



IN THE COMPETITION
APPEAL TRIBUNAL

BETWEEN

Case Nos: 1306-1310/5/7/19 (T)

DUNE GROUP LIMITED AND OTHERS
(the “Dune Proceedings”)

-and-

Case No: 1311/5/7/19 (T)

ADVENTURE FOREST LIMITED AND OTHERS

-and-

Case No: 1349/5/7/20 (T)

WESTOVER GROUP LIMITED AND OTHERS

Claimants

-and-

- (1) MASTERCARD INCORPORATED**
- (2) MASTERCARD INTERNATIONAL INCORPORATED**
- (3) MASTERCARD EUROPE S.A.**
- (4) MASTERCARD/EUROPAY UK LIMITED**

Defendants

ORDER

UPON the Claimants and the Defendants having agreed to certain orders concerning the costs of amending statements of case and of an application for an extension of time for service of the Defences

AND UPON the Claimants listed in Annex 1 to this Order indicating to the Defendants that they wish to discontinue their claims with no order as to costs (the “**Withdrawing Claimants**”) and the Claimants whose claims continue to be

advanced in the proceedings confirming that (i) they will be jointly and severally liable for any adverse common costs orders that may be made in the Defendants' favour and (ii) they accept that no adjustment or reduction should be made to any costs order that might be made against them by reason of any earlier withdrawals (the "**Cost Confirmations**")

AND UPON the Claimants listed in Annex 2 indicating that they wish to make certain amendments to the claim forms in order to reflect their entry into administration or liquidation, or otherwise to reflect certain changes to their names, with no order as to costs

AND UPON the Claimants indicating that they wish to add CENPAC (A.I.S) Limited ("**CENPAC**") as a party to the proceedings (and make consequential changes to the relevant claim forms, with no order as to costs) following the full legal assignment to it of the claim of Dickinsons Furnishers Limited ("**Dickinsons**") and the partial assignment of the claim of J. E Beale Plc ("**J E Beale**")

AND UPON CENPAC confirming that, upon being added as a party to the proceedings, it will be jointly and severally liable for any adverse common costs orders that may be made in the Defendants' favour, in respect of costs incurred both before and after the assignments of the claims of Dickinsons and J E Beale; and that it accepts that it is responsible for any costs orders made in the Defendants' favour (i) in relation to any specific costs relating to the claims of Dickinsons and the assigned portion of J E Beale's claim, both before and after the relevant assignments to CENPAC; and (ii) against CENPAC, whether made in relation to the claim assigned to it by Dickinsons, and/or that part of the claim assigned to it by J E Beale, or otherwise

BY CONSENT IT IS ORDERED THAT:

1. The costs of and occasioned by the Claimants' amendments to the Particulars of Claim made on 12 October 2020 and to the Replies made on 4 December 2020 shall be costs in the claims.

2. The costs of and occasioned by the Defendants' applications dated 23 February 2018 for extensions of time for service of the Defences in the Dune Proceedings shall be costs in the claims.
3. The Withdrawing Claimants shall have permission to discontinue their claims against the Defendants.
4. The Claimants shall have permission to:
 - 4.1 make amendments to the claim forms to give effect to the discontinuance of the Withdrawing Claimants and the changes in the status of certain Claimants as set out in Annex 2; and
 - 4.2 add CENPAC as a party to the proceedings and to make consequential changes to the relevant claim form.
5. The Claimants shall file and serve amended claim forms within 7 days of the date of this Order.
6. There shall be no order as to costs in respect of the orders outlined at paragraphs 3-5.
7. Liberty to apply.

The Honourable Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 2 February 2021
Drawn: 3 February 2021

ANNEX 1: THE WITHDRAWING CLAIMANTS

1. Fordham Furnishers Limited
2. Eton Sport Limited
3. C.W. Jones (Floorings) Limited
4. Ena Shaw Limited
5. Brays (Malvern) Limited
6. Torbay Council
7. Cotswold District Council
8. North Kesteven District Council
9. West Oxfordshire District Council
10. Uttlesford District Council
11. Wealden District Council
12. Sedgemoor District Council
13. Forest of Dean District Council
14. Herbert Lewis (Drapers & Furnishers) Limited (in liquidation)

ANNEX 2: NAME CHANGES

1. Nason's (Canterbury) Limited (in liquidation)
2. Chiquito Limited (in liquidation)
3. H&H Retail Limited (in liquidation)
4. Palmers(Gt. Yarmouth)Limited (in liquidation)
5. Lee Longland & Co. Limited (in administration)
6. Peter Jones (China) Limited (in administration)
7. ~~Dave Whelan Sports Limited~~ DWS Realisations Limited (in administration)
8. ~~Traveljigsaw Limited~~ Booking.com Transport Limited
9. Leathleys House and Home
10. ~~Dickinsons Furnishers Limited~~ CENPAC (A.I.S.) Limited - also suing as partial assignee of the claim of J E Beale PLC (in administration).