



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1291/5/7/18 (T)

BETWEEN:

- (1) RYDER LIMITED**
(2) HILL HIRE LIMITED

Claimants

- and -

- (1) MAN SE**
(2) MAN TRUCK & BUS AG
(3) MAN TRUCK & BUS DEUTSCHLAND GMBH
(4) MAN TRUCK AND BUS UK LIMITED
(5) AB VOLVO (PUBL)
(6) VOLVO LASTVAGNAR AB
(7) VOLVO GROUP TRUCKS CENTRAL EUROPE GMBH
(8) VOLVO GROUP UK LIMITED
(9) RENAULT TRUCKS SAS
(10) DAIMLER AG
(11) MERCEDES BENZ CARS UK LIMITED
(12) FIAT CHRYSLER AUTOMOBILES N.V.
(13) CNH INDUSTRIAL N.V.
(14) IVECO S.P.A.
(15) IVECO MAGIRUS AG
(16) IVECO LIMITED
(17) PACCAR INC.
(18) DAF TRUCKS N.V.
(19) DAF TRUCKS DEUTSCHLAND GMBH
(20) DAF TRUCKS LIMITED

Defendants

DIRECTIONS ORDER

UPON the Claimants' applications dated 22 January 2020 to vary the terms of the Confidentiality Ring established by the Order of Mr Justice Roth made on 12 June 2019 (which replaced the Confidentiality Ring Order dated 18 December 2018, which in turn replaced the Confidentiality Ring Order dated 31 July 2018) ("**the Confidentiality**

Ring Order”) and for an expert meeting to take place between the Claimants’ expert and the expert of the 17th to 20th Defendants

AND UPON hearing Leading Counsel for the Claimants and Leading Counsel for the Defendants at the Case Management Conference held on 6 February 2020 (the “CMC”)

AND UPON reading the correspondence from the solicitors to the Claimants and to the Defendants sent subsequent to the CMC

AND UPON the adoption of the following defined terms:

"Other Trucks Claims" means the Royal Mail Proceedings (Case: 1284/5/7/12(T)); the BT Proceedings (Case: 1290/5/7/18(T)); the VSW Proceedings (Cases: 1292-4/5/7/18(T)); and the Dawsongroup Proceedings (Case: 1295/5/7/18(T))

"Relevant Disclosure" means the documents disclosed by:

- a) any of the Defendants in these proceedings (or any of them) to the Claimants in these proceedings; or
- b) any of the defendants to any of the claimants in one or more of the Other Trucks Claims,

save for documents which formed part of the European Commission's administrative file relating to its investigation in Case AT.39824 — Trucks which have been disclosed in either these proceedings or the Other Trucks Claims.

IT IS ORDERED THAT:

Identification of common disclosure

1. Each of the Defendants, with the exception of the 17th to 20th Defendants, shall, by 4pm on 23 March 2020, identify which of the Relevant Disclosure that has already been disclosed by that defendant to the Claimants, has also been disclosed by that defendant to the claimant(s) in the Other Trucks Claims and the identity of those other claimant(s).
2. The 17th to 20th Defendants shall identify which of the Relevant Disclosure that has already been disclosed by the 17th to 20th Defendants to the Claimants has also been disclosed by the 17th to 20th Defendants to:

- (a) all of the claimants in the Other Trucks Claims, by 4pm on 23 March 2020; and, save where identified by (a),
 - (b) any individual claimant or claimants in the Other Trucks Claims, by 4pm on 2 April 2020. In so doing, the 17th to 20th Defendants shall identify which individual claimants have received which Relevant Disclosure.
- 3. In respect of all Relevant Disclosure which is provided by any Defendant after the date of this Order, that defendant shall, when giving the disclosure, and on a best endeavours basis, inform the Claimants:
 - (a) whether the disclosure is also being or has been disclosed by that defendant to one or more claimant(s) in the Other Trucks Claims and the identity of that/those claimant(s); and
 - (b) if so, whether or not the disclosure referred to in paragraph 3(a) above is being or has been designated as Confidential Information.
- 4. The terms of the Confidentiality Ring Order shall be amended so that the Claimants' Economic Expert (as defined in the amended Confidentiality Ring Order) may discuss with the Economic Experts of any of the claimants in the Other Trucks Claims any Relevant Disclosure designated as Confidential Information which has been identified by the disclosing party, pursuant to this Order, as having been disclosed to both the Claimants in these proceedings and to the claimant or claimants in the Other Trucks Claims.
- 5. The Claimants' Economic Expert (as shall be defined in the amended Confidentiality Ring Order) may discuss with the Economic Experts of any of the claimants in the Other Trucks Claims any Relevant Disclosure that has not been designated as Confidential Information and which has been identified by the disclosing party, pursuant to this Order, as having been disclosed to both the Claimants in these proceedings and to the claimant or claimants in the Other Trucks Claims.

DAF response to questions raised by the Claimants' expert

- 6. By 27 March 2020, the 17th to 20th Defendants shall provide such responses as they consider appropriate to the questions in the document entitled 'NERA

QUESTIONS FOR COMPASS LEXECON', enclosed with the letter from Ashurst LLP to Travers Smith LLP dated 20 December 2019.

Costs

7. Costs in the case.

Other matters

8. A further case management conference shall be listed for two days in July 2020.
9. The parties may agree to extend any time period to which the Trucks Claims may be subject for a period or periods of up to 35 days in total without reference to the Tribunal, provided that this does not affect the date given for any case or costs management conference or pre-trial review or the date of the trial. The parties shall notify the Tribunal in writing of the expiry date of any such extension.
10. Liberty to apply.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 30 March 2020
Drawn: 31 March 2020