



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1609/5/7/23 (T)

BETWEEN:

SP 0117 LIMITED AND MARCOL LIMITED

Claimants

- 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 1609/5/7/23 (T) shall be stayed immediately until further order (the “**Stay**”).
2. The Tribunal reserves the right to lift the Stay of its own motion.

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 |
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| Cases in England | |
| 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 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 |

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| 18/33243 | Niall McCann 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. |
| 20/58997 | Gibson Bros Limited –v- DAF Trucks N.V. |
| 20/58985 | Joseph Walls Ltd –v- DAF Trucks NV |
| 20/58980 | M.G. Oils Limited–v- DAF Trucks NV |
| 20/58992 | J.K.C. Specialist Cars Limited–v- DAF Trucks NV |
| 20/58976 | G.P. Marketing Limited trading as Patterson Oil –v- DAF Trucks NV |
| 22/53690 | Cynthia Beattie t/a Beattie Transport –v- DAF Trucks NV |
| 20/58991 | J.H. Irwin & Son (Fuels) Limited –v- DAF Trucks NV |
| 18/33233 | Trevor Leckey t/a Stoneyford Concrete –v- DAF Trucks NV |
| 20/58982 | Derek O’Reilly t/a O’Reilly’s The Sweet People -v- Daimler AG |
| 20/58998 | Patrick Megoran -v- Daimler AG |
| 20/58974 | Stephen Pollard -v- Daimler AG |
| 21/05481 | John Rodgers Limited -v- Daimler AG |
| 20/58984 | Andrew Ingredients Ltd -v- Daimler AG |
| 18/78073 | Kieran Quinn t/a Pomeroy Haulage -v- Daimler AG |
| 20/58977 | J.C. Campbell (N.I.) Limited -v- Daimler AG |
| 22/53682 | Cynthia Beattie t/a Beattie Transport -v- Daimler AG |
| 20/58987 | R Magowan & Son Limited -v- Iveco S.P.A |
| 21/48587 | C. Russell Auto Sales Ltd -v- Iveco S.P.A |
| 20/58990 | Kennedy & Morrison Limited -v- Iveco S.P.A |
| 20/58994 | Niall McCann t/a NMC Haulage -v- Iveco S.P.A |
| 21/05466 | John Rodgers Limited -v- Iveco S.P.A |
| 18/78144 | JH Irwin & Son (Fuels) Limited -v- AB Volvo |
| 20/22730 | McHugh’s Oil Limited -v- AB Volvo |
| 18/33243 | Niall McCann 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. |
| Cases in Scotland | |
| 1538/5/7/22 (T) | Clackmannanshire Council v VFS Financial Services Ltd & Others |
| 1539/5/7/22 (T) | Angus Council v VFS Financial Services Limited & Others |
| 1540/5/7/22 (T) | East Ayrshire Council v VFS Financial Services Ltd & Others |
| 1541/5/7/22 (T) | The City of Edinburgh Council v VFS Financial Services Ltd |
| 1542/5/7/22 (T) | East Lothian Council v VFS Financial Services Ltd & Others |
| 1543/5/7/22 (T) | East Dunbartonshire Council v VFS Financial Services Limited |
| 1544/5/7/22 (T) | Fife Council v VFS Financial Services Ltd & Others |
| 1545/5/7/22 (T) | Midlothian Council v VFS Financial Services Ltd & Others |
| 1546/5/7/22 (T) | Glasgow City Council v VFS Financial Services Ltd & Others |

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| 1547/5/7/22 (T) | Dundee City Council v VFS Financial Services Ltd & Others |
| 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 |
| 1554/5/7/22 (T) | The North Ayrshire Council v VFS Financial Services Limited |
| 1555/5/7/22 (T) | Western Isles Council v VFS Financial Services & Others |
| 1556/5/7/22 (T) | West Dunbartonshire Council v VFS Financial Services |
| 1557/5/7/22 (T) | North Lanarkshire Council v VFS Financial Services Ltd |
| 1558/5/7/22 (T) | Scottish Borders Council v VFS Financial Services Limited |
| 1559/5/7/22 (T) | Dundee CC & Others t/a Tayside Contracts v VFS FS Ltd & Others |
| 1560/5/7/22 (T) | Aberdeenshire Council v VFS Financial Services Ltd & Others |
| 1561/5/7/22 (T) | Argyll and Bute Council v VFS Financial Services Limited |
| 1562/5/7/22 (T) | East Renfrewshire Council v VFS Financial Services Limited |
| 1563/5/7/22 (T) | South Lanarkshire Council v VFS Financial Services Limited |
| 1564/5/7/22 (T) | Grahams The Family Dairy (Processing Ltd) v CNH Industrial |
| 1565/5/7/22 (T) | Grahams The Family Dairy Ltd v CNH Industrial N.V. |
| 1566/5/7/22 (T) | Graham's Dairies Limited v CNH Industrial N.V. |