



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1296 etc.

BETWEEN:

THE SECOND WAVE TRUCKS CLAIMANTS

Claimants

- v -

THE SECOND WAVE TRUCKS DEFENDANTS

Defendants

(the “**Second Wave Trucks Proceedings**”)

ORDER

UPON the following definitions applying for the purpose of this Order:

- (i) “**DAF Defendants**” means the Thirteenth to Fifteenth Defendants in the DS Smith Proceedings;
- (ii) “**Daimler Defendants**” means the Eighth Defendant in the DS Smith Proceedings;
- (iii) “**DS Smith Proceedings**” means the proceedings with case number 1343/5/7/20 (T);
- (iv) “**Defendants**” means the Defendants in the DS Smith Proceedings;
- (v) “**DS Smith Claimants**” means the Claimants in the DS Smith Proceedings;
- (vi) “**DAF Additional Claims**” means the additional claims in the DS Smith Proceedings brought by the Thirteenth to Fifteenth Defendants against the First to Twelfth Defendants on 17 February 2020;

- (vii) **“Iveco Defendants”** means the Ninth to Twelfth Defendants in the DS Smith Proceedings;
- (viii) **“Iveco 20.6 Additional Claim”** means the additional claim in the DS Smith Proceedings brought by Ninth to Twelfth Defendants under CPR 20.6 against the First to Eighth and Thirteenth to Fifteenth Defendants on 17 February 2020;
- (ix) **“Iveco 20.7 Additional Claim”** means the additional claim in the DS Smith Proceedings brought by the Ninth to Twelfth Defendants under CPR 20.7 against the Scania Named Third Parties on 20 February 2020;
- (x) **“MAN Defendants”** means the First to Third Defendants in the DS Smith Proceedings;
- (xi) **“Scania Named Third Parties”** means the First to Third Named Third Parties in the DS Smith Proceedings; and
- (xii) **“Volvo/Renault Defendants”** means the Fourth to Seventh Defendants in the DS Smith Proceedings.

AND UPON the DS Smith Claimants, the Defendants and the Scania Named Third Parties having reached confidential terms of settlement and no longer being in dispute with each other regarding the subject matter of the DS Smith Proceedings;

AND UPON the DS Smith Claimants, the Defendants, and the Scania Named Third Parties having agreed to the terms of this Order;

AND UPON the parties to this Order recognising the guidance of the Tribunal in the Tribunal’s Ruling on Umbrella Proceedings Cost Sharing Orders, [2024] CAT 12:

- (1) The effect of these settlements is that the DS Smith Claimants (the **“Settling Claimants”**) cease to have a claim against the Defendants and the Scania Named Third Parties (the **“Settling Defendants”**) and therefore the Settling Claimants cease to be parties to the Second Wave Trucks Proceedings. To the extent that the Tribunal has any costs jurisdiction over the Settling Claimants and/or the Settling Defendants (as to

which this order says nothing), a costs order against one of them in favour of the other may not be a just exercise of the Tribunal's costs discretion.

- (2) Whilst the Settling Defendants (if still parties to the Second Wave Trucks Proceedings) would be entitled, as appropriate, to seek costs orders against those claimants in the Second Wave Trucks Proceedings who have not settled (“**Non-Settling Claimants**”), the Tribunal will be reluctant to order such Non-Settling Claimants to pay costs that are attributable to the Settling Claimants.
- (3) The Tribunal may, accordingly, reduce the costs recoverable by the Settling Defendants (if still a party to the Second Wave Trucks Proceedings) against Non-Settling Claimants by an amount referable to the costs incurred prior to the date of the settlement that would (but for the settlement) have been paid by the Settling Claimants.
- (4) Whilst the Settling Claimants (if still a party to the Second Wave Trucks Proceedings) would be entitled, as appropriate, to seek costs orders against those defendants in the Second Wave Trucks Proceedings who have not settled (“**Non-Settling Defendants**”), the Tribunal will be reluctant to order such Non-Settling Defendants to pay costs that are attributable to the Settling Defendants.
- (5) The Tribunal may, accordingly, reduce the costs recoverable by the Settling Claimants (if still a party to the Second Wave Trucks Proceedings) against Non-Settling Defendants by an amount referable to the costs incurred prior to the date of the settlement that would (but for the settlement) have been paid by the Settling Defendants.

BY CONSENT IT IS ORDERED THAT:

1. The DS Smith Proceedings shall be dismissed.
2. The DAF Additional Claims, the Iveco 20.6 Additional Claim and the Iveco 20.7 Additional Claim shall be dismissed.
3. There shall be no order as to costs.

4. This order shall be served by the DS Smith Claimants on the Defendants and the Scania Named Third Parties.

The Honourable Mr Justice Huddleston
Chair of the Competition Appeal Tribunal

Made: 16 May 2025
Drawn: 16 May 2025