



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: As set out in Annex 1 to this Order

BETWEEN:

THE CLAIMANTS IN THE TRUCKS SECOND WAVE PROCEEDINGS

(as set out in Annex 2 to this Order)

Claimants

- v -

THE DEFENDANTS IN THE TRUCKS SECOND WAVE PROCEEDINGS

(as set out in Annex 2 to this Order)

Defendants

ORDER

UPON the Tribunal being informed that the Claimants and the First to Fourth Defendants in Case No 1355/5/7/20 (T) *Hertz Autovermietung GmbH & Others v Stellantis N.V. (formerly Fiat Chrysler Automobiles N.V.) & Others* (the ‘**Hertz Proceedings**’) have agreed confidential terms of settlement including as to costs

AND UPON the parties to this order recognising the guidance of the Tribunal in the Tribunal’s *Ruling on Umbrella Proceedings Cost Sharing Orders* [2024] CAT 12 that:

(A) The effect of the settlement is that the Claimants in the Hertz Proceedings (the ‘**Settling Claimants**’) cease to have claims against the First to Fourth Defendants in the Hertz Proceedings (the ‘**Settling Defendants**’). To the extent that the Tribunal has any costs jurisdiction over the Settling Claimants and/or the Settling Defendants (as to which this order says nothing), a costs order against one of them in favour of the other may not be a just exercise of the Tribunal's costs discretion.

(B) Whilst the Settling Defendants (if still parties to the Second Wave Proceedings) would be entitled, as appropriate, to seek costs orders against those claimants in the Second Wave Proceedings who have not settled (**‘Non-Settling Claimants’**), the Tribunal will be reluctant to order such Non-Settling Claimants to pay costs that are attributable to the Settling Claimants.

(C) The Tribunal may, accordingly, reduce the costs recoverable by the Settling Defendants (if still parties to the Second Wave Proceedings) against Non-Settling Claimants by an amount referable to the costs incurred prior to the date of the settlement that would (but for the settlement) have been paid by the Settling Claimants.

(D) Whilst the Settling Claimants (if still parties to the Second Wave Proceedings) would be entitled, as appropriate, to seek costs orders against those defendants in the Second Wave Proceedings who have not settled (**‘Non-Settling Defendants’**), the Tribunal will be reluctant to order such Non-Settling Defendants to pay costs that are attributable to the Settling Defendants.

(E) The Tribunal may, accordingly, reduce the costs recoverable by the Settling Claimants (if still parties to the Second Wave Proceedings) against Non-Settling Defendants by an amount referable to the costs incurred prior to the date of the settlement that would (but for the settlement) have been paid by the Settling Defendants.

AND UPON reading a draft of this order endorsed by the solicitors for the Claimants and for the First to Fourth Defendants in the Hertz Proceedings

BY CONSENT IT IS ORDERED THAT:

1. The Claimants’ claims against the First to Fourth Defendants in the Hertz Proceedings be dismissed.
2. There be no order as to costs.

