



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case Nos: 1343/5/7/20 (T)  
1355/5/7/20 (T)  
1356/5/7/20 (T)  
1358/5/7/20 (T)

BETWEEN:

**DS SMITH PAPER LIMITED & OTHERS**

Claimants

- and -

**MAN SE & OTHERS**

Defendants

AND BETWEEN:

**HERTZ AUTOVERMIETUNG GMBH & OTHERS**

Claimants

- and -

**FIAT CHRYSLER AUTOMOBILES N.V. & OTHERS**

AND BETWEEN:

**BALFOUR BEATTY GROUP LIMITED & OTHERS**

Claimants

- and -

**FIAT CHRYSLER AUTOMOBILES N.V. & OTHERS**

AND BETWEEN:

**ZAMENHOF EXPLOITATION & OTHERS**

Claimants

- and -

**FIAT CHRYSLER AUTOMOBILES N.V. & OTHERS**

---

**ORDER**

---

**UPON** the application by letter of 22 May 2020 on the part of the DS Claimants for disclosure from the Defendants and Additional Defendants

**AND UPON** reading the letters from the solicitors for Iveco (on behalf of all Defendants), Scania and Daimler, and the subsequent letter from the solicitors for the DS Smith Claimants confirming that they no longer pursue their application for disclosure of the Scania Decision

**AND UPON** the applications of 27 May 2020 on the part of the Hertz, Balfour Beatty and Zamenhof Claimants (together, the “Hausfeld Claimants”) for disclosure from the DAF Defendants

**AND UPON** reading the evidence filed on behalf of the Hausfeld Claimants and DAF Defendants and the letters from the solicitors for Iveco and Volvo

**AND NOTING** that a Case Management Conference (“CMC”) will be heard on 29-30 October 2020 in the Tribunal in the 7 cases which are being case managed together and are the subject of the Judgment (Preliminary Issue) of the Tribunal of 4 March 2020 [2020] CAT 7 (the “First Wave Trucks Claims”)

**IT IS ORDERED THAT:**

The applications are adjourned to be determined at a preliminary CMC to be heard together with the disclosure applications in the claims brought by The BOC Group Limited (CP-2020-000006) and Gist Limited (CP-2020-000007) (which will be transferred from the High Court to the Tribunal on or about 26 October 2020), on the first available date after 30 October 2020.

**REASONS:**

1. The issue raised by the applications in these claims and the claims referred to in para 1 of the Order is the same. The First Wave Trucks Claims are significantly further advanced. It is necessary to establish a consistent, proportionate and efficient approach to management of these subsequent claims in the interests of all parties and the Tribunal, having regard to the steps being taken in the First Wave Trucks Claims. That includes questions of disclosure and any further pleadings or particulars. It is appropriate for that to be considered at a preliminary joint CMC in those cases.
2. However, there is no reason to postpone this until after the Court of Appeal gives judgment in the appeal against the decision of the Tribunal in Case [2020] CAT 7.

The wider questions of case management arise irrespective of the outcome of that appeal.

**The Hon Mr Justice Roth**  
President of the Competition Appeal Tribunal

Made: 24 August 2020  
Drawn: 25 August 2020