



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case Nos.: As Specified in Schedule 1

BETWEEN:

**THE VARIOUS CLAIMANTS IDENTIFIED IN THE SCHEDULE TO THIS ORDER**

Claimants

- v -

**THE VARIOUS DEFENDANTS IDENTIFIED IN THE SCHEDULE TO THIS  
ORDER**

Defendants

(the "SH Interchange Fee Proceedings")

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**ORDER**

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**UPON** service by the Claimants in the SH Interchange Fee Proceedings of their Claim Forms (in each case, as amended) and Particulars of Claim (as amended, where applicable)

**AND UPON** the Tribunal having determined that certain questions arising out of the judgment of the CJEU in Case C-267/20 Volvo AB (publ.) and DAF Trucks NV v RM EU:C:2022:494, as set out in the Tribunal's "List of Questions" document dated 20 February 2023, should be decided as preliminary issues in Case No. 1517/11/7/22 (UM) Merchant Interchange Fee Umbrella Proceedings (the "Volvo Issues") and having listed a hearing for that purpose on 24 – 26 April 2023

**AND UPON** the Defendants' applications by letter dated 16 February 2023 to challenge certain pre-service amendments to the Claim Forms in the SH Interchange Fee Proceedings pursuant to CPR rule 17.2(2) ("CPR Rule 17.2(2) Application) and to strike out certain parts of the Particulars of Claim in the SH Interchange Fee Proceedings pursuant to CPR rule 3.4 or Rule 41 of the Competition Appeal Tribunal Rules 2015 (the "Strike Out Application", and together the "Defendants' Applications")

**AND UPON** the parties having agreed that the Defendants' Applications should not be heard until after the Volvo Issues have been finally determined

**AND UPON** considering the letters from Stephenson Harwood LLP dated 24 February 2023 and 27 February 2023

**AND UPON** considering the letter from Jones Day dated 7 June 2023 seeking to adopt the Strike Out Application in Case 1591/5/7/23 (T) iHerb LLC and others v Mastercard Incorporated and others

**AND UPON** considering the letter from Jones Day dated 16 June 2023 seeking to strike out the claimants' claims in relation to certain of Mastercard's scheme rules and the letters dated 16 and 19 June 2023 from Stephenson Harwood LLP and Jones Day respectively

**IT IS ORDERED BY CONSENT THAT:**

1. The Defendants' Applications, including the Strike Out Application adopted in Case 1591/5/7/23 (T), be stayed pending the final determination of the Volvo Issues, which is the date of the hand down of the judgment of the Tribunal following the Volvo Limitation Hearing.
2. By two months following the final determination of the Volvo Issues, the parties shall provide a draft order setting out a timetable for directions in relation to the Defendants' Applications to be put before the Tribunal for consideration.
3. There be liberty to apply.
4. Costs in the Defendants' Applications.

**Sir Marcus Smith**  
President of the Competition Appeal Tribunal

Made: 19 June 2023  
Drawn: 20 June 2023

## SCHEDULE

### Claimants with claims against Visa Europe Limited and others

<b>Case</b>	<b>Case Number</b>
Hillside (Shared Services) Limited and others v Visa Europe Limited and others	1445/5/7/22 (T)
Maltavini Limited and others v Visa Europe Limited and others	1446/5/7/22 (T)
Kew Green (Square) Limited and others v Visa Europe Limited and others	1447/5/7/22 (T)
Welcome Break Group Limited and others v Visa Europe Limited and others	1448/5/7/22 (T)
De Vere 2 Limited and others v Visa Europe Limited and others	1449/5/7/22 (T)
WorldRemit Ltd and another v Visa Europe Limited and others	1450/5/7/22 (T)
Topps Tiles (UK) Limited and others v Visa Europe Limited and others	1451/5/7/22 (T)
Levi Strauss & Co Europe BV and others v Visa Europe Limited and others	1453/5/7/22 (T)
Foot Locker Netherlands B.V. and others v Visa Europe Limited and others	1455/5/7/22 (T)
Adda Hotels and others v Visa Europe Limited and others	1471/5/7/22 (T)

### Claimants with claims against Mastercard Incorporated and others

<b>Case</b>	<b>Case Number</b>
Hillside (Shared Services) Limited and others v MasterCard International Incorporated and others	1456/6/7/22 (T)
Maltavini Limited and others v Mastercard Incorporated and others	1457/5/7/22 (T)
Kew Green (Square) Limited and others v Mastercard Incorporated and others	1458/5/7/22 (T)
Welcome Break Group Limited and others v Mastercard Incorporated and others	1459/5/7/22 (T)
De Vere 2 Limited and others v Mastercard Incorporated and others	1460/5/7/22 (T)
WorldRemit Ltd and another v Mastercard Incorporated and others	1461/5/7/22 (T)
Adda Hotels and others v Mastercard Incorporated and others	1462/5/7/22 (T)
Topps Tiles (UK) Limited and others v Mastercard Incorporated and others	1463/5/7/22 (T)
Levi Strauss & Co Europe BV and others v Mastercard Incorporated and others	1465/5/7/22 (T)
Foot Locker Netherlands B.V. and others v Mastercard Incorporated and others	1467/5/7/22 (T)
iHerb LLC & Others v Mastercard Incorporated and others	1591/5/7/23 (T)