



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1240/5/7/15

B E T W E E N:

DEUTSCHE BAHN AG AND OTHERS

Claimants

-v-

(1) MASTERCARD INCORPORATED
(2) MASTERCARD INTERNATIONAL INCORPORATED
(3) MASTERCARD EUROPE SPRL

Defendants

ORDER

HAVING REGARD TO the Defendants' applications made on 4 and 13 January 2016 under rule 34 of the Competition Appeal Tribunal Rules 2015 (the "Tribunal Rules") for an order that the Tribunal has no jurisdiction to hear the present claim or, insofar as it would otherwise have jurisdiction, should not exercise that jurisdiction ("the Applications")

AND UPON the hearing of the first and second parts of the Applications, relating to (1) the proper construction of jurisdiction agreements between the parties and (2) an alleged abuse of process (the "First and Second Parts of the Applications"), having been listed for 26 April 2016

AND UPON reading the correspondence from the parties regarding the directions for the hearing of the First and Second Parts of the Applications

AND UPON the Claimants having filed and served evidence in opposition to the First and Second Parts of the Applications on 17 March 2016

AND UPON the parties having consented to the third part of the Applications, relating to the application of the Foreign Limitation Periods Act 1984 to a claim

brought pursuant to section 47A of the Competition Act 1998 (the “Third Part of the Applications”), being heard jointly with the preliminary issue in Case No 1244/5/7/15 (the “Joint Limitation Point Hearing”)

AND UPON the Joint Limitation Point Hearing having been listed for 29 April 2016

AND HAVING REGARD TO the Tribunal’s case management powers under Rule 53 of the Tribunal Rules

IT IS ORDERED THAT:

First and Second Parts of the Applications

1. The Defendants file and serve any evidence in reply by 5pm on 7 April 2016.
2. The Defendants file three sets of an agreed, indexed hard copy bundle and authorities bundle by 5pm on 18 April 2016.
3. The parties file and serve skeleton arguments by 5pm on 19 April 2016.

Third Part of the Applications

4. The Claimants file three sets of an agreed indexed hard copy bundle by 5pm on 20 April 2016, and serve electronic versions of the bundle on the other parties by the same deadline.
5. There be filed on behalf of the Claimants by 5pm on 21 April 2016 an authorities bundle comprising the authorities relied on in this case and in Case No 1244/5/7/15, the contents of the bundle to be agreed by the parties in both cases.
6. The parties file and serve skeleton arguments by 5pm on 21 April 2016.
7. There be liberty to apply.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 24 March 2016
Drawn: 24 March 2016