



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1294/5/7/18 (T)

BETWEEN:

WOLSELEY UK LIMITED AND OTHERS

Claimants

- and -

- (1) STELLANTIS N.V. (FORMERLY FIAT CHRYSLER AUTOMOBILES N.V.)**
- (2) CNH INDUSTRIAL N.V.**
- (3) DAF TRUCKS N.V.**
- (4) DAF TRUCKS LIMITED**

Defendants

- and -

- (1) TRATON SE (SUBSTITUTED FOR MAN SE)**
- (2) MAN TRUCK & BUS SE (FORMERLY MAN TRUCK & BUS AG)**
- (3) MAN TRUCK & BUS DEUTSCHLAND GMBH**
- (4) AKTIEBOLAGET VOLVO (PUBL)**
- (5) VOLVO LASTVAGNAR AKTIEBOLAG**
- (6) VOLVO GROUP TRUCKS CENTRAL EUROPE GMBH**
- (7) RENAULT TRUCKS SAS**
- (8) PACCAR INC**
- (9) DAF TRUCKS DEUTSCHLAND GMBH**
- (10) DAIMLER AG**
- (11) SCANIA AKTIEBOLAG (PUBL)**
- (12) SCANIA CV AKTIEBOLAG (PUBL)**
- (13) SCANIA DEUTSCHLAND GMBH**
- (14) IVECO S.P.A.**
- (15) IVECO MAGIRUS AG**

Third Parties

CONSENT ORDER

UPON the Order made by Mr Malek QC in these proceedings on 18 December 2020 (as amended by agreement between the Parties), in particular paragraph 4 thereof which

directed the Parties to file and serve a Redfern Schedule in respect of the UK market containing each party's position in relation to any disputed disclosure requests along with a list of categories which are agreed between the Parties

AND UPON the Parties' agreement to similarly engage in a Redfern Schedule process in respect of the French and German market

AND UPON the Claimants serving Redfern Schedules in respect of the UK, French and German markets, containing both agreed and disputed categories of disclosure requests, on the Defendants on 16 April 2021 (UK) and 3 September 2021 (France and Germany) respectively (the "**UK Redfern Schedule**", the "**French Redfern Schedule**" and the "**German Redfern Schedule**" respectively, together the "**Redfern Schedules**")

AND UPON the letters from Quinn Emanuel dated 22 September, 23 September and 22 October 2021 containing further responses to the Claimants' requests for disclosure in relation to the German and French markets

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

- "**Claimants**" means the Claimants in the Wolseley Proceedings;
- "**Confidentiality Ring**" means the confidentiality ring established in Case 1294/5/7/18 (T) by the Re-Re-Amended Confidentiality Ring Order of the Hon Mr Justice Roth made on 18 December 2020 (the "Confidentiality Ring Order");
- "**Daimler**" means the Tenth Named Third Party in the Wolseley Proceedings;
- "**Relevant Period**" means from 1 January 1997 to 30 September 2017; and
- "**Truck**" has the same meaning as in the Redfern Schedules

BY CONSENT IT IS ORDERED THAT:

1. By 4pm on 25 March 2022, Daimler shall disclose the documents and/or data referred to in Annex 1 to this Order.
2. By 4pm on 25 March 2022, Daimler shall provide a disclosure statement by an appropriate person(s) which shall: (a) set out the extent of the search that has

been made in order to locate the documents 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.

3. Where the categories in Annex 1 provide for a representative sample of relevant documents and/or data to be provided, the basis on which such a sampling approach has been adopted, and an explanation as to why this is reasonable and proportionate in the circumstances, shall be included in the disclosure statement specified in paragraph 2 above.
4. Daimler may choose to disclose documents, data or information into the Confidentiality Ring in accordance with the Confidentiality Ring Order.
5. Daimler shall provide simultaneous disclosure and inspection of the documents and/or data referred to in Annex 1 to this Order.
6. The documents and/or data to be disclosed and made available for inspection pursuant to paragraph 1 above, if contained in the form of an electronic database or extract therefrom, should be provided in their native electronic format or electronic excel format, together with a statement on how the relevant information has been compiled from the database(s) and, if appropriate, guidance on how it is to be examined.
7. 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

8. Costs in the case.

Other

9. The parties have liberty to apply.

Hodge Malek QC
Chairman of the Competition Appeal Tribunal

Made: 29 March 2022
Drawn: 29 March 2022