



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1447/5/7/22 (T)
1458/5/7/22 (T)

BETWEEN:

THE CLAIMANT IDENTIFIED IN THE SCHEDULE TO THIS ORDER

"Moor House"

- v -

**THE VARIOUS DEFENDANTS IDENTIFIED IN THE SCHEDULE TO THIS
ORDER**

The "Defendants"

[DRAFT] ORDER

UPON Moor House being dissolved on 7 December 2021 by the then authorising company Directors, Nicholas Peter Lewis and Thomas Edward Mullard

AND UPON Moor House's application to the Companies Court dated 18 November 2022 to be restored to the register pursuant to s. 1029 of the Companies Act 2006 (the "**Restoration Application**")

AND UPON the Order of the High Court dated 7 April 2022 (as amended) transferring these proceedings to the Competition Appeal Tribunal

AND UPON Moor House agreeing that it shall be bound by the determination of any issues which are common to Moor House's claims (the **Moor House Claims**) and to the jointly case managed claims in 1517/11/7/22 (UM) Merchant Interchange Fee Umbrella Proceedings (the "**Merchant Proceedings**")

AND UPON READING the letter of Stephenson Harwood LLP dated 18 November 2022 and the accompanying draft order

AND UPON READING (i) *Steans Fashions Ltd v Legal and General Assurance Society Ltd* [1995] BCC and (ii) sections 1029 and 1032 of the Companies Act 2006

IT IS ORDERED THAT:

1. Upon service of the Claim Forms, the Moor House Claims be stayed immediately pending the outcome of the Restoration Application (the "**Stay**").
2. In the event that the Restoration Application is successful:
 - (a) the Moor House Claims shall remain stayed until further order and, for the avoidance of doubt, be deemed to have been stayed from the date on which the Claim Forms were served (the "**Extended Stay**").
 - (b) Moor House shall not be required to serve any Particulars of Claim during the Extended Stay and time for serving the Particulars of Claim shall be extended until 12 weeks after the date of the order lifting the Extended Stay, unless the Tribunal shall order otherwise.
 - (c) Notwithstanding the Extended Stay, a party in the Merchant Proceedings may make an application for Moor House to provide information or disclosure on the condition that the Tribunal considers such information or disclosure necessary to resolve a wider issue in the Merchant Proceedings.
 - (d) Should the Extended Stay be lifted, the Defendants' ability to make any application pursuant to CPR 17.2(2) shall not be prejudiced as a consequence of their agreement to this Order.
3. In the event that the Restoration Application is unsuccessful and Moor House remains dissolved, the Stay will have no effect and the Moor House Claims will be deemed to have lapsed at the date on which the Claim Forms were served.
4. There be liberty to apply.

5. Costs in the case.

Sir Marcus Smith
President of the Competition Appeal Tribunal

Made: 21 November 2022
Drawn: 21 November 2022

Schedule

Relevant Claimants in *Kew Green Hotels Limited and others v (1) Visa Europe Limited, (2) Visa Europe Services LLC and (3) Visa UK Limited (1447/5/7/22 (T)) and Kew Green Hotels Limited and others v (1) Mastercard Incorporated, (2) Mastercard International Incorporated, (3) Mastercard Europe S.A. and (4) Mastercard/Europay UK Limited (1458/5/7/22 (T))*

Number in Claim Form schedule	Name of Relevant Claimant
163	Moor House Hotel Liverpool Limited