



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1312-1325/5/7/19 (T)
1350/5/7/20 (T)
1384/5/7/21 (T)

AND BETWEEN

DUNE SHOES IRELAND LIMITED AND OTHERS

Claimants

-and-

- (1) **VISA EUROPE LIMITED**
- (2) **VISA EUROPE SERVICES LLC**
- (3) **VISA UK LIMITED**

Defendants

CONSENT ORDER

UPON reading the Order of the Tribunal made on 2 February 2021 (the “**CMC Order**”) fixing a timetable for the filing and service of statements of case in case numbers 1312-1324/5/7/19(T) (the “**Dune Proceedings**”), 1325/5/7/19(T) (the “**Adventure Forest Proceedings**”), and 1350/5/7/20 (T) (the “**Westover Proceedings**”)

AND UPON reading the Consent Order of the Tribunal made on 23 March 2021 (the “**Consent Order**”) in case number 1384/5/7/21 (T) (the “**Alan Howard Proceedings**”) providing a timetable for the parties’ pleadings

AND UPON reading the further Consent Order of the Tribunal made on 23 March 2021 providing that the CMC Order shall apply to the Alan Howard Proceedings as well as the Dune Proceedings, the Adventure Forest Proceedings and the Westover Proceedings (**together, the “Proceedings”**)

AND UPON reading the further Consent Order of the Tribunal made on 3 August 2021 amending the timetable for the parties’ pleadings as set out in the Consent Order

AND UPON reading the further Consent Order of the Tribunal made on 24 December 2021 amending the timetable for the parties' pleadings as set out in the Consent Order

AND UPON the Claimants having applied to and (on 28 January 2022) been granted permission by the Court of Appeal to appeal certain aspects of the Tribunal's judgment in the Proceedings dated 26 November 2021 concerning the Claimants' application for summary judgment and the Defendants' counterfactual amendment application (the "**Judgment**")

AND UPON reading the letter of Linklaters LLP of 11 February 2022

BY CONSENT IT IS ORDERED THAT:

1. The Defendants shall file and serve amended Defences in the Dune Proceedings, the Adventure Forest Proceedings and the Westover Proceedings within 21 days following the handing down of judgment in any appeals (and cross-appeals) of the Judgment.
2. The Claimants shall file and serve amended Replies in the Dune Proceedings, the Adventure Forest Proceedings and the Westover Proceedings within 21 days following the Defendants' filing and service of their amended Defences in the Dune Proceedings, the Adventure Forest Proceedings and the Westover Proceedings.
3. Paragraphs 3 and 4 of the Consent Order (as amended by the Consent Orders made on 3 August 2021 and 24 December 2021) are amended as follows:
 - (a) The Visa Defendants' Defences shall be filed and served within 21 days following the handing down of judgment in any appeals (and cross-appeals) of the Judgment; and
 - (b) The Claimants' Replies shall be filed and served in case number 1384/5/7/21 within 21 days following the Visa Defendants filing and service of their Defences.
4. The costs of and occasioned by these amendments shall be costs in the claims.

Sir Marcus Smith
President of the Competition Appeal Tribunal

Made: 15 February 2022
Drawn: 15 February 2022