



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1329/7/7/19
13367/7/19

BETWEEN:

MICHAEL O'HIGGINS FX CLASS REPRESENTATIVE LIMITED

Applicant / Proposed Class Representative

- v -

- (1) BARCLAYS BANK PLC
- (2) BARCLAYS CAPITAL INC.
- (3) BARCLAYS EXECUTION SERVICES LIMITED
- (4) BARCLAYS PLC
- (5) CITIBANK N.A.
- (6) CITIGROUP INC.
- (7) JPMORGAN CHASE & CO.
- (8) JP MORGAN CHASE BANK, NATIONAL ASSOCIATION
- (9) J.P. MORGAN EUROPE LIMITED
- (10) J.P. MORGAN LIMITED
- (11) NATWEST MARKETS PLC
- (12) THE ROYAL BANK OF SCOTLAND GROUP PLC
- (13) UBS AG

Respondents / Proposed Defendants

- (1) MUFG BANK, LTD
- (2) MITSUBUSHI UFJ FINANCIAL GROUP, INC.

Proposed Objectors

AND BETWEEN:

PHILLIP EVANS

Applicant / Proposed Class Representative

- v -

- (1) BARCLAYS BANK PLC
- (2) BARCLAYS CAPITAL INC.
- (3) BARCLAYS EXECUTION SERVICES LIMITED
- (4) BARCLAYS PLC
- (5) CITIBANK N.A.
- (6) CITIGROUP INC.
- (7) MUFG BANK, LTD

- (8) MITSUBISHI UFJ FINANCIAL GROUP, INC.
(9) J.P. MORGAN EUROPE LIMITED
(10) J.P. MORGAN LIMITED
(11) JP MORGAN CHASE BANK, N.A.
(12) JPMORGAN CHASE & CO
(13) NATWEST MARKETS PLC
(14) THE ROYAL BANK OF SCOTLAND GROUP PLC
(15) UBS AG

Respondents / Proposed Defendants

ORDER

UPON the respective applications for a collective proceedings order under section 47B of the Competition Act 1998 (“the CPO Application”) of: (i) Michael O’Higgins FX Class Representative Limited (“the O’Higgins PCR”) filed on 29 July 2019 and (ii) Philip Evans (“the Evans PCR”) filed on 11 December 2019

AND UPON the Tribunal’s Orders dated 6 November 2019 and 18 March 2020

AND UPON considering the written submissions of the respective legal representatives on behalf of the O’Higgins PCR, the Evans PCR and the Proposed Defendants filed on 23 October 2020

AND UPON the Tribunal exercising its case management powers under rule 88 of the Competition Appeal Tribunal Rules 2015

IT IS ORDERED THAT:

1. The hearing of the CPO Applications by the O’Higgins PCR and the Evans PCR listed for 1 March 2021 be vacated.
2. A case management conference shall be listed to be held (in a manner to be determined) within seven days of the Supreme Court delivering its judgment in *Mastercard Incorporated and others v Walter Hugh Merricks CBE*, with a time estimate of 1½ hours, to fix a new hearing date for the CPO Applications and set a timetable to the new hearing date, and to do deal with any other matters arising.

3. There be liberty to apply.

The Honourable Mr Justice Marcus Smith
Chairman of the Competition Appeal Tribunal

Made: 16 November 2020
Drawn: 16 November 2020