



**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
OF ENGLAND AND WALES
COMPETITION LIST (ChD)**

CP-2021-000011

**MASTER PESTER
16 MAY 2022**

BETWEEN:

- (1) WM Morrison Supermarkets PLC**
- (2) Neerock Limited**
- (3) Rathbone Kear Limited**
- (4) Safeway Limited**
- (5) Safeway Stores Limited**

Claimants

and

- (1) Volvo Group UK Limited**
- (2) Aktiebolaget Volvo (Publ)**
- (3) DAF Trucks Limited**
- (4) DAF Trucks N.V.**

Defendants

and

- (1) Volvo Lastvagnar AB**
- (2) Volvo Group Trucks Central Europe GmbH**
- (3) Renault Trucks SAS**
- (4) TRATON SE (in its capacity as universal successor to MAN SE)**
- (5) MAN Truck & Bus SE (formerly MAN Truck & Bus AG)**
- (6) MAN Truck & Bus Deutschland GmbH**
- (7) Daimler AG**
- (8) Stellantis N.V. (formerly Fiat Chrysler Automobiles N.V.)**
- (9) CNH Industrial N.V.**
- (10) Iveco S.p.A**
- (11) Iveco Magirus AG**
- (12) Scania Aktiebolag (Publ)**
- (13) Scania CV Aktiebolag (Publ)**
- (14) Scania Deutschland GmbH**

Named Third Parties

CONSENT ORDER

UPON the Claimants, Defendants, and Named Third Parties having agreed to the terms of this Order

BY CONSENT IT IS ORDERED THAT:

1. The directions of this Court for the filing of a Directions Questionnaire by 20 May 2022 set out in the Notice of Proposed Allocation provided to the Claimants and Defendants on 21 April 2022 are vacated with effect from the date of this order.
2. The Claimants shall file and serve Replies to the Defendants' Defences (if so advised) by 4pm on 20 May 2022.
3. Subject to the terms of paragraph 4 of this order, the claims shall be transferred to the Competition Appeal Tribunal (the "**CAT**").
4. The provision at paragraph 3 of this order shall take effect upon the date upon which any Replies to the Defences served and filed by the Defendants should be served and filed by the Claimants (regardless of whether any Replies are in fact served).
5. Neither this Order giving effect to the said transfer, nor the transfer itself, is intended to alter, limit or exclude in any respect any element of the Claimants' claims, or the claims of the Third and Fourth Defendants pursuant to CPR Part 20, as constituted in this Court prior to the transfer taking effect. If and to the extent that any element of such claims (as constituted in this Court prior to the transfer taking effect) is not capable of falling within the jurisdiction of the CAT on the transfer, or would be altered, limited or excluded by this Order or the transfer, it is not subject to this Order and remains within the jurisdiction of this Court.
6. The proceedings were and shall continue to be regarded as having been commenced in this Court. Any further statements of case or amendments to a statement of case in the proceedings shall be made in accordance with the Civil Procedure Rules and not with the CAT Rules 2015.
7. Any appeal to the Court of Appeal against the determination by the CAT of the issues transferred or an order of the Court giving effect to that determination shall be governed by the rules in CPR Part 52.
8. This Court may give such further directions or make such further orders as it thinks fit in connection with the transfer and/or with any such element as referred to above.
9. The Claimants, Defendants, and Named Third Parties have liberty to apply.
10. This Order shall be served by the Third and Fourth Defendants on the Claimants, the First and Second Defendants and the Named Third Parties.

SERVICE OF THIS ORDER

The Court has provided a sealed copy of this Order to the serving party: the solicitors for the Third and Fourth Defendants, Travers Smith LLP of 10 Snow Hill, London EC1A 2AL (reference: D.4377-50/CFE/ADB/PAZS). A sealed copy of this Order shall be sent by the serving party to the solicitors for the Claimants, First and Second Defendants and Named Third Parties: Arnold and Porter Kaye Scholer (UK) LLP of 25 Old Broad Street, Tower 42, London EC2N 1HQ (reference: JW/JS/1103058.00002); Freshfields Bruckhaus Deringer LLP of 100 Bishopsgate, London EC2P 2SR (reference: BCT/NJF/168213-0001); Slaughter and May of One Bunhill Row, London EC1Y 8YY (reference: DMT/HEW/TYW/AJGC); Macfarlanes LLP of 20 Cursitor Street, London EC4A 1LT (reference: CAFF/SJXD/680318); Herbert Smith Freehills LLP of Exchange House, Primrose Street, London EC2A 2EG (reference: 30991611-021/4168/2097/12379); Allen & Overy LLP of One Bishops Square, London E1 6AD (reference: JDJH/RUSB/SUKJ /0032310-0000059 EUO3).