



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1355/5/7/20 (T)

BETWEEN:

- (1) HERTZ AUTOVERMIETUNG GMBH
- (2) HERTZ FLEET LIMITED
- (3) HERTZ HOLDINGS NETHERLANDS B.V.
- (4) THE HERTZ CORPORATION

Claimants

- and -

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

Defendants

CONSENT ORDER

UPON the Fifth Defendant, as the transferring legal entity, being merged into TRATON SE, as the acquiring legal entity, by registration in the commercial register at the Munich Local Court (Amtsgericht) (HRB 246068) on 31 August 2021, and TRATON SE being the universal legal successor to the Fifth Defendant (the latter of which having ceased to exist as an independent legal entity)

AND UPON the application by TRATON SE by its solicitors dated 10 December 2021 for it to be substituted for MAN SE in the proceedings pursuant to Rule 38(1) of the Tribunal Rules

AND UPON TRATON SE and the parties other than the Fifth Defendant agreeing the terms of the order as set out below

BY CONSENT IT IS ORDERED THAT:

1. TRATON SE (commercial register number: HRB 246068) is substituted for MAN SE (commercial register number: HRB 179426) as the Fifth Defendant in the proceedings.
2. The Claimants shall file an amended Claim Form and Particulars of Claim to reflect the substitution of TRATON SE for MAN SE.
3. TRATON SE and the Sixth and Seventh Defendants shall, no later than 28 days after receipt of the amended Claim Form and Particulars of Claim, if so advised, file an amended Defence to reflect the substitution of TRATON SE for MAN SE.
4. The First to Fourth Defendants shall, within 28 days of receipt of the amended Particulars of Claim, if so advised, file an amended CPR 20.6 Notice of Additional Claim to reflect the substitution of TRATON SE for MAN SE.
5. The Twelfth and Thirteenth Defendants shall, within 28 days of receipt of the amended Particulars of Claim, if so advised, file an amended CPR 20.6 Contribution Notice to reflect the substitution of TRATON SE for MAN SE.
6. TRATON SE and the Sixth and Seventh Defendants shall, no later than 28 days after receipt of each of the amended CPR 20.6 Notice of Additional Claim of the First to Fourth Defendants and the amended CPR 20.6 Contribution Notice of the Twelfth and Thirteenth Defendants, if so advised, file and serve amended Defences to those amended Notices to reflect the substitution of TRATON SE for MAN SE.
7. In respect of paragraphs 2 to 6 of this order above, the relevant parties are permitted to dispense with the formalities of serving each of the aforementioned amended statements of case on the other parties, but shall email the same to the representatives of the other parties within one day of filing.
8. The parties shall have liberty to apply.

The Hon Mr Justice Roth
Chairman of the Competition Appeal Tribunal

Made: 15 December 2021
Drawn: 15 December 2021