



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1329/7/7/19
1336/7/7/19

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 the O’Higgins PCR filing and serving an amended CPO Application dated 28 January 2020 (“the Amended Collective Proceedings Claim Form”)

AND UPON reading the letter dated 26 November 2020 from the solicitors to the O’Higgins PCR that it has the consent of the Proposed Defendants to further amend the Amended Collective Proceedings Claim Form (“the Re-Amended Collective Proceedings Claim Form”) and to adduce the First Expert Report of Professor B. Douglas Bernheim dated 23 October 2020 (“the Bernheim Report”)

AND UPON reading the letter dated 26 November 2020 from the solicitors to the O’Higgins PCR that it has the consent of the Proposed Defendants, the Proposed Objectors and the Evans PCR to accept service of the Re-Amended Collective Proceedings Claim Form and Bernheim Report by email

AND UPON the Tribunal exercising its powers under rule 111 of the Competition Appeal Tribunal Rules 2015

IT IS ORDERED THAT:

1. The O'Higgins PCR be permitted to serve the Re-Amended Collective Proceedings Claim Form and the Bernheim Report on the Proposed Defendants, Proposed Objectors and Evans PCR by email.
2. The date on which the Re-Amended Collective Proceedings Claim Form and the Bernheim Report are to be deemed to be served on the Proposed Defendants, the Proposed Objectors and the Evans PCR is 15 December 2020.
3. There be liberty to apply.

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

Made: 11 December 2020
Drawn: 14 December 2020