



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1266/7/7/16

BETWEEN:

WALTER HUGH MERRICKS CBE

Class Representative

- v -

(1) MASTERCARD INCORPORATED
(2) MASTERCARD INTERNATIONAL INCORPORATED
(3) MASTERCARD EUROPE SA (FORMERLY MASTERCARD
EUROPE S.P.R.L.)

Defendants

ORDER

UPON the Class Representative's application dated 20 December 2022 to amend his Re-Amended Reply (the "Re-re-amendment Application")

AND UPON hearing Counsel for the Class Representative and for the Defendants on 12 January 2023 to consider the Re-re-amendment Application

AND UPON the Judgment dated 3 February 2023 [2023] CAT 5, setting out the Tribunal's reasons for granting the Re-re-amendment Application

AND UPON the parties' application for costs of and occasioned by the Re-re-amendment Application

AND UPON the Tribunal's ruling dated 10 February 2023 concerning the costs of the Re-re-amendment Application

AND UPON the parties having agreed to the directions in paragraphs 4-22 of this Order

IT IS ORDERED THAT:

1. The Class Representative is granted permission to amend his Re-Amended Reply in the form provided to the Tribunal on 20 December 2022.
2. The costs of the further steps to be taken pursuant to paragraphs 4-20 of this Order shall be reserved, insofar as they relate to paragraphs 9A-9F of the Re-Re-Amended Reply (the *Volvo* amendment), to the hearing of the issue raised by those paragraphs, and insofar as they relate to paragraphs 4(b) and 6(c) of the Re-Re-Amended Reply, to the hearing referred to in paragraph 21 of this Order.
3. Save as aforesaid, there be no order as regards the costs of (a) the Re-re-amendment Application or (b) the applications for costs of that application.

AND BY CONSENT IT IS ORDERED THAT:

4. The Class Representative shall file and serve the Re-Re-Amended Reply by no later than 4pm on 18 January 2023.
5. Any request for information by the Defendants shall be issued by no later than 4pm on 25 January 2023.
6. The Class Representative shall respond to any request for information by 4pm on 8 February 2023.
7. The Defendants shall file and serve their Rejoinder to the Re-Re-Amended Reply by 4pm on 1 March 2023.
8. The Class Representative shall set out his disclosure requests in respect of the issues to be determined at the s32 and s6(4) Hearing in a Redfern Schedule by 4pm on 22 March 2023.
9. The Defendants shall set out their response to the Class Representative's disclosure requests in the Redfern Schedule by 4pm on 5 April 2023.

10. The parties shall liaise and, to the extent possible, agree the scope of disclosure to be ordered by 4pm on 21 April 2023.
11. Any disagreement in relation to the disclosure requests shall be brought to the attention of the Tribunal setting out the areas of disagreement in the Redfern Schedule by 4pm on 26 April 2023.
12. If required, the Tribunal shall list a disclosure hearing on the first available date after 26 April 2023.
13. The Defendants shall complete giving disclosure and inspection of documents relevant to the s32 and s6(4) Hearing issues by 4pm on 26 July 2023. Disclosure to be provided on a rolling basis before the deadline, with at least one tranche of disclosure to be given in each of May and June 2023.
14. Following disclosure, the Class Representative, if so advised, shall file and serve a Re-Re-Amended Reply by 4pm on 18 September 2023.
15. The Defendants shall confirm whether they consent to the Re-Re-Re-Amended Reply by 4pm on 29 September 2023.
 - (a) If the Defendants consent, they shall file and serve an Amended Rejoinder by 4pm on 20 October 2023.
 - (b) If the Defendants do not consent, the Class Representative shall apply to the Tribunal for permission to amend his Re-Re-Amended Reply (the “Amendment Application”).
 - (c) If the Amendment Application is successful, the Defendants shall file and serve the Amended Rejoinder within two weeks of the Amendment Application being granted, but in any event no later than 23 October 2023.
16. The parties shall file and exchange factual witness evidence by 4pm on 27 October 2023.
17. The parties shall file and exchange factual witness evidence in reply by 4pm on 17 November 2023.

18. The Class Representative shall file and serve his skeleton argument by 4pm on 14 December 2023.
19. The Defendants shall file and serve their skeleton argument by 4pm on 21 December 2023.
20. The parties shall file hard copies of the hearing bundle(s) by 4pm on 8 January 2024.
21. The s32 and s6(4) Hearing shall be listed to start on 15 January 2024 with a provisional time estimate of one week, and with a further week in reserve.
22. Liberty to apply.

The Honourable Mr Justice Roth
Chair of the Competition Appeal Tribunal

Made: 10 February 2023
Drawn: 10 February 2023