



IN THE COMPETITION
APPEAL TRIBUNAL

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

BETWEEN:

(1) MCMULLEN & SONS, LIMITED

Claimant

- v -

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

Defendants

ORDER

UPON the claim form in these proceedings being issued in the High Court on 27 May 2021 (CP-2021-000004) (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 these 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 following such CMC (the “**March 2022 Order**”); and (iii) the Tribunal’s Ruling of 16 March 2022 ([2022] CAT 14) (the “**Ruling**”)

AND UPON the Umbrella Proceedings Order of the President dated 4 July 2022 designating this case as a “Host Case” pursuant to the Tribunal’s 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 Order of the President of the Tribunal on 13 July 2022 extending time for service of the Claim Form until 31 October 2022

AND UPON reading the letter of 27 October 2022 from Mishcon de Reya LLP seeking a stay of the proceedings and the accompanying draft consent order signed by the parties

BY CONSENT IT IS ORDERED THAT:

1. Following service of the Claim Form and the Particulars of Claim, the Defendants shall acknowledge service of the Claim Form within 14 days of service of the Claim Form.
2. Upon service of the acknowledgment of service, the proceedings shall be stayed immediately until further order (the “**Stay**”) in accordance with paragraph 4 of the March 2022 Order.
3. The Defendants shall not be required to serve any Defence during the Stay and time for serving Defences shall be extended until 12 weeks after the date of the order lifting the Stay, unless the Tribunal orders otherwise.
4. Notwithstanding the Stay, the parties in the 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.
5. Notwithstanding the Stay, the Claimant remains liable to provide information or disclosure if the Tribunal considers such information or disclosure necessary to resolve a wider issue in the Merchant Interchange Proceedings.
6. The Claim Form and Particulars of Claim shall be served in accordance with the Civil Procedure Rules 1998 and the Tribunal’s letter of 19 May 2022.
7. There be liberty to apply.
8. Costs in the case.

Sir Marcus Smith

President of the Competition Appeal Tribunal

Made: 31 October 2022

Drawn: 31 October 2022