



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

Case No: 1564/5/7/22(T)  
1565/5/7/22(T)  
1566/5/7/22(T)

BETWEEN:

**GRAHAMS THE FAMILY DAIRY (PROCESSING) LIMITED**  
**GRAHAMS THE FAMILY DAIRY LIMITED**  
**GRAHAM'S DAIRIES LIMITED**

Claimants

- v -

**CNH INDUSTRIAL N.V.**

Defendant

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**ORDER**

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**UPON** the Tribunal in its letter dated 31 May 2023 advising that it intends that the Second Wave Trucks Proceedings should be case managed together

**AND UPON** the draft order promulgated by the Tribunal during the case management conference on 19 and 20 October 2023 indicating the Tribunal's intention to determine the issue of overcharge and pass on at all levels of the supply chain for all cases within the Second Wave Trucks Proceedings in the First Wave 2 Trial

**IT IS ORDERED THAT:**

1. Stay of proceedings:

- (1) The claims *Grahams The Family Dairy (Processing) Limited v CNH Industrial N.V.* (1564/5/7/22(T)), *Grahams The Family Dairy Limited v CNH Industrial N.V.* (1565/5/7/22(T)) and *Graham's Dairies Limited v CNH Industrial N.V.* (1566/5/7/22(T)) are stayed;

- (2) The stay is on condition that Grahams The Family Dairy (Processing) Limited, Grahams The Family Dairy Limited and Graham's Dairies Limited agree to be bound by the outcome of the First Wave 2 Trial; and
  - (3) Any party included within the Second Wave Trucks Proceedings may apply for disclosure and information from Grahams The Family Dairy (Processing) Limited, Grahams The Family Dairy Limited and Graham's Dairies Limited and the stay shall not apply for such purpose.
2. The Tribunal reserves the right to lift the Stay of its own motion.
3. Costs:
  - (1) Costs in the case; and
  - (2) Grahams The Family Dairy (Processing) Limited, Grahams The Family Dairy Limited and Graham's Dairies Limited shall not in any event be liable for costs which are incurred by other parties in the Second Wave Trucks Proceedings while their claims are stayed.
4. Other:
  - (1) The parties have liberty to apply.

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

Made: 20 May 2024  
Drawn: 20 May 2024