

IN THE COMPETITION APPEAL TRIBUNAL

BETWEEN:

GAP GROUP LIMITED AND MV COMMERCIAL LIMITED

<u>Claimants</u>

- and -

DAF TRUCKS LIMITED & OTHERS

Defendants

ORDER

UPON the Tribunal in its letter dated 31 May 2023 advising that it intends that the Second Wave Trucks Proceedings (as set out in Annex 1 to this order) should be case managed together

AND UPON the Second Wave Trucks Proceedings involving certain issues being tried on a common basis (the **"Issues"**). The Issues comprise those issues designated by the Tribunal as issues to be determined in the Second Wave Trucks Proceedings and any other such Issues as the Tribunal may order to be tried on a common basis

AND UPON the President handing down a ruling on 16 February 2024 in Case No. 1517/11/7/22 (UM) *Merchant Interchange Fees Umbrella Proceeding* ([2024] CAT 12) providing general guidance in respect of, *inter alia*, the costs exposure of claimants participating in Issue-Based Proceedings (as defined at [8] of the ruling), such as the Second Wave Trucks Proceedings, who elect to stay their claims

AND UPON the President hearing from Counsel for certain of the parties in the Second Wave Trucks Proceedings at a case management meeting on 15 March 2024

AND UPON the application of the Claimants dated 7 March 2024

IT IS ORDERED THAT:

- 1. The claims of all the Claimants in claim number 1594/5/7/23 (T) shall be stayed immediately until further order (the "Stay").
- 2. The Tribunal reserves the right to lift the Stay of its own motion.

Case No: 1594/5/7/23 (T)

- 3. Notwithstanding the Stay, the parties shall be bound by the outcome of any determinations in the Second Wave Trucks Proceedings (including any appeals) in respect of all Issues.
- 4. Notwithstanding the Stay, the Claimants remain liable to provide information or disclosure if the Tribunal considers such information or disclosure necessary to resolve a wider issue in the Second Wave Trucks Proceedings.
- 5. There be liberty to apply.

Sir Marcus Smith President of the Competition Appeal Tribunal Made: 20 May 2024 Drawn: 20 May 2024

ANNEX 1: CASES INCLUDED IN THE SECOND WAVE TRUCKS PROCEEDINGS

Case Number	Case Name
Cases in England	1
1296/5/7/18	Arla Foods AMBA & Others v Stellantis N.V. & Another
1338/5/7/20 (T)	Adnams PLC & Others v DAF Trucks Limited & Others
1343/5/7/20 (T)	DS Smith Paper Limited & Others v MAN SE & Others
1355/5/7/20 (T)	Hertz Autovermietung GmbH & Others v Stellantis N.V. (formerly Fiat Chrysler Automobiles N.V.) & Others
1356/5/7/20 (T)	Balfour Beatty Group Limited & Others v Stellantis N.V. (formerly Fiat Chrysler Automobiles N.V.) & Others
1358/5/7/20 (T)	Zamenhof Exploitation & Others v Fiat Chrysler Automobiles N.V. & Others
1360/5/7/20 (T)	BFS Group Limited & Another v DAF Trucks Limited & Others
1361/5/7/20 (T)	Enterprise Rent-a-Car UK Limited v DAF Trucks Limited & Others
1362/5/7/20 (T)	ABF Grain Products Limited & Others v DAF Trucks Limited & Others
1368/5/7/20 (T)	LafargeHolcim Limited & Others v Aktiebolaget Volvo (Publ) & Others
1371/5/7/20 (T)	The BOC Group Limited & Others v Stellantis N.V. & Others
1372/5/7/20 (T)	GIST Limited & Others v Stellantis N.V. & Others
1417/5/7/21 (T)	Dan Ryan Truck Rental Limited & Others v DAF Trucks Limited & Others
1420/5/7/21 (T)	A to Z Catering Supplies Limited & Others v DAF Trucks Limited & Others
1431/5/7/22 (T)	Adur District Council & Others v TRATON SE & Others
1521/5/7/22 (T)	Wm Morrison Supermarkets PLC & Others v Volvo Group UK Limited & Others
1578/5/7/23 (T)	Asda & Others v AB Volvo & Others
1616/5/7/23 (T) (formerly CL- 2020-763 (High Court))	Boots & Others v. Traton & Others
1594/5/7/23 (T)	GAP Group Limited and Another v DAF Trucks Limited and Others
1607/5/7/23 (T) (formerly CP- 2022-000042)	Wincanton Holdings Limited and another v DAF Trucks Limited and others
1608/5/7/23 (T) (formerly CP- 2022-000043)	Adnams PLC and others v DAF Trucks Limited and others
1609/5/7/23 (T) (formerly CP- 2022-000048)	SP0117 Limited (as Assignee) and another v DAF Trucks Limited and others
1610/5/7/23 (T) (formerly CP- 2022-000041)	Rowleys of Northwich Limited and others v DAF Trucks Limited and others
1633/5/7/24	Tesco Stores Limited & Another v Scania (Great Britain) Limited & Others
Case in Northern	1 Ireland
1536/5/7/22 (T)	C Faulkner & Sons v Aktiebolaget Volvo (Publ)
18/78144	JH Irwin & Son (Fuels) Limited -v- AB Volvo
20/22730	McHugh's Oil Limited -v- AB Volvo

