



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1291/5/7/18 (T)

BETWEEN:

- (1) RYDER LIMITED**
(2) HILL HIRE LIMITED

Claimants

- v -

- (1) MAN SE**
(2) MAN TRUCK & BUS AG
(3) MAN TRUCK & BUS DEUTSCHLAND GMBH
(4) MAN TRUCK AND BUS UK LIMITED
(5) AB VOLVO (PUBL)
(6) VOLVO LASTVAGNAR AB
(7) VOLVO GROUP TRUCKS CENTRAL EUROPE GMBH
(8) VOLVO GROUP UK LIMITED
(9) RENAULT TRUCKS SAS
(10) DAIMLER AG
(11) MERCEDES BENZ CARS UK LIMITED
(12) STELLANTIS N.V. (FORMERLY FIAT CHRYSLER AUTOMOBILES N.V.)
(13) CNH INDUSTRIAL N.V.
(14) IVECO S.P.A.
(15) IVECO MAGIRUS AG
(16) IVECO LIMITED
(17) PACCAR INC.
(18) DAF TRUCKS N.V.
(19) DAF TRUCKS DEUTSCHLAND GMBH
(20) DAF TRUCKS LIMITED

Defendants

DIRECTIONS ORDER

UPON the Tribunal’s Order drawn on 3 December 2020 (the “**Trial Order**”) which directed that the Ryder Claim (Case 1291/5/7/18 (T)) be heard at a trial to be listed to start on 13 March 2023 (the “**Trial**”);

AND UPON the Tribunal’s Order drawn on 22 July 2021 (the “**May 2021 CMC Order**”) which set down directions to the Trial (including the extent to which the DS Smith Claimants are permitted to participate in the Trial);

AND UPON the Tribunal’s Order drawn on 11 February 2022 (the “**October 2021 CMC Order**”) which set down further directions to the Trial;

AND UPON the Tribunal’s Order drawn 14 November 2022 which set down further directions to the Trial (the “**October 2022 CMC Order**”);

AND UPON hearing Leading Counsel for each of the Claimants and the DAF Defendants; and Counsel for the DS Smith Claimants at the Pre-Trial Review on 15 February 2023;

AND UPON the following definitions applying for the purposes of this Order:

- “**DAF Defendants**” means the Seventeenth to Twentieth Defendants.
- “**DS Smith Claim**” means the proceedings with case number 1343/5/7/20 (T).
- “**DS Smith Claimants**” means the claimants in the DS Smith Claim.
- “**Stage A**” means the first stage of the trial dealing with Overcharge and Plausibility (as defined in the October 2021 CMC Order).
- “**Stage B**” means the second stage of the trial dealing with Resale Pass-on, Supply Pass-on, Loss of Volume, Financing Losses and Tax Issues (as defined in the October 2021 CMC Order).

- “**Trial 1**” means the joint trial of the claims in the proceedings with case number 1284/5/7/18 (T) (Royal Mail Group Limited v DAF Trucks Limited and others) and case number 1290/5/7/18 (T) (BT Group PLC and others v DAF Trucks Limited and others).
- “**Trial 1 Judgment**” means the judgment in the Trial 1 proceedings ([2023] CAT 6).
- “**Trucks**” means the trucks that are the subject of the claims as defined in the parties’ pleadings in the Ryder Claim.

IT IS ORDERED THAT:

TIMETABLE TO TRIAL

1. Paragraph 1 of the Trial Order is set aside. The Trial shall be listed to start on 3 April 2023.
2. Paragraphs 19 and 20 of the May 2021 CMC Order and paragraph 43 of the October 2021 CMC Order are set aside.
3. The parties shall file and serve written opening submissions by 4pm on the following dates:
 - (a) The Claimants by 17 March 2023.
 - (b) The DS Smith Claimants by 24 March 2023.
 - (c) The DAF Defendants by 31 March 2023.

TRIAL TIMETABLE

4. The Trial is to be heard in accordance with the timetable set out in Annex A to this Order and the allocations of time for evidence set out in Annex B to this Order.

5. At Stage A, the DS Smith Claimants shall be permitted one hour for oral openings and one hour for oral closings. At Stage B, the DS Smith Claimants shall be permitted two-and-a-half hours for oral openings and two-and-a-half hours for oral closings.
6. Each party shall submit a proposed list of topics to be addressed in concurrent evidence at Stages A and B of the Trial. Such lists of topics shall be submitted by:
 - (a) Stage A: 12 April 2023; and
 - (b) Stage B: 31 May 2023.

