



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1287/5/7/18

BETWEEN:

- (1) ASDA STORES LIMITED
(2) ARGOS LIMITED and others
(3) WM MORRISON SUPERMARKETS PLC

Claimants

- v -

- (1) MASTERCARD INCORPORATED
(2) MASTERCARD INTERNATIONAL INCORPORATED
(3) MASTERCARD EUROPE SA
~~(4) MASTERCARD UK MEMBERS FORUM LIMITED~~
(5) MASTERCARD/EUROPAY UK LIMITED

Defendants

ORDER

UPON the Tribunal's Order made on 16 December 2020, as varied by the Order of the President of the Tribunal dated 23 July 2021 (the “Confidentiality Ring Order”)

AND UPON the Claimants having agreed, pursuant to Clause 8.4(b) of the Confidentiality Ring Order, to re-designate the documents disclosed by the Claimants to the Defendants in these proceedings which originated from the former Fourth Defendant, Mastercard UK Members Forum Limited (“MMF”) (the “MMF Disclosure”) so that they are no longer designated as Confidential Information in accordance with the terms of the Confidentiality Ring Order

AND UPON reading the Application made by the Defendants dated 30 July 2021 and the 10th witness statement of Nicholas Paul Cotter in support

AND UPON the Claimants having confirmed by their solicitors’ letter of 13 September 2021 that they consent to the order sought by the Defendants

BY CONSENT IT IS ORDERED THAT:

1. Permission is given pursuant to Rule 102 of the Competition Appeal Tribunal Rules 2015 for the Defendants to use the MMF Disclosure in: (i) the claims brought by the Dixons Carphone group against Mastercard (Case Nos. 1236/5/7/15 and 1265/5/7/16); (ii) the proposed collective proceedings brought by Walter Hugh Merricks CBE (Case No. 1266/7/7/16); and (iii) in any appeal from orders or judgments of the Competition Appeal Tribunal in (i) or (ii).

2. Costs in the case.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 14 September 2021
Drawn: 14 September 2021