



Claim No.: CL-2020-000736

**IN THE HIGH COURT OF JUSTICE**  
**BUSINESS AND PROPERTY COURTS**  
**OF ENGLAND AND WALES**  
**COMMERCIAL COURT (QBD)**

CL-2020-000736

**Before the Honourable Mr Justice Robin Knowles CBE**

**4 March 2022**

**BETWEEN:—**

**ALLIANZ GLOBAL INVESTORS GmbH and others**

**Claimants/Applicants**

**-and-**

**DEUTSCHE BANK AG LONDON and others**

**Defendants/Respondents**

\_\_\_\_\_  
**ORDER**  
\_\_\_\_\_

**UPON** the Claimants' application pursuant to section 16(1) of the Enterprise Act 2002 ("**the 2002 Act**"), regulation 2(a) of the Section 16 Enterprise Act 2002 Regulations 2015 and/or section 16(4) of the 2002 Act for an order that the Claimants' claim in these proceedings ("**the Claim**") be transferred to the Competition Appeal Tribunal ("**the Transfer Application**");

**AND UPON** the Defendants having applied for limitation to be determined as a preliminary issue in the Claim ("**the PI Application**") which application is listed for a hearing on 5 May 2022:

**AND UPON** hearing leading counsel for the Claimants and leading counsel for the Defendants at a hearing of the Transfer Application conducted remotely via MS Teams on 4 March 2022:

**IT IS HEREBY ORDERED AND DIRECTED THAT:—**

**Transfer of the Claim to the Competition Appeal Tribunal**

1. The Claim, insofar as brought in reliance on section 2 of the Competition Act 1998 and Article 101 of the Treaty on the Functioning of the European Union ("**the Transferred Proceedings**"), is transferred to the Competition Appeal Tribunal ("**the Tribunal**").
2. Pursuant to paragraph 3 of Practice Direction 30, the order for transfer in paragraph 1 above shall take effect from the date of the making of this Order.

3. The sending of this Order to the parties and to the Tribunal shall constitute notice to them of the transfer of the Transferred Proceedings for the purposes of paragraphs 8.5 and 8.12 of Practice Direction 30 and CPR, r.30.4(1).
4. The Claim excepting the Transferred Proceedings is stayed pending the final determination of the Transferred Proceedings by the Tribunal, including any appeal or further appeal from the Tribunal.
5. For the avoidance of doubt:
  - (1) neither this Order giving effect to the said transfer, nor the transfer itself, is intended to alter, limit or exclude in any respect any element of the Claimants' Claim as constituted in this Court prior to the transfer taking effect;
  - (2) if, and to the extent that, any element of the Claim as constituted in this Court prior to the transfer taking effect is not capable of falling within the jurisdiction of the Tribunal on a transfer or would be altered, limited or excluded by this Order or the transfer, it is not subject to this Order and remains within the jurisdiction of this Court;
  - (3) the Claim was and shall continue to be regarded as having been commenced in this Court. Save to the extent that the Tribunal otherwise directs, any further statements of case or amendments to a statement of case shall be made in accordance with the Civil Procedure Rules and the Commercial Court Guide, and not with the Competition Appeal Tribunal Rules 2015 (or any other rules applicable in the Tribunal);
  - (4) any appeal to the Court of Appeal against the determination by the Tribunal of the issues transferred or an Order of the Court giving effect to that determination shall be treated for all purposes as an appeal from a judgment of this Court and, accordingly, shall be governed by the rules in CPR Part 52; and
  - (5) this Court may give such further directions or make such further Order as it thinks fit in connection with the transfer and/or with any such element referred to above.

### **Final matters**

6. The Defendants shall pay a contribution to the Claimants' costs of the Transfer Application summarily assessed at £40,000, within 14 days of the date of this Order.
7. The hearing of the PI Application listed for 5 May 2022 shall be vacated. The parties shall exercise their best endeavours to ensure the PI Application is listed before the Tribunal as soon as possible.
8. This Order shall be served by the Claimants upon the Defendants.

**Made on this 4<sup>th</sup> day of March in the year 2022**

### **SERVICE OF THE ORDER**

The court has provided a sealed copy of this Order to the solicitors for the serving party (the Claimants) for the purpose of service:

Quinn Emanuel Urquhart & Sullivan UK LLP, 90 High Holborn, WC1V 6LJ, Tel: + 44 (0) 20 7653 2000