



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1464/5/7/22 (T)

BETWEEN:

HENDERSON & JONES LIMITED

Claimant

- v -

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

Defendants

ORDER

UPON service of the Re-Amended Claim Form and Particulars of Claim by the Claimant on the Defendants on 3 November 2023

AND UPON the Defendants' on notice application dated 16 February 2023 in Case Nos. 1456-1463/5/7/22 (T), 1465/5/7/22 (T) and 1467/5/7/22 (T), pursuant to CPR 3.4 (or alternatively Rule 41 of the Competition Appeal Tribunal Rules 2015 (the "**Strike Out Application**"))

AND UPON the letter application from Jones Day of 7 June 2023 adopting the Strike Out Application *mutatis mutandis* in Case No. 1591/5/7/23 (T), as recognised in the Tribunal's Order of 22 August 2023

AND UPON the Tribunal's Order of 19 June 2023 staying the Strike Out Application and setting the deadline for the parties to provide a draft order setting out a timetable for directions in relation to the Strike Out Application by reference to the date of hand down of the Tribunal's judgment following the hearing on 24 to 26 April 2023 to determine the implications of the judgment of the CJEU in Case C-267/20 *Volvo AB (publ.) and DAF Trucks NV* on limitation in the Merchant Interchange Fee Umbrella Proceedings (the "**Volvo Limitation Hearing**")

AND UPON the Tribunal's Order of 22 August 2023, varying the Tribunal's Order of 19 June 2023 such that the Strike Out Application (including the adoption of such application in Case 1591/5/7/23 (T)) be stayed pending the later of: (i) the deadline for applications for permission to appeal against the Judgment of the Tribunal following the Volvo Limitation Hearing; (ii) determination by the Tribunal of any application for permission to appeal filed by the parties; or (iii) the final determination of the issues considered at the Volvo Limitation Hearing (including, for the avoidance of doubt, the determination of any appeals against the Judgment of the Tribunal following the Volvo Limitation Hearing) (the "**Stay Order**")

AND UPON the Tribunal reading the letter application from Jones Day dated 15 November 2023 adopting the Strike Out Application *mutatis mutandis* and thereby making an equivalent application pursuant to CPR 3.4 (or alternatively Rule 41 of the Competition Appeal Tribunal Rules 2015) in these proceedings

IT IS ORDERED THAT:

1. The Strike Out Application is adopted *mutatis mutandis* in these proceedings.
2. The Stay Order shall apply equally to the Strike Out Application adopted in these proceedings.

Sir Marcus Smith

President of the Competition Appeal Tribunal

Made: 17 November 2023

Drawn: 17 November 2023