



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1343/5/7/20 (T)

BETWEEN

- (1) DS SMITH PAPER LIMITED
- (2) DS SMITH LOGISTICS LIMITED
- (3) DS SMITH PACKAGING LIMITED
- (4) DS SMITH CORRUGATED PACKAGING LIMITED
- (5) DS SMITH (UK) LIMITED
- (6) DS SMITH RECYCLING UK LIMITED

Claimants

-and-

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

Defendants

-and-

- (1) SCANIA AKTIEBOLAG (PUBL)
- (2) SCANIA CV ACTIEBOLAG (PUBL)
- (3) SCANIA DEUTSCHLAND GMBH

Named Third Parties

ORDER

UPON the application of the Claimants by way of letter to the Tribunal dated 22 May 2020

AND UPON the Tribunal having considered the written submissions made on behalf of the parties

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

“Additional Claims” means the claims made pursuant to Part 20 of the civil procedure rules in connection with these proceedings;

“Confidentiality Ring” means the confidentiality ring established pursuant to the Confidentiality Ring Order;

“Confidentiality Ring Order” means the Order of the President dated 18 December 2020 establishing a confidentiality ring in these proceedings;

“DAF” means PACCAR Inc, DAF Trucks N.V. and DAF Trucks Deutschland GmbH;

“Defendants” means the defendants to the Main Claim and the defendants to the Additional Claims;

“Main Claim” means the claim made pursuant to Part 7 of the civil procedure rules by way of a Claim Form issued by the High Court under claim number CP-2019-000029 on 27 September 2019;

“Main Defendants” means the Defendants to the Main Claim;

“Ryder Order” means the Order of Mr Justice Roth dated 31 July 2018 in *Ryder Limited and another v MAN SE and others* (CP-2017-000022);

“VSW Order” means the Order of the President dated 2-3 May 2019 in the proceedings with the case numbers 1292/5/7/18(T), 1293/5/7/18(T) and 1294/5/7/18(T).

IT IS ORDERED THAT:

Disclosure

1. DAF shall by 5 January 2021 disclose by list, into the Confidentiality Ring, the documents disclosed pursuant to paragraphs 1 to 3 of the Ryder Order.
2. DAF may withhold from inspection in these proceedings the documents that were withheld from inspection pursuant to paragraph 4 of the Ryder Order.

3. The Defendants, or any one of them, shall, by 5 January 2021, disclose by list, into the Confidentiality Ring, the documents disclosed pursuant to paragraphs 10 and 11 of the VSW Order.
4. Requests for inspection of documents disclosed pursuant to this Order shall be made within 7 days of the date on which the list is served. Copies of documents of which inspection is requested shall be provided within 7 days of the date on which the request is made.

Amendments to particulars of claim

5. The Claimants shall file and serve draft amended particulars of claim by 4pm on Friday 5 March 2021.

Other

6. Costs in the case.
7. Liberty to apply.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 18 December 2020
Drawn: 18 December 2020