

Subject: Third Direction - directions for the hearing on 18 July 2018

Date: Tuesday, 26 June 2018 at 07:58:43 British Summer Time

From:

To:

CC:

Dear Ben and Victoria

As agreed yesterday, I passed the various emails to the President so that he could set directions for the hearing. The President's reply is below.

Best wishes
Jonathan

I have considered the various email exchanges between counsel as well as the Claimants' Request for Further Information and disclosure ("the RFI"). I do not consider it to be reasonable to order the Respondents to reply to the lengthy and detailed RFI, served on 18 June, by 4 July, the date suggested by the Claimants. Nonetheless I am concerned to ensure that the case management hearing on 18 July is as productive as possible. I am also concerned to ensure that as much as is possible is dealt with in OPEN session and that any CLOSED argument is confined to what is strictly necessary by virtue of Rule 6(1) of the IPT Rules. To that end the following directions are given:

1. The Respondents are to file and serve their OPEN and, if so advised, CLOSED skeleton argument, by 4pm on Wednesday 4 July 2018. The Respondents should append to their skeleton argument their outline responses to the RFI (for example, indicating why they say that any request is not exigible and when they will give a substantive response to any requests that they consider exigible). The skeleton argument should set out the Respondents' case on limitation and temporal scope of the claims; standing; whether the claims can be dealt with by way of assumed facts as well as their detailed proposals for further directions (e.g. their proposed date for serving full responses to the RFI, their proposed dates for service of OPEN and CLOSED evidence, the consequential disclosure timetable for potential "opening up" etc.).
2. The Claimants are to serve and file their skeleton argument in reply by 4pm on Wednesday 11 July 2018.
3. Should the Respondents serve a CLOSED skeleton argument, Counsel to the Tribunal is to serve and file a CLOSED skeleton argument by 4pm on Monday 16 July 2018.

Jonathan Glasson QC

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