



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

IN THE MATTER OF:

**THE SECOND WAVE TRUCKS PROCEEDINGS**

PARTIES TO THIS ORDER:

(1) **THE EDWIN COE CLAIMANTS** (the Claimants in Case Nos: 1338/5/7/20 (T), 1417/5/7/21 (T), 1420/5/7/21 (T) and 1594/5/7/23 (T), 1607/5/7/23 (T), 1608/5/7/23 (T), 1609/5/7/23 (T), and 1610/5/7/23 (T))

(2) **THE DAIMLER DEFENDANTS**

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**ORDER**

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**UPON** the application of the Edwin Coe Claimants dated 4 October 2024 for the Defendants to respond to the supply pass-on information requests made to them by Mr Ian Thompson of Economic Insight Limited (the “**Thompson Application**”)

**AND UPON** the Tribunal having ordered (by paragraph 5 of its Order dated 30 December 2024, which was made following a case management conference on 9 December 2024) that the Edwin Coe Claimants and the Daimler Defendants file and exchange, by 16 December 2024, written submissions on the Daimler Defendants’ objections to the Thompson Application, for determination by a Chairman who was not a member of the panel who heard the Case Management Conference on 9 December 2024

**AND UPON** the Tribunal Registry informing the Edwin Coe Claimants and the Daimler Defendants on 17 December 2024 that the Chairman by whom the Daimler Defendants' objections would be determined would be Hodge Malek KC ("**the Adjudicating Chairman**") and that a hearing before him had been listed for 8 January 2025

**AND UPON** hearing Counsel for the Edwin Coe Claimants (Mr Alan Bates) and Counsel for the Daimler Defendants (Mr Ben Rayment) at that hearing

**AND UPON** the Adjudicating Chairman having been provided with a copy of the confidential settlement agreement, dated 1 October 2024, made between the Edwin Coe Claimants and the Daimler Defendants (the "**Settlement Agreement**") in redacted form and which, by reason of the redactions, did not show the amount of the agreed settlement sum, nor details of the bank account to which such sum was to be paid

**IT IS ORDERED THAT:**

1. The Thompson Application is to be treated as proceedings before the Tribunal in England and Wales.

**Access to the Tribunal's file**

2. No one shall be provided, by the Tribunal's Registry, with a copy of the Settlement Agreement (or any part thereof) save in accordance with paragraph 3 of this Order.
3. If any person applies, or otherwise makes a request, to the Tribunal's Registry for access to, or to be provided with a copy (in whole or in part) of, the Settlement Agreement, the Edwin Coe Claimants and the Daimler Defendants shall be given not less than 7 days' notice of that application/request (which must be in writing) before the requested material is released by the Tribunal's Registry to the applicant/requester. If any of the Edwin Coe Claimants or the Daimler Defendants files with the Tribunal's Registry an objection to the application/request, then: (a) the matter will be referred to a Chairman of the Tribunal; and (b) no part of the requested material shall be released save in accordance with the Chairman's directions.

4. Further and without prejudice to the other provisions of this Order, no one shall be entitled, by reason of the Settlement Agreement having been referred to in any hearing that has taken place before, or any judgment of, the Tribunal, to have access to, or to publish or release to any other person, the amount of the settlement sum or the bank account details set out in the Settlement Agreement (that information having been redacted in the version of the Settlement Agreement that was placed before the Adjudicating Chairman and not revealed in the course of any hearing).

#### **Determination of the Thompson Application**

5. The Thompson Application, insofar as it is pursued against the Daimler Defendants, is dismissed.

#### **Costs**

6. The Edwin Coe Claimants shall pay the Daimler Defendants' costs of the Thompson Application, summarily assessed in the sum of £55,000. Payment to be made within 14 days of date of the hearing (by 22 January 2025).

**Hodge Malek K.C.**  
Chair of the Competition Appeal Tribunal

Made: 15 January 2025  
Drawn: 15 January 2025