



**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

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**ORDER**

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**UPON HEARING** Leading Counsel for the Claimants and Counsel for the Defendants at a case management conference on 5 and 6 May 2021

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

“**Confidentiality Ring Order**” means the Re-Re-Amended Confidentiality Ring Order of Mr Justice Roth made on 4 December 2020;

“**DAF**” means the First to Fourth Defendants;

“**Daimler**” means the Fifth and Sixth Defendants;

“**Volvo/Renault**” means the Seventh to Eleventh Defendants.

**IT IS ORDERED THAT:**

1. By no later than 23 July 2021, the Claimants shall provide the statements, supported by statements of truth, listed in Annex 1 to this Order.
2. By no later than 23 July 2021, the Claimants shall disclose by list the documents and information in their control responsive to the categories set out in Annex 1 to this Order, under the heading “Claimant Disclosure”.
3. The documents to be disclosed and made available for inspection pursuant to paragraph 2:
  - (a) may be confined to the best available evidence about the information which is the subject matter of the listed categories, which may be in the form of electronic databases or other electronic documents, save where (i) the Claimants do not in fact keep any documents in respect of that subject matter in electronic form, or (ii) although they do keep documents in respect of that subject matter in electronic form, the relevant information in those electronic documents is unreliable in view of the way in which it was stored or collected, or (iii) the best available evidence falls instead to be obtained from physical documents or a combination of physical documents and electronic databases or other electronic documents. In each case, the Claimants should explain why the evidence they are making available for inspection is the "best available evidence" and why further disclosure is not proportionate, in particular if the excluded information is within an electronic database;
  - (b) if contained in the form of an electronic database or extract therefrom, 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;
  - (c) shall include documents in the public domain; and

- (d) may where expressly permitted in relation to a given category in Annex 1, be a representative sample of documents, provided that an explanation of the basis on which such a sample has been selected, and an explanation as to why that basis is reasonable and proportionate in the circumstances, is set out in the disclosure statement to be provided pursuant to paragraph 7 of this Order.
4. In the event that the disclosure of documents referred to in paragraph 2 above in respect of any of the categories listed in Annex 1 is considered by the Claimants to be unreasonable and/or disproportionate, the Claimants may, in the alternative to giving disclosure, directly provide information on the matters specified, at the same time that they give disclosure in accordance with paragraph 2. Where information is provided in lieu of disclosure it shall be verified by a statement of truth and supported by a description of the sources from which the information concerned has been compiled and an explanation as to why the disclosure of the underlying documents is unreasonable and/or disproportionate.
5. Where the Claimants consider that providing disclosure of documents responsive to any of the categories is unreasonable and/or disproportionate and they cannot provide information in accordance with paragraph 4 of this Order, the Claimants shall explain the basis for not giving the disclosure or providing information in the disclosure statement to be provided pursuant to paragraph 7 of this Order.

### **Disclosure into the Confidentiality Ring**

6. The Claimants may choose to disclose documents into the Confidentiality Ring in accordance with the Confidentiality Ring Order.

### **Disclosure Statements**

7. The Claimants' disclosure by list given pursuant to paragraph 2 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 ordered 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 their knowledge and belief that the disclosure ordered has been provided.

### **Inspection of documents and provision of copies**

8. 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**

9. 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**

10. Costs in the case.

### **Other**

11. Liberty to apply.

The Hon Mr Justice Roth  
President

The Hon Mr Justice Fancourt

Hodge Malek QC

Made: 6 May 2021  
Drawn: 5 July 2021