



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1685/5/7/24 (T)

BETWEEN:

KENNEDY & MORRISON LIMITED

- and -

Claimant

IVECO S.P.A

Defendant

ORDER

UPON the Tribunal in its letter dated 31 May 2023 advising that it intends that the Second Wave Trucks Proceedings (as set out in Annex 1 to this order) should be case managed together

AND UPON the Second Wave Trucks Proceedings involving certain issues being tried on a common basis (the “**Issues**”). The Issues comprise those issues designated by the Tribunal as issues to be determined in the Second Wave Trucks Proceedings and any other such issues as the Tribunal may order to be tried on a common basis

AND UPON the President handing down a ruling on 16 February 2024 in Case No. 1517/11/7/22 (UM) *Merchant Interchange Fees Umbrella Proceeding* ([2024] CAT 12) providing general guidance in respect of, *inter alia*, the costs exposure of claimants participating in Issue-Based Proceedings (as defined at [8] of the ruling), such as the Second Wave Trucks Proceedings, who elect to stay their claims

AND UPON the President hearing from Counsel for certain of the parties in the Second Wave Trucks Proceedings at a case management meeting on 15 March 2024

AND UPON the application of the Claimants dated 12 September 2024

IT IS ORDERED THAT:

1. The claims of all the Claimants in claim number 1685/5/7/24 (T) shall be stayed immediately until further order (the “**Stay**”).
2. The Tribunal reserves the right to lift the Stay of its own motion.
3. Notwithstanding the Stay, the parties shall be bound by the outcome of any determinations in the Second Wave Trucks Proceedings (including any appeals) in respect of all Issues.
4. Notwithstanding the Stay, the Claimants remain liable to provide information or disclosure if the Tribunal considers such information or disclosure necessary to resolve a wider issue in the Second Wave Trucks Proceedings.
5. There be liberty to apply.

The Honourable Lord Ericht
Chair of the Competition Appeal Tribunal

Made: 24 September 2024
Drawn: 24 September 2024