TRIAL 1 JUDGMENT

7. By 4pm on 3 March 2023, the Ryder Claimants and the DAF Defendants shall each have liberty to file and serve a total of three expert statements, each statement limited to a maximum length of 8 pages, stating how the Trial 1 Judgment impacts on the trial in these proceedings in relation to:
 - (a) The evidence of plausibility.
 - (b) The evidence of overcharge.
 - (c) The evidence of pass-on.

SUPPLEMENTAL EVIDENCE

8. The Claimants are granted permission to rely on the Third and Fourth Witness Statements of David Hunt and the Third Witness Statement of Adam Fairbotham.
9. The DAF Defendants have permission to serve supplemental evidence from Mr Robin Noble of Oxera Consulting LLP by 4pm on 21 February 2023 in response to the Third Witness Statement of Adam Fairbotham and Annex SPO3 of the supplemental expert report of Dr Lawrence Wu dated 27 January 2023.

LENGTH OF OPENING SUBMISSIONS

10. The Claimants' and the DAF Defendants' written opening submissions shall be limited to 100 pages, paragraph 4 of the October 2022 CMC Order being revised accordingly.

COSTS

11. Costs in the case.

OTHER

12. Liberty to apply.

Andrew Lenon KC
Chair of the Competition Appeal Tribunal

Made: 15 February 2023
Drawn: 24 February 2023

ANNEX A

Detailed Trial Timetable

1.	3 April					Good Friday
2.	10 April	Easter Monday	Court holiday	Court holiday	Court holiday	Court holiday
3.	17 April					Non-Sitting
4.	24 April					Non-Sitting
5.	1 May					
	8 May	Bank Holiday				Non-sitting
7.	15 May	Non-sitting	Non-sitting			
	22 May					

ANNEX A

Detailed Trial Timetable

	w/c	Monday	Tuesday	Wednesday	Thursday	Friday
STAGE B – SPO, RPO, LOSS OF PROFIT, FINANCING LOSSES AND TAX						
9.	29 May	Bank holiday	Court holiday	Court holiday	Court holiday	Court holiday
10.	5 June	Openings	Openings	Openings	DS Smith Opening Witnesses	Non-sitting
11.	12 June	Witnesses	Witnesses	Witnesses	Witnesses	Non-sitting
12.	19 June	SPO (hot tub)	SPO (hot tub)	SPO (cross-exam)	SPO (cross-exam)	Non-sitting
13.	26 June	SPO (cross-exam/overspill)	RPO (hot tub)	RPO (cross-exam)	Elasticity (hot tub)	Non-sitting
14.	3 July	Elasticity (cross-exam) LoP damages / interest (hot tub)	LoP damages / interest (cross-exam)	Tax (cross-exam)	Non-sitting	Non-sitting
	10 July	Non-sitting	Non-sitting	Non-sitting *File written closings*	Reading	Reading
	17 July	Reading	Closings	Closings	Closings	Closings
17.	24 July					
18.	31 July					

ANNEX B

Allocations of Time

Stage A:

Witness evidence: 4 days

- Ryder's witnesses: 1.5 days
- DAF's witnesses 2.5 days

Expert evidence: 6 days plus one day overspill

- Plausibility and Overcharge together
 - Hot tub involving Dr Wu and Mr Andreu: approx. 3 days
 - Cross examination of Dr Wu: approx. 1.5 days
 - Cross examination of Mr Andreu: approx. 1.5 days

Stage B:

Witness evidence: 4 days

- Ryder's witnesses: 2.5 days
- The witnesses of DAF and DS Smith: up to 2 days

Expert evidence: 10.5 days

- SPO: 5 days (includes some allowance for spillover)
 - Hot tub involving Dr Wu, Mr Noble, Mr Ilett, Mr Grantham and Dr Veljanovski: 2 days
 - Cross examination of Dr Wu, Mr Noble, Mr Ilett and Mr Grantham: approx. 0.5 days each, potentially plus cross examination by DS Smith
 - Cross examination of Dr Veljanovski: 0.25 days
- RPO: 2 days
 - Hot tub involving Dr Wu and Mr Andreu: 1 day
 - Cross examination of Dr Wu: 0.5 days
 - Cross examination of Mr Andreu: 0.5 days
- Elasticity: 1.5 days
 - Hot tub involving Dr Wu and Mr Noble: 1 day
 - Cross examination of Dr Wu: 0.25 days
 - Cross examination of Mr Noble: 0.25 days
- LoV damages and Financing Losses: 1.5 days
 - Hot Tub involving Mr Ilett and Mr Grantham: 0.5 days
 - Cross examination of Mr Ilett: 0.5 days
 - Cross examination of Mr Grantham: 0.5 days
- Tax: 0.5 days
 - Cross examination of Mr Ilett: 0.25 days
 - Cross examination of Mr Lewis: 0.25 days