



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1339/7/7/20

BETWEEN:

MARK McLAREN CLASS REPRESENTATIVE LIMITED

Class Representative

- v -

- (1) MOL (EUROPE AFRICA) LTD
(2) MITSUI O.S.K. LINES LIMITED
(3) NISSAN MOTOR CAR CARRIER CO. LTD
(4) KAWASAKI KISEN KAISHA LTD
(5) NIPPON YUSEN KABUSHIKI KAISHA
(6) WALLENIOUS WILHELMSSEN OCEAN AS
(7) EUKOR CAR CARRIERS INC
(8) WALLENIOUS LOGISTICS AB
(9) WILHELMSSEN SHIPS HOLDING MALTA LIMITED
(10) WALLENIOUS LINES AB
(11) WALLENIOUS WILHELMSSEN ASA
(12) ~~COMPANIA SUDAMERICANA DE VAPORES S.A.~~

Defendants

ORDER

UPON the Order of the Tribunal made on 6 April 2023 (“the Directions to Trial Order”)

AND UPON the Order of the Tribunal made on 30 May 2023 (“the Confidentiality Ring Order”)

AND UPON the further Orders of the Tribunal made on 20 November 2023 and 31 January 2024 varying the Directions to Trial Order

AND UPON the Defendants having disclosed documents which they have designated as Confidential Information for the purposes of the Confidentiality Ring Order

AND UPON trial in these proceedings having been listed to commence on 13 January 2025

AND UPON the parties to these proceedings having reached agreement on the following matters

IT IS ORDERED BY CONSENT THAT:

Case management conferences

1. The case management conference in these proceedings fixed for 17 April 2024 be vacated.
2. A case management conference shall be listed for a date shortly after the filing and service of Negative Position Statements, to be vacated if not required. The parties shall liaise and provide convenient dates to the Tribunal.

Disclosure

3. Paragraph 14(a) of the Directions to Trial Order be further varied so that a Requesting Party shall notify the Receiving Party by making a Disclosure Request in respect of the *McLaren* Negative Position Statements by 4pm on 26 April 2024.
4. Paragraph 14(b) of the Directions to Trial Order be further varied so that the Receiving Party shall comply with the Disclosure Request in respect of the *McLaren* Negative Position Statements by no later than 4pm on 30 May 2024, unless otherwise agreed or directed.

Negative cases

5. Paragraph 2 of the Directions to Trial Order be further varied so that the *McLaren* Negative Position Statements and associated witness statements of fact, signed expert reports and documentary evidence shall be filed and served by 4pm on 8 July 2024.

Confidentiality

6. By 4pm on 13 September 2024, the Defendants will reconsider their confidentiality designations of Confidential Information which has by then been identified as contained in a document intended to be relied upon by the parties at trial.

Timetable to trial

7. By 4pm on 11 October 2024, the Class Representative will serve a draft trial bundle index on the Defendants. The Defendants will provide comments to the Class Representative on the draft trial bundle index promptly, and in any event by no later than 4pm on 18 October 2024.
8. By 4pm on 25 October 2024, the Class Representative will file and serve the agreed trial bundle.
9. A pre-trial review is to be listed for half a day in November 2024.
10. By 4pm on 29 November 2024, the Class Representative will file and serve its skeleton argument for trial.
11. By 4pm on 13 December 2024, the Defendants will file and serve their skeleton arguments for trial.
12. By 4pm on 18 December 2024, the Class Representative will file an agreed authorities bundle.
13. Liberty to apply.
14. Costs in the case.

Bridget Lucas KC
Chair of the Competition Appeal Tribunal

Made: 10 April 2024
Drawn: 11 April 2024