



**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

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**ORDER**

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**UPON** the Tribunal's Order made on 13 June 2022 (the "**Directions Order**")

**AND UPON** the Defendants and the Claimants agreeing that the deadline for the Defendants to either provide the Claimants with a draft amended pleading containing further particulars of the Defendants' case on supplier pass on or withdraw the relevant aspects of their pleaded case, pursuant to paragraph 3 of the Directions Order, be extended until 24 August 2022, as recorded in the letter from the Defendants to the Tribunal on 22 August 2022 (the "**Supplier Pass On Deadline**")

**AND UPON** the Defendants serving draft seventh amended defences in respect of the Defendants' case on supplier pass-on on the Claimants on 24 August 2022 in accordance with paragraph 3(a) of the Directions Order and the Supplier Pass On Deadline (the "**Draft Seventh Amended Defences**")

**AND UPON** the letters dated 1 and 12 September 2022 from Stewarts Law LLP on behalf of the parties proposing certain corrections to the Directions Order

**AND UPON** the letter dated 12 September 2022 from the solicitors for the Defendants to the Tribunal enclosing the Defendants' Draft Seventh Amended Defences and requesting permission to file and serve their amended pleadings

**AND UPON** the Claimants having consented to the Defendants' proposed amendments in the form of the Draft Seventh Amended Defences

**AND UPON** further correspondence between the parties and the Tribunal dated 22 and 23 September 2022 regarding their requests and the parties' agreement to the Tribunal's consolidation of the parties' draft consent orders

**IT IS ORDERED BY CONSENT THAT:**

1. The Defendants shall be permitted to amend their Sixth Amended Defences in the forms of the Draft Seventh Amended Defences provided to the Tribunal on 12 September 2022. The Defendants' Seventh Amended Defences shall be filed and served within 7 days of the date of this Order.
2. Asda and Argos, and Morrisons shall be granted permission to make consequential amendments to their Eighth and Seventh Amended Particulars of Claim respectively and to their Fourth and Fifth Amended Replies respectively to reflect the Defendants' Seventh Amended Defences, if so advised, within 14 days of this Order being made.
3. Paragraph 7(b) of the Directions Order is substituted with the following:
  - “7. The Claimants shall be granted permission to file and serve further witness statements as follows:  
  
...  
  
(b) addressing supplier pass-on, if so advised, within four weeks of receiving the Defendants' Seventh Amended Defences, as filed with the Tribunal, containing further particulars of the Defendants' case on supplier pass-on.”

**The Hon Mrs Justice Bacon**  
Chair of the Competition Appeal Tribunal

Made: 23 September 2022  
Drawn: 23 September 2022