



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1605/5/7/23 (T)

BETWEEN:

TJ MORRIS LIMITED T/A HOME BARGAINS

Claimant

- v -

(1) MASTERCARD INCORPORATED

(2) MASTERCARD INTERNATIONAL INCORPORATED

(3) MASTERCARD EUROPE S.A.

Defendants

CONSENT ORDER

UPON the transfer of these proceedings (filed at the High Court under Claim No. CL-2016-000729) from the High Court of Justice to the Competition Appeal Tribunal pursuant to an Order of the High Court dated 17 August 2023

AND UPON the Order of the President of the Competition Appeal Tribunal made by consent on 6 October 2023 ordering that these proceedings be stayed immediately upon service of the Claim Form in the proceedings

AND UPON the joint application of the Claimant and the Defendants

AND UPON a confidential settlement having been agreed between the Claimant and the Defendants and those parties having agreed to make an application to withdraw the Claimant's claims against the Defendants in these proceedings

AND UPON the parties to this Order recognising the guidance of the Tribunal in its Ruling on Umbrella Proceedings Cost Sharing Orders, [2024] CAT 12:

(1) The effect of the settlement is that the Claimant ceases to be a party to those proceedings. To the extent that the Tribunal has any costs jurisdiction over the settling Claimant (as to which this order says nothing), a costs order against the Claimant in favour of the Defendants may not be a just exercise of the Tribunal's costs discretion.

(2) Whilst the Defendants would be entitled, as appropriate, to seek costs orders against those claimants 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 Claimant.

(3) The Tribunal may, accordingly, reduce the costs recoverable by the Defendants against the Non-Settling Claimants by an amount referable to the costs that would (but for the settlement) have been paid by the Claimant.

BY CONSENT IT IS ORDERED THAT:

1. The Claimant’s claims be and are hereby withdrawn.
2. There shall be no order as to costs.

Mr Ben Tidswell
Chair of the Competition Appeal Tribunal

Made: 3 September 2026
Drawn: 3 September 2026