



CASES NR/0001/2010 onwards

IN THE UPPER TRIBUNAL (TAX AND CHANCERY CHAMBER)
FINANCIAL SERVICES

Andrew Bartlett QC (Judge of the Upper Tribunal)

BETWEEN

NORTHERN ROCK APPLICANTS

Applicants

- AND -

(1) ANDREW CALDWELL

(As the Independent Valuer of Northern Rock plc)

(2) HM TREASURY

Respondents

CASE MANAGEMENT ORDER NO 2

24 February 2011

UPON a Case Management hearing being held in respect of the References of the Northern Rock Applicants (“**the Applicants**”)

AND UPON HEARING Leading Counsel for Harbinger Capital Partners (“**Harbinger**”), a Solicitor for Chris Hulme (“**Mr Hulme**”), Leading Counsel for the First Respondent (“**the Valuer**”), and a Solicitor for the Second Respondent (“**HMT**”)

IT IS ORDERED THAT:

1. The time for any person to refer to the Tribunal a revised assessment notice issued by the Valuer pursuant to the Northern Rock plc Compensation Scheme Order 2008 is extended to 24 March 2011, such extension to be final.

2. All References submitted by the date identified in paragraph 1 above are to be heard and decided at a hearing fixed to commence on 31 May 2011 with a time estimate of 5 days (“**the Hearing**”), subject to:

(1) The issues to be addressed at the Hearing being limited to those within or arguably within the jurisdiction of the Tribunal (the “Admissible Issues”) as identified and dealt with in the Valuer’s statement of case dated 10 December 2011 (including, for the avoidance of doubt, those addressed in paragraphs 170-222), and no others;

(2) Any Applicant other than Harbinger and Mr Hulme who wishes to appear and be heard at the Hearing complying with the provisions of paragraph 3 (4) below.

3. In advance of the Hearing, the following timetable shall apply:

(1) By 5pm on 23 March 2011:

(a) Mr Hulme, if so advised, shall file and serve a statement of case addressing any Admissible Issues not already raised in Harbinger’s statements of case, which he wishes to put forward.

(b) Harbinger shall file and serve a document identifying, in relation to the two expert reports of Mr McKillop and the expert report of Mr Thompson, which parts of the said reports they rely on, in relation to which issues and on what basis.

(2) By 5pm on 1 April 2011, the Valuer and HMT shall each:

(a) File and serve a skeleton argument addressing the interpretation and application of section 133 (5) of the Financial Services and Markets Act 2000 (as amended by paragraph 158 of the Transfer of Tribunals Functions Order (SI 2010/22)).

(b) Indicate whether they intend to rely on any expert evidence at the Hearing and, if so, its intended nature and scope, and when it will be served, if later than 1 April 2011. This indication shall include whether Mr Caldwell intends to make himself available for cross-examination at the hearing.

(3) By 5pm on 20 April 2011:

(a) Harbinger shall file and serve a skeleton argument addressing the interpretation and application of section 133 (5) of the Financial Services and Markets Act 2000 (as amended by paragraph 158 of the Transfer of Tribunals Functions Order (SI 2010/22)).

(b) The Valuer and HMT shall file and serve any response to Mr Hulme's statement of case as defined in paragraph 3(1)(a) above.

(4) By 5pm on 16 May 2011, any Applicant (other than Harbinger or Mr Hulme) who intends to make submissions at the Hearing shall notify the Tribunal, Harbinger, Mr Hulme, the Valuer and HMT of the points on which they intend to make submissions, subject to such points:

(a) being limited to those in relation to Admissible Issues; and

(b) not being duplicative of any points already raised in the statements of case and/or skeleton arguments of Harbinger and/or Mr Hulme.

- (5) On 20 May 2011, there shall be listed a pre-trial review with a time estimate of half a day. If it is agreed between Harbinger, Mr Hulme, the Valuer and HMT that such a hearing is not necessary, the Valuer shall so inform the Tribunal. (Note: The bundles for the full hearing should be provided no later than 23 May 2011, printed double-sided wherever convenient. The Tribunal will expect the relevant parties to agree and submit to the Tribunal no later than 2.30pm on 27 May 2011 a provisional timetable for the appropriate use of the five days of hearing time allocated.)
- (6) By 5pm on 25 May 2011, Harbinger, Mr Hulme, the Valuer and HMT shall file and exchange skeleton arguments for the Hearing, identifying their main arguments in point form and (where possible) by reference to their existing statements of case and/or skeleton arguments.
4. All the documents referred to at paragraph 3 above, together with the existing Statements of Case of Harbinger, the Valuer and HMT, shall as soon as reasonably practicable after filing be made available on the websites of the Valuer (<http://www.northernrockvaluer.org.uk>) and the Tribunal (<http://www.tribunals.gov.uk/tribunals/upper/upper.htm>).

Signed: Andrew Bartlett QC, Judge of the Upper Tribunal