



IN THE COMPETITION
APPEAL TRIBUNAL

Case: 1293/5/7/18 (T)

Case: 1292/5/7/18 (T)

Case: 1294/5/7/18 (T)

(1) – (139) VEOLIA ENVIRONNEMENT S.A. AND OTHERS

Claimants

-v-

(1) – (15) FIAT CHRYSLER AUTOMOBILES N.V. AND OTHERS

Defendants

-and-

(1) - (4) PACCAR INC. AND OTHERS

Third Parties

AND

(1) – (339) SUEZ GROUPE SAS AND OTHERS

Claimants

-v-

(1) – (4) FIAT CHRYSLER AUTOMOBILES N.V. AND OTHERS

Defendants

-and-

(1) - (15) IVECO S.P.A. AND OTHERS

Third Parties

AND

(1) – (153) WOLSELEY UK LIMITED AND OTHERS

Claimants

-v-

(1) - (4) FIAT CHRYSLER AUTOMOBILES N.V. AND OTHERS

Defendants

-and-

(1) - (15) MAN SE AND OTHERS

Third Parties

ORDER

UPON the matter coming back before the Tribunal for a Case Management Conference on 29 and 30 October 2020

AND UPON considering the Claimants' and Defendants' case management proposals

AND UPON hearing Leading Counsel for the Claimants and Leading Counsel for the Defendants

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

“Ryder Proceedings” means Case: 1291/5/7/18(T)

“Dawsongroup Proceedings” means Case: 1295/5/7/18(T)

“VSW Proceedings” means Cases: 1292-4/5/7/18(T)

“VSW Claimants” means the Claimants in the VSW Proceedings

“Defendants” means the Defendants in the VSW Proceedings

“Wave Two Claimants” means the Claimants in Cases 1355-6/5/7/20 (T) (Hertz and Balfour Beatty), 1358/5/7/20 (T) (Zamenhof), and 1371-2/5/7/20 (T) (BOC and Gist)

IT IS ORDERED THAT:

1. The claims in the VSW Proceedings in respect of trucks purchased, leased or otherwise acquired in the United Kingdom, France or Germany shall be determined at a trial to take place after the joint trial of the Dawsongroup Proceedings and the Ryder Proceedings.
2. The participation of the Wave Two Claimants, who share a common set of solicitors and counsel with the VSW Claimants, in the VSW Trial shall be determined by the Tribunal at the Case Management Conference in those claims, listed to be heard on 4 December 2020 or, as appropriate, at the next Case Management Conference in the VSW Proceedings.

Pleadings

3. Any amendment to the Defendants' defences in light of the binding recitals' judgment of the Court of Appeal in C3/2020/0619; C3/2020/0625; C3/2020/0627; C3/2020/0643; C3/2020/0648: *Royal Mail Group Limited and others v DAF Trucks Limited and others* shall be filed and served by 4pm on 18 December 2020.

Disclosure

4. Requests for disclosure of specified categories of documents or data (in relation to UK trucks) shall be made by serving a Redfern Schedule on each party from whom the disclosure is requested in accordance with the following timetable:
 - (a) Redfern Schedule from the requesting party to be served by no later than 22 January 2021;
 - (b) Response to Redfern Schedule to be served by no later than 19 February 2021;
 - (c) Reply to Response to Redfern Schedule to be served by no later than 12 March 2021.

Further case management conferences

5. A further Case Management Conference in the VSW Proceedings shall be listed for two days, to be heard after the next CMC to be listed in the Dawsongroup Proceedings and the Ryder Proceedings, to determine outstanding issues, including:
 - (a) Listing the VSW Trial.
 - (b) Directions to the VSW Trial.
 - (c) The structure of the VSW Trial.
 - (d) Any further disclosure applications.
 - (e) The VSW Claimants' application to proceed by way of test claims.

To the extent that this issue is not decided at the 4 December 2020 CMC, the participation of the Wave 2 Claimants in the VSW Trial.

Costs

6. Costs in the case.

Other

7. Liberty to apply.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 18 December 2020
Drawn: 18 December 2020