



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1294/5/7/18 (T)

BETWEEN:

WOLSELEY UK LIMITED AND OTHERS

Claimants

- and -

- (1) FIAT CHRYSLER AUTOMOBILES N.V.**
(2) CNH INDUSTRIAL N.V.
(3) DAF TRUCKS N.V.
(4) DAF TRUCKS LIMITED

Defendants

- and -

(1) – (15) MAN SE AND OTHERS

Third Parties
(“First Proceedings”)

Case No: 1327/5/7/19 (T)

AND BETWEEN:

KENT FROZEN FOODS LIMITED

Claimant

- and -

- (1) FIAT CHRYSLER AUTOMOBILES N.V.**
(2) CNH INDUSTRIAL N.V.

Defendants
(“Second Proceedings”)

CONSENT ORDER

UPON the Second Proceedings having been transferred to the Tribunal by order of Mr Justice Roth made in the High Court on 21 June 2019 (**“the Transfer Order”**)

AND UPON the Claimants, the Defendants and the Third Parties in the First Proceedings and the Claimant and the Defendants in the Second Proceedings agreeing to the making of this order

AND UPON the parties having agreed that the consolidation of the present claims shall not affect any defence (whether by reason of limitation or otherwise) that would have been available apart from this order for consolidation

BY CONSENT IT IS ORDERED THAT:

1. For the avoidance of doubt, as stated in the Transfer Order,
 - (a) the Second Proceedings were and shall continue to be regarded as having been commenced in the High Court. Any further statements of case or amendments to a statement of case shall be made in accordance with the Civil Procedure Rules and not with the Competition Appeal Tribunal Rules 2015; and
 - (b) any appeal to the Court of Appeal against the determination by the Tribunal of the issues transferred or an order of the court giving effect to that determination shall be governed by the rules in CPR Part 52.
2. The claims the subject of First Proceedings and the Second Proceedings be consolidated.
3. The claims in the Second Proceedings shall be deemed to have commenced on 3 December 2018.
4. The Claimants in the Second Proceedings shall not, in amending the Claim in the First Proceedings, join any parties to its claim except those identified in the amended claim form issued in the Second Proceedings on 3 December 2018.
5. The Claimants be permitted to rely on one single Consolidated Particulars of Claim in respect of the claims subject of the First Proceedings and the Second Proceedings.
6. The Claimants shall provide the Defendants with draft Consolidated Particulars of Claim by 28 June 2019.
7. The 1st to 2nd Defendants be permitted to rely on one single Consolidated Defence.
8. The Claimant in the Second Proceedings shall, by 26 July 2019, file and serve a brief statement summarising the goods or services which it supplied using the trucks that are the subject of its claims.
9. The costs of the consolidation and of the amendments to the Claim in the First Proceedings shall be costs in the case.
10. The Claimants serve this Order on the Defendants.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 1 July 2019
Drawn: 1 July 2019