18/33243 Nall McCant trading as NMC Haulage -v- AB Volvo 20/41004 Cynthia Beattie t/a Beattie Transport -v- AB Volvo 20/58996 J.C. Campbell (N.I.) Limited -v- DAF Trucks N.V. 20/58985 Joseph Walls Ltd -v- DAF Trucks N.V. 20/58980 M.G. Oils Limited -v- DAF Trucks NV 20/58997 Gibson Bros Limited -v- DAF Trucks NV 20/58990 M.G. Oils Limited-v- DAF Trucks NV 20/58991 J.K.C. Specialist Cars Limited-v- DAF Trucks NV 20/58992 Cynthia Beattic t/a Beattic Transport -v- DAF Trucks NV 20/58991 J.H. Irwin & Son (Fuels) Limited -v- DAF Trucks NV 20/5892 Derek O'Reilly t/a O'Reilly's The Sweet People -v- Daimler AG 20/58982 Derek O'Reilly t/a O'Reilly's The Sweet People -v- Daimler AG 20/58984 Andrew Ingredients Ltd -v- Daimler AG 20/58974 Stephen Pollard -v- Daimler AG 20/58975 J.C. Campbell (N.I.) Limited -v- Daimler AG 20/58974 Steran Quinn t/a Pomeroy Haulage -v- Daimler AG 20/58975 J.C. Campbell (N.I.) Limited -v- Daimler AG 20/58976 R Magowan & Son Limited -v- Iveco S.P.A 20/58977 J.C. Campbell (N.I.) Limited -v- Iveco S.P.A 20/58987 R Magowan & Son Limited -v-			
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1548/5/7/22 (T)	Scottish Water v VFS Financial Services Limited & Others
1549/5/7/22 (T)	West Lothian Council v VFS Financial Services Ltd & Others
1550/5/7/22 (T)	Perth & Kinross Council v VFS Financial Services Limited
1551/5/7/22 (T)	Stirling Council v VFS Financial Services Limited & Others
1552/5/7/22 (T)	Renfrewshire Council v VFS Financial Services Ltd & Others
1553/5/7/22 (T)	South Ayrshire Council V VFS & Others
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1555/5/7/22 (T)	Western Isles Council v VFS Financial Services & Others
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1564/5/7/22 (T)	Grahams The Family Dairy (Processing Ltd) v CNH Industrial
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1566/5/7/22 (T)	Graham's Dairies Limited v CNH Industrial N.V.