



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1295/5/7/18 (T)

BETWEEN

- (1) DAWSONGROUP PLC
- (2) DAWSONGROUP UK LIMITED
- (3) DAWSONGROUP TRUCK AND TRAILER LIMITED
- (4) DAWSONGROUP MATERIAL HANDLING LIMITED
- (5) DAWSONGROUP SWEEPERS LIMITED

Claimants

-and-

- (1) DAF TRUCKS N.V.
- (2) DAF TRUCKS DEUTSCHLAND GMBH
- (3) PACCAR INC
- (4) DAF TRUCKS LIMITED
- (5) DAIMLER AG
- (6) MERCEDES-BENZ CARS UK LIMITED
- (7) AKTIEBOLAGET VOLVO (PUBL)
- (8) VOLVO LASTVAGNAR AB
- (9) VOLVO GROUP TRUCKS CENTRAL EUROPE GMBH
- (10) RENAULT TRUCKS SAS
- (11) VOLVO GROUP UK LIMITED

Defendants

CONSENT ORDER

UPON Dawsongroup seeking permission to amend its Particulars of Claim pursuant to paragraph 4 of the Order of the Tribunal drawn on 13 June 2019 (the “Order”), in the form of the draft Amended Particulars of Claim in the form at Annex 1 of this Order

AND UPON the Defendants contending that, pursuant to section 35 Limitation Act 1980, there is no jurisdiction to grant permission to allow those of the amendments which are ultimately determined to fall beyond the product or geographic scope of the Settlement Decision (the “Disputed Amendments”)

AND UPON Dawsongroup and the Defendants agreeing that questions going to the jurisdiction to grant permission to make the Disputed Amendments under section 35 Limitation Act 1980 and CPR rule 17.4 are to be deferred until trial

AND UPON Dawsongroup giving the Undertaking set out in Annex 2 to this Order (the “Dawsongroup Undertaking”);

IT IS ORDERED BY CONSENT THAT

1. Dawsongroup has permission to amend its Particulars of Claim in the form of the draft Amended Particulars of Claim at Annex 1 of this Order save that, in respect of the Disputed Amendments, permission is granted on the basis that the effect of the amendment is not, for limitation purposes, to give rise to a relation back of the Disputed Amendments to the date of the issue of the Dawsongroup proceedings, unless Dawsongroup can show at trial, for the purpose of section 35 Limitation Act 1980, that:
 - a. the Disputed Amendments do not add or substitute a new claim or claims; or
 - b. in respect of any Disputed Amendments which do add or substitute a new claim or claims, each new claim arises out of the same facts or substantially the same facts as the claim which is pleaded in the Particulars of Claim.
2. Costs in the case.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 9 September 2019
Drawn: 9 September 2019

Annex 1: Dawsongroup's Amended Particulars of Claim

Annex 2: The Dawsongroup Undertaking

Dawsongroup undertakes that it will not assert that the effect of the amendment, permission for which is granted by paragraph 1 of the order to which this undertaking is annexed (the "Order"), is otherwise than as stated in paragraph 1 of the Order regarding the effect of relation back.