



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

Case 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 LASVAGNAR AB**
- (9) VOLVO GROUP TRUCKS CENTRAL EUROPE GMBH**
- (10) RENAULT TRUCKS SAS**
- (11) VOLVO GROUP UK LIMITED**

**Defendants**

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**CONSENT ORDER**

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**UPON** the Tribunal's Order made on 11 February 2022 following the case management conference on 11 and 12 October 2021 (the "**Directions Order**")

**AND UPON** a without prejudice meeting having taken place on 25 November 2021 between Mr Andrew Grantham of AlixPartners, Mr James Harvey of Economic Insight Limited and Mr Frank Ilett of Kroll Advisory Limited to discuss the experts' respective methodologies in relation to the Tax Issues

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

- **“Dawsongroup”** means the Claimants in case number 1295/5/7/18 (T).
- **“Dawsongroup Defendants”** means the Defendants in case number 1295/5/7/18 (T)
- **“Financing Losses”** means the issue of whether and to what extent Dawsongroup suffered losses occasioned by the additional cost of financing inflated Truck purchase prices.
- **“Loss of Volume”** means the extent to which, if the Dawsongroup Defendants demonstrate that an alleged Overcharge was passed on by Dawsongroup to their customers, there was a reduction in sales of Truck rentals and/or Truck leases.
- **“Supply Pass-on”** means whether and to what extent the Overcharge was passed on by Dawsongroup to its rental and/or leasing customers through higher Truck rental and/or leasing prices.
- **“Tax Issues”** means issues pertaining to the calculation of damages and interest after tax.
- **“Trucks”** means the trucks that are the subject of the claims as defined in the Claimants’ pleadings.

**IT IS ORDERED BY CONSENT THAT:**

1. Dawsongroup has permission to adduce expert evidence from Mr Gary Davies, of Ankura Consulting (Europe) Limited, in the field of forensic accounting to cover the following issues:
  - (a) Supply Pass-on; and
  - (b) Loss of Volume.
2. Paragraph 1(f) of the Directions Order shall be amended to read as follows:

*“Price elasticity for Loss of Volume”.*
3. Dawsongroup has permission to adduce expert evidence from Mr Davies in the field of financing to cover the Financing Losses, in place of Mr Harvey.
4. Dawsongroup has permission to adduce expert evidence from Mr Sean Mitchell of Grant Thornton LLP in relation to the Tax Issues, in place of Mr Harvey.

5. Dawsongroup shall, by 6 May 2022, provide a without prejudice statement setting out Mr Mitchell's intended methodology.

**Costs**

6. Costs in the case.

**Other**

7. Liberty to apply.

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

Made: 28 June 2022  
Drawn: 28 June 2022