



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

Case Nos: 1282/7/7/18  
1289/7/7/18

BETWEEN:

**UK TRUCKS CLAIM LIMITED**

Applicant / Proposed Class Representative

- v -

**FIAT CHRYSLER AUTOMOBILES N.V. AND OTHERS**

Respondents / Proposed Defendants

- and -

**DAF TRUCKS N.V.**

**DAF TRUCKS DEUTSCHLAND GMBH**

**MAN TRUCK & BUS AG**

**VOLVO LASTVAGNAR AKTIEBOLAG**

Objectors in Case 1282

AND BETWEEN:

**ROAD HAULAGE ASSOCIATION LIMITED**

Applicant / Proposed Class Representative

- v -

**MAN SE AND OTHERS**

Respondents / Proposed Defendants

- and -

**DAIMLER AG**

**VOLVO LASTVAGNAR AKTIEBOLAG**

Objectors in Case 1289

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**ORDER**

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**UPON** reading the applications of (i) UK Trucks Claim Limited (“UKTC”) and (ii) Road Haulage Association Limited (“RHA”) for a collective proceedings order pursuant to section 47B of the Competition Act 1998 (together, the “CPO Applications”)

**AND UPON** the main hearing of the CPO Applications having been listed for 3-7 June 2019

**AND UPON** the Tribunal inviting submissions from the parties on the implications of the judgment of the Court of Appeal in *Merricks v Mastercard Inc* [2019] EWCA Civ 674 (“*Merricks*”), and any application for permission to appeal to the Supreme Court, for the timing of the main hearing of the CPO Applications

**AND UPON** reading the material submitted by the parties in advance of the pre-hearing review (“PHR”)

**AND UPON** hearing counsel for the parties at the PHR on 8 May 2019

**AND UPON** the relevant Respondents agreeing to provide undertakings that they will not rely on the effluxion of time caused by any adjournment of the main hearing of the CPO Applications in support of any limitation defence which they might rely on (i) in the CPO Applications or in any potential claim before the Tribunal as regards trucks purchased/leased and registered in the UK; and (ii) in the RHA CPO Application or in any potential claim before the Tribunal as regards trucks purchased/leased and registered in any EEA Member State other than the UK, provided that the relevant proposed class member had signed up to be a class member in the RHA CPO Application on or before the date of the PHR or is the appropriate claimant in respect of trucks identified to the RHA on or before the date of the PHR

**AND UPON** UKTC confirming to the Tribunal that it wishes to participate in the hearing of any preliminary issue concerning funding arrangements

**AND HAVING REGARD TO** the terms of the confidentiality ring order made on 18 April 2019 (the “Confidentiality Ring Order”)

**IT IS ORDERED THAT:**

**Adjournment of main hearing of CPO Applications**

1. The main hearing of the CPO Applications be adjourned and re-fixed for December 2019, with a time estimate of 6 days (to be vacated if permission to appeal in *Merricks* is granted by the Supreme Court).

**Preliminary issue**

2. The hearing of a preliminary issue be listed for 4 June 2019 with a time estimate of 2 days with one in reserve.

3. The wording for the preliminary issue to be determined in these proceedings is as follows:

Whether any aspect of the funding arrangements in the CPO Applications means that the proposed class representative(s) should not be authorised pursuant to section 47B of the Competition Act 1998.

### **Confidentiality**

4. The information in the exhibits to the expert report of Dr Durkin dated 21 March 2019 over which Iveco claims confidential treatment be designated as Outer Confidentiality Ring Information (as defined in the Confidentiality Ring Order).
5. RHA's application for Mr Burnett and Mr Smith to be admitted as Inner Confidentiality Ring Members (as defined in the Confidentiality Ring Order) be adjourned with liberty to apply.

### **General**

6. Costs be in the applications.
7. There be liberty to apply.

**The Hon Mr Justice Roth**  
President of the Competition Appeal Tribunal

Made: 8 May 2019  
Drawn: 28 June 2019