



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1296 etc

BETWEEN:

THE SECOND WAVE TRUCKS CLAIMANTS

Claimants

- v -

THE SECOND WAVE TRUCKS DEFENDANTS

Defendants

(the "**Second Wave Proceedings**")

CONSENT ORDER

UPON claim 1368/5/7/20 (T) LafargeHolcim Limited & Others v Aktiebolaget Volvo (Publ) & Others (the "**LFH Proceedings**") being stayed pursuant to the Order of the President of the Competition Appeal Tribunal made on 9 May 2023 (the "**Stay Order**");

AND UPON the Claimants in the LFH Proceedings ("**Settling Claimants**") and the First to Fifth Defendants in the LFH Proceedings (the "**Settling Defendants**") no longer being in dispute with each other regarding the subject matter of the LFH Proceedings (the "**Resolution**");

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:

- (1) The effect of the settlement is that the Settling Claimants cease to have a claim against 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.
- (2) 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.

- (3) 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.
- (4) 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.
- (5) 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 the Settling Claimants and the Settling Defendants having agreed to the terms of this Order

BY CONSENT IT IS ORDERED THAT:

1. The LFH Proceedings against the Settling Defendants be dismissed.
2. There shall be no order as to costs.

The Honourable Mr Justice Ian Huddleston
Chair of the Competition Appeal Tribunal

Made: 19 February 2025
Drawn: 19 February 2025