



**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 by consent on 16 December 2020

AND UPON the request of Mr Walter Hugh Merricks CBE pursuant to Rule 61(b) of the Competition Appeal Tribunal Rules 2015 (the "Tribunal Rules") in Case No: 1266/7/7/16 (the "*Merricks v Mastercard proceedings*") to the Defendants for disclosure of the confidential settlement agreement dated 7 October 2013 between the Claimants and Mastercard UK Members Forum Limited (the "**MMF Settlement Agreement**")

AND UPON the application by the Defendants dated 19 September 2022 for permission to disclose the MMF Settlement Agreement to Mr Merricks in the *Merricks v Mastercard* proceedings

AND UPON the Claimants having confirmed that they consent to the order sought by the Defendants

**IT IS ORDERED BY CONSENT THAT:**

1. The Defendants shall have permission pursuant to Rule 102(2)(c) of the Tribunal Rules to disclose the MMF Settlement Agreement to Mr Merricks and to use the MMF Settlement Agreement in the *Merricks v Mastercard* proceedings.
2. No order as to costs.

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

Made: 28 September 2022  
Drawn: 29 September 2022