



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

Case No: 1489/5/7/22 (T)

BETWEEN:

**MCMULLEN & SONS LIMITED**

Claimant

- v -

**(1) MASTERCARD INCORPORATED**  
**(2) MASTERCARD INTERNATIONAL INCORPORATED**  
**(3) MASTERCARD EUROPE S.A.**  
**(4) MASTERCARD/EUROPAY UK LIMITED**

Defendants

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**ORDER**

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**UPON** the claim form in these proceedings being issued in the High Court on 27 May 2021 (CP-2021-000004) (the “**Claim Form**”)

**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 these proceedings) to the Competition Appeal Tribunal (the “**Transfer Order**”)

**UPON** reading the letter from Mishcon de Reya LLP dated 28 October 2022 on behalf of the Claimant in these proceedings

**AND UPON** the Claimant filing an Amended Claim Form in relation to these proceedings on 28 October 2022

**AND HAVING REGARD TO** the Civil Procedure Rules (“CPR”) in relation to amendments prior to service of the Claim Form, specifically CPR 17.1(1) and CPR 19.4(1)

**IT IS ORDERED THAT:**

1. The Claimant is granted permission to amend the Claim Form in the form provided to the Tribunal on 28 October 2022. Permission to amend is being granted without substantive consideration by the Tribunal to reflect the Claimant's right to amend the Claim Forms prior to service without permission pursuant to the CPR. The Tribunal considers the Claimant's rights in this regard should not be prejudiced by the transfer of the proceedings to the Tribunal pursuant to the Transfer Order.
2. The Claimant may serve unsealed versions of the Claim Form on the Defendants, as amended pursuant to the terms of this Order, and such service of unsealed Claim Forms will constitute valid service.
3. Paragraphs 1 and 2 are made without prejudice to the Defendants' right to apply to disallow the amendments pursuant to the Tribunal exercising under its own rules an approach equivalent to CPR 17.2.
4. There shall be no order as to costs.

**Sir Marcus Smith**  
President of the Competition Appeal Tribunal

Made: 31 October 2022  
Drawn: 31 October 2022