The Honourable Lord Ericht
Chair of the Competition Appeal Tribunal

Made: 24 September 2024
Drawn: 24 September 2024

ANNEX 1: CASES INCLUDED IN THE SECOND WAVE TRUCKS PROCEEDINGS

Case Number	Case Name
<u>Cases in England</u>	
1296/5/7/18	Arla Foods AMBA & Others v Stellantis N.V. & Another
1338/5/7/20 (T)	Adnams PLC & Others v DAF Trucks Limited & Others
1343/5/7/20 (T)	DS Smith Paper Limited & Others v MAN SE & Others
1355/5/7/20 (T)	Hertz Autovermietung GmbH & Others v Stellantis N.V. (formerly Fiat Chrysler Automobiles N.V.) & Others
1356/5/7/20 (T)	Balfour Beatty Group Limited & Others v Stellantis N.V. (formerly Fiat Chrysler Automobiles N.V.) & Others
1358/5/7/20 (T)	Zamenhof Exploitation & Others v Fiat Chrysler Automobiles N.V. & Others
1360/5/7/20 (T)	BFS Group Limited & Another v DAF Trucks Limited & Others
1361/5/7/20 (T)	Enterprise Rent-a-Car UK Limited v DAF Trucks Limited & Others
1362/5/7/20 (T)	ABF Grain Products Limited & Others v DAF Trucks Limited & Others
1368/5/7/20 (T)	LafargeHolcim Limited & Others v Aktiebolaget Volvo (Publ) & Others
1371/5/7/20 (T)	The BOC Group Limited & Others v Stellantis N.V. & Others
1372/5/7/20 (T)	GIST Limited & Others v Stellantis N.V. & Others
1417/5/7/21 (T)	Dan Ryan Truck Rental Limited & Others v DAF Trucks Limited & Others
1420/5/7/21 (T)	A to Z Catering Supplies Limited & Others v DAF Trucks Limited & Others
1431/5/7/22 (T)	Adur District Council & Others v TRATON SE & Others
1521/5/7/22 (T)	Wm Morrison Supermarkets PLC & Others v Volvo Group UK Limited & Others
1578/5/7/23 (T)	Asda & Others v AB Volvo & Others
1616/5/7/23 (T)	Boots & Others v. Traton & Others
1594/5/7/23 (T)	GAP Group Limited and Another v DAF Trucks Limited and Others
1607/5/7/23 (T)	Wincanton Holdings Limited and Another v DAF Trucks Limited and Others
1608/5/7/23 (T)	Adnams PLC and Others v DAF Trucks Limited and Others
1609/5/7/23 (T)	SP0117 Limited (as Assignee) and Another v DAF Trucks Limited and Others
1608/5/7/23 (T)	Adnams PLC and Others v DAF Trucks Limited and Others 1609/5/7/23 (T)
1609/5/7/23 (T)	SP0117 Limited (as Assignee) and Another v DAF Trucks Limited and Others
1610/5/7/23 (T)	Rowleys of Northwich Limited and Others v DAF Trucks Limited and Others
1633/5/7/24	Tesco Stores Limited & Another v Scania (Great Britain) Limited & Others

Cases in Northern Ireland	
1536/5/7/22 (T)	C Faulkner & Sons v Aktiebolaget Volvo (Publ)
1674/5/7/24 (T) (formerly 20/058996)	J.C. Campbell (N.I.) Limited v DAF Trucks N.V.
1675/5/7/24 (T) (formerly 20/058997)	Gibson Bros Limited v DAF Trucks N.V.
1676/5/7/24 (T) (formerly 20/058985)	Joseph Walls Ltd v DAF Trucks NV
1677/5/7/24 (T) (formerly 20/058980)	M.G. Oils Limited v DAF Trucks NV
1678/5/7/24 (T) (formerly 20/058992)	J.K.C. Specialist Cars Limited v DAF Trucks NV
1679/5/7/24 (T) (formerly 20/058976)	G.P. Marketing Limited trading as Patterson Oil v DAF Trucks NV
1680/5/7/24 (T) (formerly 20/058991)	J.H. Irwin & Son (Fuels) Limited v DAF Trucks NV
1681/5/7/24 (T) (formerly 18/033233)	Trevor Leckey t/a Stoneyford Concrete v DAF Trucks NV
1682/5/7/24 (T) (formerly 21/005481)	John Rodgers Limited v Daimler AG
1683/5/7/24 (T) (formerly 20/058987)	R Magowan & Son Limited v Iveco S.P.A
1684/5/7/24 (T) (formerly 21/048587)	C. Russell Auto Sales Ltd v Iveco S.P.A
1685/5/7/24 (T) (formerly 20/058990)	Kennedy & Morrison Limited v Iveco S.P.A
1686/5/7/24 (T) (formerly 20/058994)	Niall McCann t/a NMC Haulage v Iveco S.P.A
1687/5/7/24 (T) (formerly 21/005466)	John Rodgers Limited v Iveco S.P.A
18/78144	JH Irwin & Son (Fuels) Limited -v- AB Volvo
20/22730	McHugh's Oil Limited -v- AB Volvo
18/33243	Niall McCann trading as NMC Haulage -v- AB Volvo
20/41004	Cynthia Beattie t/a Beattie Transport -v- AB Volvo
22/53690	Cynthia Beattie t/a Beattie Transport –v- DAF Trucks NV

