



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 the Claimants and the Fifth and Sixth Defendants having agreed the terms of the Order set out below

AND UPON the following definitions applying for the purposes of this Order:

- **“Defendant Disclosure Categories”** means the Daimler categories set out in Annex 1 to the Disclosure Order, under the heading “Defendant disclosure”
- **“Disclosure Order”** means the Order of Hodge Malek QC dated 25 October 2019
- **“Mercedes/Daimler”** means the Fifth and Sixth Defendants

- **“Re-Amended Confidentiality Ring Order”** means the Order of Mr Justice Roth made on 30 March 2020

BY CONSENT IT IS ORDERED THAT

1. By no later than 11 November 2020, Mercedes/Daimler shall disclose by list, from the database repositories listed in Annex 1, the documents in their control that are responsive to the Defendant Disclosure Categories, for the period 1 January 1994 to 31 December 1996 (inclusive).
2. The documents to be disclosed and made available for inspection pursuant to paragraph 1 should be provided in native electronic format or electronic Excel format, together with a statement on how the relevant information has been compiled for the database, and, if appropriate, guidance on how it is to be examined.

Disclosure into the Confidentiality Ring

3. Mercedes/Daimler may choose to disclose documents into the Confidentiality Ring in accordance with the Re-Amended Confidentiality Ring Order.

Disclosure Statement

4. Mercedes/Daimler’s disclosure by list given pursuant to paragraph 1 shall be accompanied by a disclosure statement by an appropriate person which shall (a) set out the extent of the search that has been made in order to locate the documents to be disclosed, (b) specify the manner in which the search has been limited on reasonableness and proportionality grounds and why, and (c) certify to the best of his knowledge and belief that the disclosure ordered has been provided.

Inspection of documents and provision of copies

5. Requests for inspection of documents disclosed above shall be made within 7 days after service of the lists. Copies of documents requested to be inspected shall be provided within 7 days of making the request.

Extension of time limits

6. The parties may agree to extend any time period in this Order for a period or periods of up to 28 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 any other court hearing 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.

Costs

7. Costs reserved.

Other

8. Liberty to apply.

Hodge Malek QC
Chairman of the Competition Appeal Tribunal

Made: 12 October 2020
Drawn: 12 October 2020