



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No: 1289/7/7/18

BETWEEN:

**ROAD HAULAGE ASSOCIATION LIMITED**

Applicant/Proposed Class Representative

- v -

**TRATON SE AND OTHERS**

Respondents/Proposed Defendants

- and -

**DAIMLER AG AND OTHERS**

Objectors

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**ORDER**

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**UPON** the applications for a Collective Proceedings Order (“**CPO**”) brought by UK Trucks Claim Limited (“**UKTC**”) on 18 May 2018 and the Road Haulage Association Limited (“**RHA**”) on 17 July 2018 (Case No. 1282/7/7/18)

**AND UPON** the judgment of the Tribunal of 8 June 2022 determining that the UKTC application should be dismissed, and the RHA application should be granted subject to amendment

**AND UPON** the Court of Appeal having handed down its judgment on 25 July 2023 ([2023] EWCA Civ 875) (the “**CoA Judgment**”)

**AND UPON** the Court of Appeal Order dated 28 September 2023 *inter alia*: (i) remitting to the Tribunal for it to give directions in relation to the separate representation and separate teams within the RHA and separate funding for the two sub-classes in relation to the issue of resale pass-on; (ii) for it to approve the form of CPO Notice under Rule 81 of the Competition Appeal Tribunal Rules 2015, all in accordance with the guidance in the CoA Judgment (the “**Remitted Matters**”)

**AND UPON** the hearing of the Remitted Matters on 4 and 5 June 2024 (the “**Remitted Matters Hearing**”)

**AND UPON** the Tribunal making certain requests recorded in the transcript for the day 2 of the Remitted Hearings Matters (the “Day 2 Transcript”)

**AND UPON** the letters from the Tribunal dated 10 June 2024 and 13 June 2024

**AND UPON** reading the expert report of Mr Brett Wilkinson filed on behalf of the Proposed Sub-Class Representative (“**PSCR**”) on 7 June 2024 (“**Wilkinson 7 June Report**”)

**AND UPON** reading the correspondence from Travers Smith LLP dated 7 June 2024 and 12 June 2024

**AND UPON** reading the correspondence from Herbert Smith Freehills LLP on behalf of the Proposed Defendants dated 12 June 2024 in connection with the Wilkinson 7 June Report

**AND UPON** reading the letters from Travers Smith LLP and Backhouse Jones dated 25 June 2024

**IT IS ORDERED THAT:**

1. Pursuant to the request made by the Tribunal at page 84, lines 11-14 of the Day 2 Draft Transcript, the RHA to provide by 4pm on 26 June 2024 its revised costs budget, and confirmation as to whether Therium will provide funding for the revised budget.
2. Pursuant to the request made by the Tribunal at page 135, lines 1-22 of the Day 2 Draft Transcript the RHA to provide explanations as to:
  - (a) the role of CSC Global, including whether CSC Global employs any of the Directors of Therium RHA and Therium Atlas;
  - (b) who for Therium RHA will take decisions on behalf of Therium RHA under clause 16.3 of the proposed funding agreement and what, if any, arrangements

are made for the directors of Therium RHA who are also directors of Therium Atlas not to be involved in those decisions;

- (c) who for Therium Atlas will take decisions on behalf of Therium Atlas under clause 16.3 of the proposed funding agreement and what, if any, arrangements are made for the directors of Therium Atlas who are also directors of Therium RHA not to be involved in those decisions; and
- (d) what information barriers as referred to by Mr Purslow in his second witness statement are to be put in place between directors of Therium RHA and their fellow directors of Therium Atlas with regard to decision-making.

Insofar as the RHA has documentation in its possession relating to the responses to (a)-(d), the RHA shall provide copies of those documents with its responses, save insofar as they are exhibited to a further witness statement of Mr Purslow served at the same time.

3. The RHA to confirm its proposal (including by provision of a proposed revised CPO and/or Rule 81 Notice as advised) in respect of Claimants who have formally signed up to the RHA's proposed collective proceedings but choose not to opt in to the proposed collective proceedings during the opt-in window and the scope of any contractual obligations that may continue to apply to them.
4. The RHA and PSCR to provide copies of their executed ATE Insurance Documents, or if such documents are not available, confirm the fact and update the Proposed Defendants and Objectors as to when executed versions will be available.
5. The materials required from the RHA pursuant to paragraphs 2-4 above shall be provided by 4pm on 28 June 2024.
6. The PSCR to provide supplementary evidence in connection with the Wilkinson 7 June Report by 4pm on 1 July 2024.
7. The PSCR and Proposed Defendants to file any supplementary skeleton arguments pursuant to the Wilkinson 7 June Report by 4pm on 12 July 2024.

8. The RHA to file an electronic copy of agreed hearing bundles and five hard copies of an agreed core bundle by 4pm on 9 July 2024.
9. The parties to file and exchange skeleton arguments (excluding in relation to matters covered by (7) above) by 4pm on 15 July 2024.
10. There be liberty to apply.

**The Honourable Mr Justice Roth**  
Chair of the Competition Appeal Tribunal

Made: 26 June 2024  
Drawn: 26 June 2024