



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 S.P.R.L.

Defendants

ORDER

UPON a Case Management Conference taking place on 20 and 22 September 2022.

AND UPON the Tribunal's Order dated 14 October 2022 (the "**CMC Order**") in which the Tribunal further directed that:

- (i) the issue set out at paragraph 5 of Annex A of the CMC Order (the "**Solo Issue**") should be heard in the late spring and that the parties are to liaise in relation to the duration and listing of the hearing and to seek to agree a timetable for necessary steps in advance of that hearing; and
- (ii) the issues set out in paragraph 6 of Annex A of the CMC Order (the "**Causation Issue**") and paragraph 7 of Annex A of the CMC Order (the "**Volume of Commerce Issue**") should be heard at a hearing to be listed before the end of the Trinity Term 2023 and that the parties are to liaise in relation to the duration and

listing of the hearing and to seek to agree a timetable for necessary steps in advance of that hearing.

AND UPON the Tribunal having confirmed its availability for (i) a hearing to determine the Solo Issue (the “**Solo Cards Hearing**”) during the period 19-21 April 2023; and (ii) a hearing to determine the Causation Issue and the Volume of Commerce Issue (the “**VoC and Causation Hearing**”) during the period 4-31 July 2023.

AND UPON the parties having agreed a timetable for the Solo Cards Hearing and the VoC and Causation Hearing.

IT IS ORDERED THAT:

1. The Solo Cards Hearing will be listed during the period **19-21 April 2023** with the following timetable:
 - a. The Defendants shall file any witness evidence in support of their case on Solo debit cards by **31 January 2023**.
 - b. The Class Representative shall confirm whether he maintains the claims in relation to the Solo debit scheme by **14 February 2023**.
 - c. The Class Representative shall file and serve his opening submissions by **29 March 2023**.
 - d. The Defendants shall file and serve opening submissions by **5 April 2023**.

2. The VoC and Causation Hearing will be listed during the period **4-31 July 2023** with the following timetable:
 - a. The parties will file and exchange factual witness statements by **17 March 2023**.
 - b. The parties will file and exchange factual witness statements in reply, if so advised, by **12 April 2023**.
 - c. The parties will file and exchange primary expert reports by **11 May 2023**.
 - d. The parties will file and exchange expert reports in reply by **2 June 2023**.
 - e. The parties will file an agree/disagree statement of the experts by **12 June 2023**.

- f. The Class Representatives shall file and serve his opening submissions by **21 June 2023**.
- g. The Defendants shall file and serve their opening submissions by **27 June 2023**.

3. Costs in the case.

4. Liberty to apply.

The Honourable Mr Justice Roth
Chair of the Competition Appeal Tribunal

Made: 18 January 2023
Drawn: 18 January 2023