



IN THE COMPETITION

Case No: 1405/5/7/21 (T)

APPEAL TRIBUNAL

BETWEEN

- (1) EURONET 360 FINANCE LIMITED**
- (2) EURONET POLSKA SPÓŁKA Z.O.O.**
- (3) EURONET SERVICES SPOL. S.R.O.**
- (4) EURONET CARD SERVICES S.A.**

Claimants

-and-

- (1) MASTERCARD INCORPORATED**
- (2) MASTERCARD INTERNATIONAL INCORPORATED**
- (3) MASTERCARD EUROPE SA**
(together, the “Mastercard Defendants”)
- (4) VISA EUROPE LIMITED**
- (5) VISA EUROPE SERVICES LLC**
- (6) VISA INC**
(together, the “Visa Defendants”)

Defendants

ORDER

UPON the Order of the Honourable Mrs Justice Cockerill made on 14 June 2021 (the “Directions Order”)

AND UPON reading the Claimants’ application dated 4 March 2022 for an order for a split trial (the “Split Trial Application”)

AND UPON the parties agreeing by consent to extend the timetable for service of factual evidence and to establish a timetable for the preparation and filing of amendments to the existing statements of case on issues of foreign law, and the Claimants filing a draft order signed by the parties’ respective solicitors on 22 March 2022

AND UPON hearing Leading Counsel for the parties at a CMC held on 18 March 2022

IT IS ORDERED THAT:

Factual evidence

1. Paragraphs 3 to 5 of the Directions Order are varied such that the deadlines for service of factual evidence shall be as follows:
 - (a) The Claimants shall file and serve signed statements of witnesses of fact, and hearsay notices where required by CPR rule 33.2, by 4pm on 14 April 2022.
 - (b) The Mastercard and Visa Defendants shall file and serve signed statements of witnesses of fact, and hearsay notices where required by CPR rule 33.2, by 4pm on 11 August 2022.
 - (c) The Claimants shall file and serve signed reply statements of witnesses of fact, and hearsay notices where required by CPR rule 33.2, by 4pm on 10 October 2022.

Amendments of pleadings on foreign law

2. Claimants shall have permission to file and serve Amended Particulars of Claim, such amendments limited to issues of foreign law, by 4pm on 6 May 2022.
3. The Defendants shall have permission to file and serve Re-Amended Defences, such amendments limited to issues of foreign law, by 4pm on 10 June 2022.
4. The Claimants shall have permission to file and serve a Re-Re-Amended Reply, such amendments limited to issues of foreign law, by 4pm on 8 July 2022.

Split trial

5. The Split Trial Application is dismissed.

Pre-trial review and trial

6. Paragraph 14 of the Directions Order is varied to read as follows:

“The parties shall attend the Tribunal Registry to fix the date of the pre-trial review. The pre-trial review should be fixed for one day and on dates on which the parties’ counsel are available, so far as reasonably practicable, and on the first available date on or after 3 July 2023.”

7. Paragraph 13 of the Directions Order is varied to read as follows:

“Preparation of trial bundles in electronic or hard copy form (or part electronic, part hard copy) shall be completed in accordance with The Tribunal Rules and Guidance by no later than 3 July 2023.”

8. The trial shall be fixed to start on 2 October 2023 with a provisional estimate of 12 Commercial Court weeks excluding judicial pre-reading time. The week of 25 September 2023 to 29 September 2023 shall be set aside for judicial pre-reading.

Extension of time limits

9. The parties may agree to extend any time period in this Order for a period of up to 28 days in total without reference to the Tribunal, provided that this does not affect the date given for any case management conference or any other hearing. The parties shall notify the Tribunal in writing of the expiry date of any such extension.

Costs

10. Costs in the case.

The Hon Mr Justice Butcher
Chairman of the Competition Appeal Tribunal

Made: 18 March 2022
Drawn: 24 March 2022