



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1295/5/7/18 (T)

BETWEEN

- (1) DAWSONGROUP PLC
- (2) DAWSONGROUP UK LIMITED
- (3) DAWSONGROUP TRUCK AND TRAILER LIMITED
- (4) DAWSONGROUP MATERIAL HANDLING LIMITED
- (5) DAWSONGROUP SWEEPERS LIMITED

Claimants

-and-

- (1) DAF TRUCKS N.V.
- (2) DAF TRUCKS DEUTSCHLAND GMBH
- (3) PACCAR INC
- (4) DAF TRUCKS LIMITED
- (5) DAIMLER AG
- (6) MERCEDES-BENZ CARS UK LIMITED
- (7) AKTIEBOLAGET VOLVO (PUBL)
- (8) VOLVO LASTVAGNAR AB
- (9) VOLVO GROUP TRUCKS CENTRAL EUROPE GMBH
- (10) RENAULT TRUCKS SAS
- (11) VOLVO GROUP UK LIMITED

Defendants

DIRECTIONS ORDER

UPON HEARING Leading Counsel for the Claimants and Leading Counsel for the Defendants at the Case Management Conference on 6 February 2020 (the “CMC”)

AND UPON reading the correspondence from the solicitors to the Claimants and to the Defendants sent subsequent to the CMC

AND UPON the following definitions applying for the purposes of this Order:

“**Other Trucks Claims**” means Case 1284/5/7/18 (T), 1290/5/7/18 (T), Case 1291/5/7/18(T) Case 1292/5/7/18(T), Case 1293/5/7/18(T), Case 1294/5/7/18(T) and Case 1295/5/7/18 (T);

“Confidentiality Ring Order” means the Order of Mr Justice Roth dated 12 June 2019 (which replaced the Confidentiality Ring Order dated 18 December 2018, which in turn replaced the Confidentiality Ring Order dated 31 July 2018);

“DAF” means the First to Fourth Defendants;

“Mercedes/Daimler” means the Fifth and Sixth Defendants;

“Volvo/Renault” means the Seventh to Eleventh Defendants; and

“Relevant Disclosure” means the documents disclosed by:

- (a) the Defendants in these Proceedings (or any of them) to the Claimants in these Proceedings; or
- (b) the defendants in the Other Trucks Claims (or any of them) to the claimant or claimants in those respective claims,

save for documents which formed part of the European Commission's administrative file relating to its investigation in Case AT.39824 — Trucks which have been disclosed in either these Proceedings or the Other Trucks Claims.

IT IS ORDERED THAT:

Identification of Common Disclosure

1. Each of the Defendants, with the exception of DAF, shall, by 4pm on 23 March 2020, identify which of the Relevant Disclosure that has already been disclosed by that defendant to the Claimants, has also been disclosed by that defendant to the claimant(s) in the Other Trucks Claims and the identity of those other claimant(s).
2. DAF shall identify which of the Relevant Disclosure that has already been disclosed by DAF to the Claimants, has also been disclosed by DAF to:
 - (a) all of the claimants in the Other Trucks Claims, by 4pm on 23 March 2020; and, save where identified by (a),
 - (b) any individual claimant or claimants in the Other Trucks Claims, by 4pm on 2 April 2020. In so doing, DAF shall identify which individual claimants have received which Relevant Disclosure.

3. In respect of all Relevant Disclosure that is provided by any Defendant after the date of this Order, that Defendant shall, when giving the disclosure, and on a best endeavours basis, inform the Claimants:
 - (a) whether the disclosure is also being or has been disclosed by that defendant to one or more claimants in the Other Trucks Claims and the identity of that/those claimant(s); and
 - (b) if so, whether or not the disclosure referred to in paragraph 3(a) is being or has been designated as Confidential Information.
4. The terms of the Confidentiality Ring Order shall be amended so that the Claimants' Economic Expert (as shall be defined in the amended Confidentiality Ring Order) may discuss with the Economic Experts of any of the claimants in the Other Trucks Claims any Relevant Disclosure designated as Confidential Information which has been identified by the disclosing party, pursuant to this Order, as having been disclosed to both the Claimants and to the claimant or claimants in the Other Trucks Claims.
5. The Claimants' Economic Expert (as shall be defined in the amended Confidentiality Ring Orders) may discuss with the Economic Experts of any of the claimants in the Other Trucks Claims any Relevant Disclosure that has not been designated as Confidential Information and which has been identified by the disclosing party, pursuant to this Order, as having been disclosed to both the Claimants and to the claimant or claimants in the Other Trucks Claims.

Other matters

6. A further Case Management Conference shall be listed for two days in July 2020.
7. The parties may agree to extend any time period to which the Trucks Claims may be subject for a period or periods of up to 35 days in total without reference to the Tribunal, provided that this does not affect the date given for any case or costs management conference or pre-trial review or the date of the trial. The parties shall notify the Tribunal in writing of the expiry date of any such extension.

Costs

8. Costs in the case.

Other

9. Liberty to apply.

The Hon Mr Justice Roth
Chairman of the Competition Appeal Tribunal

Made: 30 March 2020
Drawn: 31 March 2020