



Claim No. CL-2022-000597

**IN THE HIGH COURT OF JUSTICE  
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES  
KING'S BENCH DIVISION  
COMMERCIAL COURT**

CL-2022-000597

**Before: Mr Justice Foxton  
Date: 17 May 2023**

**BETWEEN**

**IHERB LLC AND OTHERS**

**Claimants**

**and**

**(1) MASTERCARD INCORPORATED  
(2) MASTERCARD INTERNATIONAL INCORPORATED  
(3) MASTERCARD EUROPE S.A.  
(4) MASTERCARD/EUROPAY U.K. LIMITED**

**Defendants**

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**ORDER**

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**UPON** the above proceedings (the "**Proceedings**") involving claims against the Defendants in respect of alleged interchange fee overcharges

**AND UPON** the Claimants having served the Claim Form on the Defendants on 11 May 2023

**AND HAVING REGARD TO** section 16 of the Enterprise Act 2002 (as amended) (the "**2002 Act**") and to the Section 16 Enterprise Act 2002 Regulations 2015 (the "**2015 Regulations**")

**AND HAVING REGARD TO** paragraphs 8.3 – 8.6 and 8.10 – 8.13 of Practice Direction 30 ("**Practice Direction 30**"), supplementing CPR Part 30, and to paragraph B13.6 of the Commercial Court Guide

**AND HAVING REGARD TO** the overriding objective in CPR Rule 1.1

**AND UPON** the parties having agreed to this Order in draft form

**AND UPON** the Court concluding, in the light of all the circumstances of the case, including the wishes of the parties, that it is appropriate to make an order pursuant to section 16(1) of the 2002 Act in conjunction with Regulation 2 of the 2015 Regulations in respect of the Proceedings

**AND UPON** noting that the Court may give such directions or make such order as it thinks fit to give effect to the determination of any issue by the Competition Appeal Tribunal pursuant to Regulation 2(b) of the 2015 Regulations

**IT IS ORDERED THAT:-**

1. The Proceedings are hereby transferred to the Competition Appeal Tribunal pursuant to section 16(1) of the 2002 Act and Regulation 2 of the 2015 Regulations.
2. Pursuant to paragraph 3 of Practice Direction 30, this Order shall take effect forthwith.
3. The deadline for the filing and service of the Defendants' Defence in the Proceedings be stayed pending further directions from the Competition Appeal Tribunal.
4. The sending of this Order to the parties and the Competition Appeal Tribunal shall constitute notice to them for the purposes of paragraphs 8.5 and 8.12 of Practice Direction 30 and CPR Rule 30.4(1).
5. Costs in the case.
6. A sealed copy of this Order shall be served by the Claimants on the Defendants.

**For the avoidance of doubt**, neither this Order, nor the transfer effected by this Order, is intended to alter, limit or exclude in any respect any element of the Claimant's Claim as constituted in this Court prior to the transfer taking effect. If and to the extent that any element of the Claimant's claim as constituted in this Court prior to the transfer taking effect is not capable of falling within the jurisdiction of the CAT 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. 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 element as referred to above