



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1336/7/7/19
1329/7/7/19

BETWEEN:

**PHILLIP EVANS
(THE "EVANS PCR")**

Applicant
Proposed Class Representative

- v -

- (1) BARCLAYS BANK PLC
- (2) BARCLAYS CAPITAL INC.
- (3) BARCLAYS PLC
- (4) BARCLAYS EXECUTION SERVICES LIMITED
- (5) CITIBANK, N.A.
- (6) CITIGROUP INC.
- (7) MUFG BANK, LTD
- (8) MITSUBISHI UFG FINANCIAL GROUP, INC.
- (9) J.P. MORGAN EUROPE LIMITED
- (10) J.P. MORGAN LIMITED
- (11) JPMORGAN CHASE BANK, N.A.
- (12) JPMORGAN CHASE & CO
- (13) NATWEST MARKETS PLC
- (14) NATWEST GROUP PLC
- (15) UBS AG
- (16) HSBC HOLDINGS PLC
- (17) HSBC BANK PLC
- (18) UBS GROUP AG (AS SUCCESSOR TO CREDIT SUISSE GROUP AG)
- (19) CREDIT SUISSE AG
- (20) CREDIT SUISSE SECURITIES (EUROPE) LIMITED
(TOGETHER, THE "EVANS PROPOSED DEFENDANTS")

Respondents
Proposed Defendants

AND BETWEEN:

MICHAEL O'HIGGINS FX CLASS REPRESENTATIVE LIMITED
(THE "O'HIGGINS PCR")

Applicant

Proposed Class Representative

- v -

- (1) BARCLAYS BANK PLC
- (2) BARCLAYS CAPITAL INC.
- (3) BARCLAYS EXECUTION SERVICES LIMITED
- (4) BARCLAYS PLC
- (5) CITIBANK, N.A.
- (6) CITIGROUP INC.
- (7) JPMORGAN CHASE & CO
- (8) JP MORGAN CHASE BANK, NATIONAL ASSOCIATION
- (9) J.P. MORGAN EUROPE LIMITED
- (10) J.P. MORGAN LIMITED
- (11) NATWEST MARKETS PLC
- (12) NATWEST GROUP PLC
- (13) UBS AG

Respondents

Proposed Defendants

- (1) MUFG BANK, LTD
- (2) MITSUBISHI UFJ FINANCIAL GROUP, INC.

Proposed Objectors

CONSENT ORDER

UPON the applications to be made by the Evans PCR to the Tribunal for permission:

- (a) under Rule 32 of the CAT Rules 2015, to re-amend his Amended Collective Proceedings Claim Form (the "**Claim**") to rely on the European Commission Settlement Decision adopted on 2 December 2021, in Case AT. 40135 FOREX: Sterling Lads (the "**Sterling Lads Settlement Decision**");
- (b) under Rule 32 of the CAT Rules 2015, to re-amend his Claim to rely on the European Commission Ordinary Decision adopted on 2 December 2021, in Case AT. 40135 FOREX: Sterling Lads (the "**Sterling Lads Ordinary Decision**");
- (c) under Rule 38 of the CAT Rules 2015 to join the Sixteenth and Seventeenth Proposed Defendants (together, "**HSBC**") to the claim and to re-amend his Claim to introduce a claim against HSBC arising from its Infringement of Article 101 TFEU and Article 53 EEA found by the European Commission in the Sterling Lads Settlement Decision and

to rely on findings made by the European Commission in the Sterling Lads Ordinary Decision.

- (d) under Rule 38 of the CAT Rules 2015, to join the Eighteenth, Nineteenth and Twentieth Proposed Defendants (together, “**Credit Suisse**”) and to re-amend his Claim to introduce a claim against Credit Suisse arising from its infringement of Article 101 TFEU and Article 53 EEA found by the European Commission in the Sterling Lads Ordinary Decision.
- (e) Under Rule 32 of the CAT Rules 2015, to make various minor amendments and corrections, and to update various matters, in his Claim.

(together, the “**Sterling Lads Applications**”).

AND UPON the Tribunal's listing of a CMC on 26 January 2024 to hear the Applications.

AND UPON the Tribunal's letter to the parties of 17 November 2023:

- (a) indicating the President's intention for the parties to address the matters remitted by the Court of Appeal at the CMC, including the opt-out issue and matters relating to funding further to the Supreme Court's judgment dated 26 July 2023 in *R (on the application of PACCAR Inc an others) (Appellants) v Competition Appeal Tribunal and others (Respondents)* ([2023] UKSC 28); and
- (b) requesting the parties to liaise and agree directions in advance of the CMC in relation to the Applications, submissions, bundles and CMC agenda.

AND UPON the parties having agreed to the terms of this Order

IT IS BY CONSENT ORDERED THAT:

Sterling Lads Applications

1. By 4pm on 14 December 2023, the Evans PCR files and serves the Sterling Lads Applications.
2. By 4pm on 10 January 2024, the Evans Proposed Defendants files and serves any responses.
3. By 4pm on 17 January 2024, the Evans PCR files and serves any reply.

Funding

4. By 4pm on 18 December 2023, the Evans PCR files and serves any updates to his funding and insurance arrangements, and any associated documents, together with any necessary updates to his CPO Application.

5. By 4pm on 10 January 2024, the Evans Proposed Defendants file and serve any responses.
6. By 4pm on 17 January 2024, the Evans PCR files and serves any reply.

Application for interim costs payments

7. By 4pm on 18 December 2023, the Evans PCR files and serves any application for interim costs payments.
8. By 4pm on 10 January 2024, the Evans Proposed Defendants file and serve any responses.
9. By 4pm on 17 January 2024, the Evans PCR files and serves any reply.

Written submissions and bundles

10. The parties shall liaise to agree:
 - (a) CMC and core bundles, to be lodged with the Tribunal by 19 January 2024; and
 - (b) an Authorities bundle, to be lodged with the Tribunal by 23 January 2024.
11. The parties shall file and exchange any skeleton arguments by 4pm on 22 January 2024.

CMC agenda

12. The parties will liaise to agree a CMC agenda to be filed with the Tribunal by 19 January 2024.

General

13. Costs be reserved.
14. There be liberty to apply.

Sir Marcus Smith
President of the Competition Appeal Tribunal

Made: 12 December 2023
Drawn: 12 December 2023