs 3 to 7 of this Order for a period or periods of up to 14 days in total 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 dates of any listed hearings.

Hodge Malek KC
Chair of the Competition Appeal Tribunal

Made: 12 September 2024
Drawn: 19 September 2024