



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1478/5/7/88 (T)

BETWEEN:

- (1) ELIOR UK HOLDINGS LIMITED**
- (2) ELIOR UK PLC**
- (3) TAYLOR SHAW LIMITED**
- (4) CATERPLUS SERVICES LIMITED**
- (5) EDWARDS AND BLAKE LIMITED**
- (6) LEXINGTON CATERING LIMITED**

Claimants

- v -

- (1) VISA EUROPE LIMITED**
- (2) VISA UK LIMITED**
- (3) VISA EUROPE SERVICES LLC**
- (4) VISA INC.**
- (5) VISA INTERNATIONAL SERVICE ASSOCIATION**

Defendants

(the “Elior Interchange Proceedings”)

CONSENT ORDER

UPON the claim form in the Elior Interchange Proceedings being issued in the High Court on 6 July 2021 (CP-2021-000010) (the “**Claim Form**”)

AND UPON the Order of the Chancellor of the High Court dated 7 April 2022 (as amended) transferring the various cases listed in the schedule to that order (which included the Elior Interchange Proceedings) to the Competition Appeal Tribunal (the “**Transfer Order**”)

AND HAVING REGARD TO (i) the views expressed by the President of the Tribunal at the Case Management Conference on 1-2 March 2022 in Cases 1306-1325/5/7/19 (T), 1349-1350/5/7/20 (T), 1369/5/7/20 (T), 1373-1374/5/7/20 (T), 1376/5/7/20 (T), 1383-1384/5/7/21 (T), 1385-1400/5/7/21 (T) and 1406/5/7/21 (T) (the “**Merchant Interchange Proceedings**”); (ii) the Tribunal’s Order of 16 March 2022 (the “**Order**”); and (iii) the Tribunal’s Ruling of 16 March 2022 ([2022] CAT 14)

AND UPON the Umbrella Proceedings Order of the President dated 4 July 2022 designating this case as a “Host Case” pursuant to Practice Direction 2/2022 (Umbrella Proceedings), such that the Ubiquitous Matters (as defined in the Practice Direction) arising in this case will be disposed of in Umbrella Proceedings (under Case No 1517/11/7/22 (UM) Merchant Interchange Fee Umbrella Proceedings) in accordance with the process set out in the Tribunal’s Order and Ruling in the Merchant Interchange Proceedings

AND UPON the Tribunal’s letter dated 19 May 2022 and the Tribunal’s Order dated 20 July 2022 extending time for service of the Claim Form until 31 October 2022

AND UPON reading the letter of Hill Dickinson LLP dated 29 September 2022 and the accompanying draft consent order signed by the parties

IT IS ORDERED THAT:

1. The Claimants shall have permission to make amendments to the Claim Form in the form provided to the Tribunal and Defendants on 29 September 2022 (the “**Amended Claim Form**”), such that the name of the Fourth Defendant is amended from Visa Inc to Visa Inc. and the name of the Fifth Defendant is amended from Visa International Services Association to Visa International Service Association.
2. There be an extension of time for service of the Amended Claim Form until 31 October 2022.

3. The Amended Claim Form shall be served in accordance with the Civil Procedure Rules 1998 and the Tribunal's letter of 19 May 2022.
4. Upon service of the Amended Claim Form, the proceedings shall be stayed immediately until further order ("**the Stay**").
5. The Claimants shall not be required to serve any Particulars of Claim during the Stay and time for serving Particulars of Claim shall be extended until 12 weeks after the date of the order lifting the Stay, unless the Tribunal shall order otherwise.
6. Notwithstanding the Stay, the parties in the Elix Interchange Proceedings shall be bound by the outcome of any Tribunal determinations in the Merchant Interchange Fee Umbrella Proceedings (including any appeals) in respect of all designated Ubiquitous Matters.
7. Notwithstanding the Stay, the Claimants remain liable to provide information or disclosure if the Tribunal considers such information or disclosure necessary to resolve a wider issue in the Merchant Interchange Fee Umbrella Proceedings.
8. There be liberty to apply.
9. Costs in the case.

Sir Marcus Smith
President of the Competition Appeal Tribunal

Made: 5 October 2022
Drawn: 5 October 2022