



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1591/5/7/23

BETWEEN:

IHERB LLC & OTHERS

Claimants

- v -

(1) MASTERCARD INCORPORATED
(2) MASTERCARD INTERNATIONAL INCORPORATED
(3) MASTERCARD EUROPE SA
(4) MASTERCARD/EUROPAY U.K. LIMITED

Defendants

(the “Proceedings”)

ORDER

UPON the Umbrella Proceedings Order of the President dated 4 July 2022 in Case No 1517/11/7/22 (UM) Merchant Interchange Fee Umbrella Proceedings (the "Merchant Umbrella Proceedings") designating various individual merchant interchange fee proceedings listed in the schedule to that order as “Host Cases” and designating all issues, matters or features arising out of the Merchant Umbrella Proceedings as Ubiquitous Matters (the “Umbrella Proceedings Order”)

AND UPON the Order of the Tribunal in the Merchant Umbrella Proceedings made on 23 December and drawn on 13 January 2023 (the “Future Conduct Order”)

AND UPON the Order of the Tribunal in the Merchant Umbrella Proceedings dated 15 February 2023 disapplying Rule 35(3) of the Competition Appeal Tribunal Rules 2015 (the “Tribunal Rules”) in relation to the Defendants filing and serving Defences in accordance with paragraphs 15 to 17 of the Future Conduct Order (the “Rule 35(3) Order”)

AND UPON the Order of Mr Justice Foxton of 17 May 2023 transferring the Proceedings from the High Court (Commercial Court) to the Tribunal (formerly registered at the High Court under Claim No. CL-2022-000597 and now at the Tribunal under Case No. 1591/5/7/23

AND UPON considering the letter dated 24 May 2023 from the solicitors for the Claimants proposing that the Proceedings be designated a Host Case

AND UPON the Order of the Tribunal made and drawn on 30 May 2023 designating these proceedings as a Host Case in the Merchant Umbrella Proceedings

AND UPON the parties agreeing to be bound by the Future Conduct Order save for paragraphs 12 to 17 relating to pleadings

AND UPON the parties having agreed the terms of this order

IT IS ORDERED BY CONSENT THAT:

1. The Future Conduct Order shall apply to the Proceedings save for paragraphs 12 to 17 relating to pleadings.
2. The Rule 35(3) Order and the schedule thereto be varied to include the Proceedings as if the Defendants were filing and serving their Defence in accordance with paragraphs 15 to 17 of the Future Conduct Order.
3. The Defendants shall file and serve their Defence by 4pm on 9 June 2023.
4. The Claimants shall file and serve their Reply by 4pm on 30 June 2023.
5. There be liberty to apply.
6. Costs in the case.

Sir Marcus Smith
President of the Competition Appeal Tribunal

Made: 30 May 2023
Drawn: 30 May 2023