

GARLING J MAKES THE FOLLOWING ORDERS:

1. Grant leave to the third defendant to file and serve an Amended Statement of Defence providing that such Amended Defence is filed on or before 28 October 2022.

In respect to the 2nd defendant's Notice of Motion filed 26.9.22 pursuant to r 21.2 of the UCPR 2005:

2. Order that on or before 18.11.22, the plaintiff is to give discovery in accordance with the document titled 'Category of Documents to be Discovered by the Plaintiff' (which I have initialled and dated 21.10.22) together with a list of documents verified in accordance with rr 21.3 and 21.4 of the UCPR for production to occur in accordance with the electronic exchange protocols previously agreed.
3. Note that the plaintiff's compliance with this direction is subject to the agreement of each defendant to the confidentiality regime set out in the document just referred to.
4. With respect to balance of the Notice of Motion, I stand over the balance of the Motion to 13.12.22 before Garling J.
5. Reserve all questions of costs of that Motion.
6. With respect to the plaintiff's Notice of Motion filed 6.10.22, order that by 4.11.22 and pursuant to r 21.21(a) of the UCPR, the 3rd defendant is to give informal discovery to the plaintiff of the documents within the classes described in Schedule C to that Motion.
7. Order that by 25.11.22, the 3rd defendant is to give discovery of documents within the categories describe in Schedule C to the Notice of Motion by serving a verified list of documents in accordance with rr 21.3 and 21.4 of the UCPR, the format of which may be modified so as to:
 - (a) accommodate the terms of the electronic exchange protocols previously agreed; and
 - (b) in accordance with electronic exchange protocol, including by serving a copy of all documents other than wholly privileged documents set out in the verified list which are in its possession, custody or power.
8. Order that on or before 11.11.22, the plaintiff is to serve all expert reports upon which he proposes to rely except for the report of a valuer with respect to economic loss relating to the Spring Farm Development reputation. I note that the plaintiff proposes to serve those reports as and when they become available during that period.
9. Order that any report with respect to economic loss by a valuer is to be served on or before 25.11.22.
10. Order that at the time of serving the expert reports, the plaintiff is to inform the defendants by letter whether he propose to seek to amend any part of his pleadings including particulars and, if so, what those amendments are to be.
11. Direct that at the time of service of those expert reports and letter, a copy is to be provided electronically to my Chamber.

12. Order that on or before 2.12.22, the plaintiff is to provide to the solicitors for the three defendants, a schedule setting out all common questions, whether contained in the current pleadings or not, which he contends are suitable to be decided at an initial hearing of the action together with the whole of the plaintiff's action and outline of any submissions that he proposes to advance to support the identification of those common questions.
13. On or before 9.12.22 the solicitors for each defendant are to serve on the plaintiff and each other, any schedule of common questions which they will contend arise and any submissions upon which they rely in support of such contention.
14. Direct that at the time of service of that correspondence and schedules respectively, a copy to be provided electronically to my Chambers.
15. Fix for hearing on 13 and 14 December 2022, the issue of what can be described colloquially as a *Merck* order or more formally, the issue of what common questions of fact or law are identified to arise at the time the pl's claim is heard.
16. Stand the plaintiff's Notice of Motion of 6.10.22 over to 13.12.2022.
17. Liberty to apply.
18. Reserve all questions of costs.
19. Adjourn the proceedings 19/147031 of *Cornish Group v Camden* ccl to 13.12.22 before Garling J.
20. Stand over the whole of *Moussa v Camden Council* proceedings for directions generally on 13.12.22 before Garling J.