



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1430/5/7/22 (T)

BETWEEN:

ALLIANZ GLOBAL INVESTORS GMBH AND OTHERS

Claimants

- v -

BARCLAYS BANK PLC AND OTHERS

Defendants

CONSENT ORDER

UPON the Defendants also being defendants in parallel proceedings in the Southern District of New York in SDNY No. 1:2018-cv-10364 known as *Allianz Global Investors GmbH v Bank of America Corporation et al* (“**the US Proceedings**”)

AND UPON the Case Management Order of Mr Justice Jacobs made on 5 August 2020 (the “**Jacobs Order**”) pursuant to which the Defendants are each required to produce in these proceedings the documents produced by way of discovery in the US Proceedings in response to document requests served before 25 June 2020 (the “**US Further Discovery**”) within two weeks of producing the US Further Discovery in the US Proceedings

AND UPON the Defendants and the Claimants having agreed that disclosure and inspection by the Defendants of documents that enable various fields in the trading data of the Defendants to be “unmasked” (the “**Defendants’ Unmasking Lists**”) shall fall outside the scope of this Order

AND UPON the Defendants and the Claimants having agreed that the Defendants shall each produce in these proceedings documents that have been, or will be, produced in the US Proceedings to the extent that such documents (i) have been given

a Bates number for the purpose of the US Proceedings; (ii) belong to the Defendants (as opposed to third parties); (iii) are outside the scope of any other existing order for disclosure in these proceedings, including the Jacobs Order and the Case Management Order of Mr Justice Butcher sealed on 3 April 2020; and (iv) do not constitute the Defendants' Unmasking Lists. Documents meeting these criteria are referred to in this Order as the "**Additional US Further Discovery**")

AND UPON the Defendants and the Claimants having agreed that the Defendants can provide disclosure and inspection of any trade and order data which comprises Additional US Further Discovery (the "**Additional US Trading Data**") by waiving or otherwise releasing the Claimants from any obligation that would otherwise be binding upon them not to use those documents for the purpose of these proceedings

AND UPON the Additional US Further Discovery of the Eighth Defendant containing potential Swiss customer identifying information ("**Swiss CID**") of a certain defendant to the US Proceedings (the "**US Defendant**")

AND UPON the Re-Re-Amended Consent Confidentiality Ring Order of Mr Justice Butcher made on 17 November 2020 ("**the Confidentiality Ring Order**")

IT IS ORDERED BY CONSENT THAT:

1. The Defendants shall disclose by list and provide simultaneous inspection of:
 - (a) Any Additional US Further Discovery already produced in the US Proceedings by the date 14 days after being served with a sealed version of this Order.
 - (b) All further Additional US Further Discovery provided in the US Proceedings (to the extent such material has not already been produced in these proceedings) by the date 14 days after the date on which that discovery is provided in the US Proceedings.
2. The Defendants shall be permitted to comply with paragraph 1 of this Order by providing disclosure and inspection of the Additional US Trading Data by means of waiving or otherwise releasing the Claimants from any obligation that would otherwise be binding upon them not to use the Additional US Trading Data for the purposes of these proceedings.

3. The Eighth Defendant shall be permitted to comply with paragraph 1 of this Order by disclosing by list and providing inspection of the Additional US Further Discovery excluding any documents and/or data related to the US Defendant (the “**Excluded Documents**”) save that, in such a situation, the Eighth Defendant shall redact any potential Swiss CID from the Excluded Documents and shall disclose by list and provide simultaneous inspection of the Excluded Documents with any such redactions applied by no later than 7 days after it has disclosed the relevant Additional US Further Discovery in these proceedings.
4. The Additional US Further Discovery (including any Excluded Documents disclosed pursuant to paragraph 3 above) shall be designated as Outer Confidentiality Ring Information for the purposes of and subject to the terms of the Confidentiality Ring Order unless otherwise specified by the disclosing Defendant in accordance with the terms of the Confidentiality Ring Order.
5. Costs in the case.

Sir Marcus Smith
President of the Competition Appeal Tribunal

Made: 31 January 2022
Drawn: 31 January 2022