



CP-2018-000036
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IN THE HIGH COURT OF JUSTICE
BUSINESS & PROPERTY COURTS OF ENGLAND AND WALES
COMPETITION LIST (ChD)

THE HONOURABLE MR JUSTICE ROTH

21 June 2019

BETWEEN:

KENT FROZEN FOODS LIMITED

Claimant

- and -

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

Defendants

CONSENT ORDER

UPON READING the letter dated 17 May 2019 from the solicitors to the Claimant

BY CONSENT IT IS ORDERED that:

Transfer to the Competition Appeal Tribunal

1. Such part of these proceedings as relates to a claim to which section 47A of the Competition Act 1998 applies and such part of the proceedings as relates to an infringement issue (as defined in section 16(6) of the Enterprise Act 2002) are transferred to the Competition Appeal Tribunal ("the Tribunal") for its determination of those issues pursuant to section 16(4) of the Enterprise Act 2002 and/or section 16(1) of that Act together with Regulation 2(a) of the Section 16 Enterprise Act 2002 Regulations 2015.
2. The sending of this Order to the parties and the Tribunal shall constitute notice to them for the purposes of paragraphs 8.5 and 8.12 of Practice Direction 30 and CPR Rule 30.4(1).

3. For the avoidance of doubt:

- a. neither this Order giving effect to the said transfer, nor the transfer itself, is intended to alter, limit or exclude in any respect any element of the Claimant's claim as constituted in this court prior to the transfer taking effect. If and to the extent that any element of the Claimant's claim as constituted in this court prior to the transfer taking effect is not capable of falling within the jurisdiction of the Tribunal on a transfer, or would be altered, limited or excluded by this Order or the transfer, it is not subject to this Order and remains within the jurisdiction of this court;
- b. the proceedings were and shall continue to be regarded as having been commenced in this 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;
- c. 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; and
- d. this court may give such further directions or make such further order as it thinks fit in connection with the transfer and/or with any such element as referred to above.

4. This order shall be served by the Claimant on the Defendants.

The court has provided a sealed copy of this order to the serving party:

Hausfeld & Co LLP, 12 Gough Square, London EC4A 3DW