



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No: 1291/5/7/18 (T)

BETWEEN:

- (1) RYDER LIMITED**  
**(2) HILL HIRE LIMITED**

Claimants

- and -

- ~~(1) MAN SE~~  
~~(2) MAN TRUCK & BUS SE~~  
~~(3) MAN TRUCK & BUS DEUTSCHLAND GMBH~~  
~~(4) MAN TRUCK AND BUS UK LIMITED~~  
**(5) AB VOLVO (PUBL)**  
**(6) VOLVO LASTVAGNAR AB**  
**(7) VOLVO GROUP TRUCKS CENTRAL EUROPE GMBH**  
**(8) VOLVO GROUP UK LIMITED**  
**(9) RENAULT TRUCKS SAS**  
**(10) DAIMLER AG**  
**(11) MERCEDES BENZ CARS UK LIMITED**  
**(12) STELLANTIS N.V. (FORMERLY FIAT CHRYSLER AUTOMOBILES N.V.)**  
**(13) CNH INDUSTRIAL N.V.**  
**(14) IVECO S.P.A.**  
**(15) IVECO MAGIRUS AG**  
**(16) IVECO LIMITED**  
**(17) PACCAR INC.**  
**(18) DAF TRUCKS N.V.**  
**(19) DAF TRUCKS DEUTSCHLAND GMBH**  
**(20) DAF TRUCKS LIMITED**

Defendants

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**ORDER**

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**UPON** the Tribunal's order dated 6 October 2020 (the "**DAF Disclosure Order**")

**AND UPON** the Claimants' application dated 3 December 2021 (the "**Application**")

**AND UPON HEARING** Leading Counsel for the Claimants and the DAF Defendants at the hearing on 13 January 2022

**IT IS ORDERED THAT:**

1. DAF Trucks N.V. ("**DAF N.V.**") shall:
  - (a) undertake reasonable and proportionate searches of the Network Drive referred to in paragraph 6 of the Seventh Witness Statement of Caroline Edwards ("**Edwards 7**"), to consist of a review of documents whose file names are responsive to a search for "Ryder" and or "Hill Hire" carried out on an overview of the folders referred to in Edwards 7;
  - (b) undertake reasonable and proportionate searches of:
    - (i) the 484 documents referred to in paragraph 40 of the Sixth Witness Statement of Caroline Edwards ("**Edwards 6**"); and
    - (ii) the mailbox of John Kearney as referred to in paragraph 41 of Edwards 6;
  - (c) in respect of the Extracted 2009 Tapes from Periods 1 and 13 (excluding the information referred to in (b) above), referred to in paragraph 38 of Edwards 6 (the "**Extracted 2009 Tapes**"), the DAF Defendants shall either:
    - (i) confirm in a Disclosure Statement that the Extracted 2009 Tapes do not contain mailboxes of the Potentially Relevant Individuals as defined in paragraph 15 of Edwards 6; or
    - (ii) if the Extracted 2009 Tapes do contain mailboxes of the Potentially Relevant Individuals, undertake reasonable and proportionate searches of those tapes containing such information;
  - (d) in respect of the Catalogued Additional Tapes referred to in paragraph 45 of Edwards 6, the DAF Defendants shall ascertain whether those tapes contain the personal drives of any of the Potentially Relevant Individuals. To the extent that none of the Catalogued Additional Tapes contain the personal drives of any of the Potentially Relevant

Individuals, that shall be confirmed by the DAF Defendants in a Disclosure Statement. However, if any of the Catalogued Additional Tapes do contain the personal drives of any of the Potentially Relevant Individuals, the DAF Defendants shall undertake reasonable and proportionate searches of those tapes, to consist of a review of documents whose file names are responsive to a search for “Ryder” and or “Hill Hire” carried out on the catalogues of the Catalogued Additional Tapes;

and by no later than 4 pm on 11 February 2022 provide disclosure of any documents located as a result of those searches which are responsive to paragraph 1 of the DAF Disclosure Order and/or a disclosure statement, if applicable under sub-paragraph 1(c) and (d) above.

2. Any disclosure referred to in paragraph 1 above shall be accompanied by a Disclosure Statement by an appropriate person who 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 that to the best of their knowledge and belief the disclosure ordered has been provided.
3. The Disclosure Statement referred to in paragraph 2 above shall also include details of the "repository of non-DAF UK documents" referred to in paragraph 18 of Edwards 6 including:
  - (a) in broad terms what the repository comprises, including from which of the DAF Defendants the documents have been collated;
  - (b) the nature of the searches that have been undertaken in respect of complying with the DAF Disclosure Order; and
  - (c) corrections to any material inaccuracies and/or clarifications of any matters in the existing Annex 1 to the DAF Defendants' Disclosure Statement dated 28 May 2021 that are necessary to ensure accuracy.
4. Upon providing the Disclosure Statement to the Claimants, the DAF Defendants shall also file a copy of the same with the Tribunal for its review.
5. Costs in the case.

6. Liberty to apply.

**Hodge Malek QC**  
Chairman of the Competition Appeal Tribunal

Made: 31 January 2022  
Drawn: 31 January 2022