



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1291/5/7/18 (T)
1295/5/7/18 (T)

BETWEEN:

- (1) RYDER LIMITED**
(2) HILL HIRE LIMITED

("Ryder")

Claimants

- and -

- (1) MAN SE**
(2) MAN TRUCK & BUS AG
(3) MAN TRUCK & BUS DEUTSCHLAND GMBH
(4) MAN TRUCK AND BUS UK LIMITED
(5) AB VOLVO (PUBL)
(6) VOLVO LASTVAGNAR AB
(7) VOLVO GROUP TRUCKS CENTRAL EUROPE GMBH
(8) VOLVO GROUP UK LIMITED
(9) RENAULT TRUCKS SAS
(10) DAIMLER AG
(11) MERCEDES BENZ CARS UK LIMITED
(12) FIAT CHRYSLER AUTOMOBILES N.V.
(13) CNH INDUSTRIAL N.V.
(14) IVECO S.P.A.
(15) IVECO MAGIRUS AG
(16) IVECO LIMITED
(17) PACCAR INC.
(18) DAF TRUCKS N.V.
(19) DAF TRUCKS DEUTSCHLAND GMBH
(20) DAF TRUCKS LIMITED

Defendants

AND BETWEEN

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

("Dawsongroup")

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

ORDER

UPON HEARING Leading Counsel for the Claimants and Leading Counsel for the Defendants at the Case Management Conference held on 29 and 30 October 2020;

“**Dawsongroup Claim**” means Case 1295/5/7/18 (T)

“**Dawsongroup Claimants**” means the claimants in the Dawsongroup Claim

“**DS Smith Claimants**” means the claimants in Case 1343/5/7/20

“**Ryder Claim**” means Case 1291/5/7/18 (T)

“**Ryder Claimants**” means the claimants in the Ryder Claim

“**VSW Claimants**” means the claimants in Cases 1292/5/7/18; 1293/5/7/18; 1294/5/7/18

IT IS ORDERED THAT:

Trial

1. The Dawsongroup Claim and the Ryder Claim shall be heard at a joint trial which shall be listed to start on 13 March 2023.
2. The trial shall be heard in the following three stages:
 - (a) The first stage of the trial (“**Stage 1**”) is to address the issues of whether and to what extent the anti-competitive conduct pleaded in the claimants’

Particulars of Claim (as amended) caused the prices paid by the Dawsongroup Claimants and the Ryder Claimants for Trucks to be higher compared to the prices that they would have paid absent that conduct (the “**Overcharge**”);

- (b) The second stage of the trial (“**Stage 2**”) is to address any issues that arise in the Dawsongroup Claim in relation to pass-on, mitigation, volume losses, financing losses, interest and tax. Stage 2 shall exclude the Ryder Claimants where necessary on confidentiality grounds; and
- (c) The third stage of the trial (“**Stage 3**”) is to address any issues that arise in the Ryder Claim in relation to pass-on, mitigation, volume losses, financing losses, interest and tax. Stage 3 shall exclude the Dawsongroup Claimants where necessary on confidentiality grounds.

(together the “**Trial**”)

Pleadings

- 3. Any amendment to any of the Defendants’ defences in light of (i) the judgment of the Supreme Court in *Sainsbury's Supermarkets Ltd and others v Visa Europe Services LLC, Mastercard Incorporated and others* [2020] UKSC 24; and/or (ii) the binding recitals’ judgment of the Court of Appeal in C3/2020/0619; C3/2020/0625; C3/2020/0627; C3/2020/0643; C3/2020/0648: *Royal Mail Group Limited and others v DAF Trucks Limited and others*, shall be filed and served by 4pm on 18 December 2020 or 4 weeks after the handing down of the Court of Appeal’s judgment, whichever is later.

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- 4. A further case management conference shall be listed on the first available two days after 13 April 2021 to determine outstanding issues, including:
 - (a) the structure of Stages 1-3 of the Trial,
 - (b) the extent to which, and the basis on which, the DS Smith Claimants and the VSW Claimants may participate in the different stages of the trial;
 - (c) any disclosure applications; and

- (d) directions to Trial.

Disclosure

5. Requests for disclosure of specified categories of documents or data shall be made by serving a Redfern Schedule on each party from whom the disclosure is requested (other than the DS Smith Claimants and the VSW Claimants) in accordance with the following timetable:
- (a) Redfern Schedule from the requesting party to be served by no later than 22 January 2021;
 - (b) response to Redfern Schedule to be served by no later than 19 February 2021;
 - (c) reply to response to Redfern Schedule to be served by no later than 12 March 2021.

Costs

6. Costs in the case.

Other

7. Liberty to apply.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 3 December 2020
Drawn: 3 December 2020