



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1296 etc

BETWEEN:

THE SECOND WAVE TRUCKS CLAIMANTS

Claimant

- v -

THE SECOND WAVE TRUCKS DEFENDANTS

Defendants

(the "Second Wave Trucks Proceedings")

CONSENT ORDER

UPON the following definitions applying for the purpose of this Order:

- "Enterprise Proceedings" means the proceedings with case number 1361/5/7/20 (T).
- "DAF Defendants" means the First to Sixth Defendants in the Enterprise Proceedings.
- "Enterprise Claimant" means the Claimant in the Enterprise Proceedings.

AND UPON the Enterprise Claimant and the DAF Defendants no longer being in dispute with each other regarding the subject matter of the Enterprise Proceedings (the "**Resolution**")

AND UPON the Enterprise Claimant and the DAF Defendants having agreed to the terms of this Order

AND UPON the parties to this Order recognising the guidance of the Tribunal in the Tribunal's Ruling on Umbrella Proceedings Cost Sharing Orders, [2024] CAT 12:

- (1) The effect of the settlement is that the Enterprise Claimant (the "**Settling Claimant**") ceases to have a claim against the DAF Defendants (the "**Settling Defendants**"). To the extent that the Tribunal has any costs jurisdiction over the Settling Claimant and/or the Settling Defendants (as to which this order says nothing), a costs order against one of them in favour of the other may not be a just exercise of the Tribunal's costs discretion.
- (2) Whilst the Settling Defendants (if still parties to the Second Wave Trucks Proceedings) would be entitled, as appropriate, to seek costs orders against those claimants in the

Second Wave Trucks Proceedings who have not settled (“**Non-Settling Claimants**”), the Tribunal will be reluctant to order such Non-Settling Claimants to pay costs that are attributable to the Settling Claimant.

- (3) The Tribunal may, accordingly, reduce the costs recoverable by the Settling Defendants (if still parties to the Second Wave Trucks Proceedings) against Non-Settling Claimants by an amount referable to the costs incurred prior to the date of the settlement that would (but for the settlement) have been paid by the Settling Claimant.
- (4) Whilst the Settling Claimant (if still a party to the Second Wave Proceedings) would be entitled, as appropriate, to seek costs orders against those defendants in the Second Wave Trucks Proceedings who have not settled ("Non-Settling Defendants"), the Tribunal will be reluctant to order such Non-Settling Defendants to pay costs that are attributable to the Settling Defendants.
- (5) The Tribunal may, accordingly, reduce the costs recoverable by the Settling Claimant (if still a party to the Second Wave Trucks Proceedings) against Non-Settling Defendants by an amount referable to the costs incurred prior to the date of the settlement that would (but for the settlement) have been paid by the Settling Defendants.

BY CONSENT IT IS ORDERED THAT:

1. The Enterprise Proceedings against the DAF Defendants be dismissed.
2. The proceedings against the Seventh to Tenth Defendants in the Enterprise Proceedings shall continue.
3. There shall be no order as to costs.
4. This order shall be served by the Enterprise Claimant on the DAF Defendants.

The Honourable Lord Ericht
Chair of the Competition Appeal Tribunal

Made: 26 July 2024
Drawn: 26 July 2024

Appendix 1

The claimants in each of the proceedings listed below are collectively the "Second Wave Trucks Claimants" and the defendants in each of the proceedings listed below are collectively the "Second Wave Trucks Defendants".

Case Number	Case Name
Cases in England and Wales	
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
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
1358/5/7/20 (T)	Zamenhof Exploitation & Others v Fiat Chrysler Automobiles N.V. & 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
1594/5/7/23 (T)	GAP Group Limited and Another v DAF Trucks Limited and Others
1616/5/7/23 (T)	The Boots Company plc and others v Traton SE and others
1610/5/7/23 (T)	Rowleys of Northwich Limited and others v DAF Trucks Limited and others

Case Number	Case Name
1607/5/7/23 (T)	Wincanton Holdings Limited and others v DAF Trucks Limited and others
1609/5/7/23 (T)	SP0117 Limited (as Assignee) and another v DAF Trucks Limited and others
1608/5/7/23 (T)	Adnams PLC and others v DAF Trucks Limited and others
1633/5/7/24	Tesco Stores Limited and another v Scania (Great Britain) Limited and others

Case Number	Case Name
Cases in Northern Ireland	
1536/5/7/22 (T)	C Faulkner & Sons v Aktiebolaget Volvo (Publ)
20/22748	AH Fuel Oils Limited v AB Volvo
21/28791	Anthony McLornan trading as McLornan Transport v Renault SAS
18/78067	Hyland Fuels v AB Volvo
18/32610	J Stockdale and Son Limited v AB Volvo
20/22755	JC Campbell (NI) Limited v AB Volvo
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
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

Case Number	Case Name
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 Rogers Limited -v- Iveco S.P.A

Case Number	Case Name
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
1547/5/7/22 (T)	Dundee City Council v VJ Stockdale and Son Limited v AB Volvo
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

Case Number	Case Name
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