20/58982	Derek O'Reilly t/a O'Reilly's The Sweet People -v- Daimler AG
20/58998	Patrick Megoran -v- Daimler AG
20/58974	Stephen Pollard -v- Daimler AG
20/58984	Andrew Ingredients Ltd -v- Daimler AG
18/78073	Kieran Quinn t/a Pomeroy Haulage -v- Daimler AG
20/58977	J.C. Campbell (N.I.) Limited -v- Daimler AG
22/53682	Cynthia Beattie t/a Beattie Transport -v- Daimler AG
18/78144	JH Irwin & Son (Fuels) Limited -v- AB Volvo
20/22730	McHugh's Oil Limited -v- AB Volvo
18/33243	Niall McCann trading as NMC Haulage -v- AB Volvo
20/41004	Cynthia Beattie t/a Beattie Transport -v- AB Volvo
<u>Cases in Scotland</u>	
1538/5/7/22 (T)	Clackmannanshire Council v VFS Financial Services Ltd & Others
1539/5/7/22 (T)	Angus Council v VFS Financial Services Limited & Others
1540/5/7/22 (T)	East Ayrshire Council v VFS Financial Services Ltd & Others
1541/5/7/22 (T)	The City of Edinburgh Council v VFS Financial Services Ltd
1542/5/7/22 (T)	East Lothian Council v VFS Financial Services Ltd & Others
1543/5/7/22 (T)	East Dunbartonshire Council v VFS Financial Services Limited
1544/5/7/22 (T)	Fife Council v VFS Financial Services Ltd & Others
1545/5/7/22 (T)	Midlothian Council v VFS Financial Services Ltd & Others
1546/5/7/22 (T)	Glasgow City Council v VFS Financial Services Ltd & Others
1547/5/7/22 (T)	Dundee City Council v VFS Financial Services Ltd & Others
1548/5/7/22 (T)	Scottish Water v VFS Financial Services Limited & Others
1549/5/7/22 (T)	West Lothian Council v VFS Financial Services Ltd & Others
1550/5/7/22 (T)	Perth & Kinross Council v VFS Financial Services Limited
1551/5/7/22 (T)	Stirling Council v VFS Financial Services Limited & Others
1552/5/7/22 (T)	Renfrewshire Council v VFS Financial Services Ltd & Others
1553/5/7/22 (T)	South Ayrshire Council V VFS & Others
1554/5/7/22 (T)	The North Ayrshire Council v VFS Financial Services Limited
1555/5/7/22 (T)	Western Isles Council v VFS Financial Services & Others
1556/5/7/22 (T)	West Dunbartonshire Council v VFS Financial Services
1557/5/7/22 (T)	North Lanarkshire Council v VFS Financial Services Ltd
1558/5/7/22 (T)	Scottish Borders Council v VFS Financial Services Limited
1559/5/7/22 (T)	Dundee CC & Others t/a Tayside Contracts v VFS FS Ltd & Others

1560/5/7/22 (T)	Aberdeenshire Council v VFS Financial Services Ltd & Others
1561/5/7/22 (T)	Argyll and Bute Council v VFS Financial Services Limited
1562/5/7/22 (T)	East Renfrewshire Council v VFS Financial Services Limited
1563/5/7/22 (T)	South Lanarkshire Council v VFS Financial Services Limited
1564/5/7/22 (T)	Grahams The Family Dairy (Processing Ltd) v CNH Industrial
1565/5/7/22 (T)	Grahams The Family Dairy Ltd v CNH Industrial N.V.
1566/5/7/22 (T)	Graham's Dairies Limited v CNH Industrial N.V.

ANNEX 2: OVERVIEW OF THE PARTIES

Definition	Description
The Arla Claimants	The Claimants in Case No: 1296/5/7/18
The Edwin Coe Claimants	The Claimants in Case Nos: 1338/5/7/20 (T), 1417/5/7/21 (T), 1420/5/7/21 (T) and 1594/5/7/23 (T).
The Asda Claimants	The Claimants in Case No: 1578/5/7/23 (T).
The DS Smith Claimants	The Claimants in Case No: 1343/5/7/20 (T).
The Adur Claimants	The Claimants in Case No: 1431/5/7/22 (T).
The Boots Claimants	The Claimants in Case No: 1616/5/7/23 (T).
The Hausfeld Claimants	The Claimants in Case Nos: 1355/5/7/20 (T), 1356/5/7/20 (T), 1358/5/7/20 (T), 1371/5/7/20 (T) and 1372/5/7/20 (T).
The BCLP Claimants	The Claimants in Case Nos: 1360/5/7/20 (T), 1361/5/7/20 (T) and 1362/5/7/20 (T)
The Morrisons Claimants	The Claimants in Case No: 1521/5/7/22 (T)
The Northern Irish Plaintiffs	The Plaintiffs in cases filed in Northern Ireland as set out in Annex 1.
The Scottish Pursuers	The Pursuers in cases filed in Scotland as set out in Annex 1.
The Defendants	The Defendant Manufacturing Groups of DAF, MAN, Iveco, Volvo/Renault, Daimler and Scania in relation to the cases filed in England and Wales.