

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF
ENGLAND AND WALES
COMPETITION LIST (ChD)

DEPUTY MASTER LINWOOD
23 JANUARY 2020



CP-2019-000030

B E T W E E N:

- (1) HERTZ AUTOVERMIETUNG GMBH
- (2) HERTZ FLEET LIMITED
- (3) HERTZ HOLDINGS NETHERLANDS B.V.
- (4) THE HERTZ CORPORATION

Claimants

-and-

- (1) FIAT CHRYSLER AUTOMOBILES N.V.
- (2) CNH INDUSTRIAL N.V.
- (3) IVECO S.P.A.
- (4) IVECO MAGIRUS AG
- (5) MAN SE
- (6) MAN TRUCK & BUS SE
- (7) MAN TRUCK & BUS DEUTSCHLAND GMBH
- (8) AKTIEBOLAGET VOLVO
- (9) VOLVO LASTVAGNAR AKTIEBOLAG
- (10) VOLVO GROUP TRUCKS CENTRAL EUROPE GMBH
- (11) RENAULT TRUCKS SAS
- (12) DAF TRUCKS N.V.
- (13) DAF TRUCKS DEUTSCHLAND GMBH
- (14) DAIMLER AG

Defendants

CONSENT ORDER

UPON the Claimants having issued the Claim on 1 October 2019, in relation to which the Claim Form has not yet been served on the Defendants.

AND UPON reading the correspondence between the parties and submissions from the parties in response to the emails dated 10 December 2019 and 19 December 2019 from the court.

AND UPON the Defendants having instructed their respective solicitors to accept service within the jurisdiction on their behalf (such instruction being given expressly without prejudice to the Defendants' rights to dispute the court's jurisdiction).

BY CONSENT IT IS ORDERED that:

1. Each of the Defendants shall file an Acknowledgment of Service within 21 days after service of the Particulars of Claim.
2. Each of the Defendants shall file a Defence within three months after service of the Particulars of Claim.
3. The Claim will be transferred to the Competition Appeal Tribunal (the "Tribunal") upon the earlier of service and filing of any Replies to the Defences or 28 days following the filing and service of the Defences herein.
4. For the avoidance of doubt:
 - a. neither this Order giving effect to the said transfer, nor the transfer itself, is intended to alter, limit or exclude in any respect any element of the Claimants' claim as constituted in this court prior to the transfer taking effect. If and to the extent that any element of the Claimants' claim as constituted in this court prior to the transfer taking effect is not capable of falling within the jurisdiction of the Tribunal on a transfer, or would be altered, limited or excluded by this Order or the transfer, it is not subject to this Order and remains within the jurisdiction of this court;
 - b. the proceedings were and shall continue to be regarded as having been commenced in this court. Any statements of case or amendments to a statement of case shall be made in accordance with the Civil Procedure Rules and not with the Competition Appeal Tribunal Rules 2015;
 - c. any appeal to the Court of Appeal against the determination by the Tribunal of the issues transferred or an order of the court giving effect to that determination shall be governed by the rules in CPR Part 52; and
 - d. this court may give such further directions or make such further order as it thinks fit in connection with the transfer and/or with any such element as referred to above.
5. The parties have liberty to apply for further variations to this Order.
6. The parties have liberty to apply.
7. The Claimants serve this Order on the Defendants.

Service of the order

The court has provided a sealed copy of this order to the serving party: Hausfeld & Co LLP at 12 Gough Square, London EC4A 3DW

SC/AMM/WT/L0201.0024