



**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")

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**ORDER**

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**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 parties having agreed the terms of this order

**IT IS ORDERED BY CONSENT THAT:**

1. The Umbrella Proceedings Order and the schedule thereto be varied to include these Proceedings which are named as a Host Case in the Merchant Umbrella Proceedings.
2. There be liberty to apply.
3. Costs in the case.

**Sir Marcus Smith**

President of the Competition Appeal Tribunal

Made: 30 May 2023

Drawn: 30 May 2023