

Neutral Citation Number: [2024] EWHC 1719 (KB)

Case No: QB-2022-002405

IN THE HIGH COURT OF JUSTICE
OF ENGLAND AND WALES
KING'S BENCH DIVISION
COMMERCIAL COURT

Royal Courts of Justice, Rolls Building
Fetter Lane, London, EC4A 1NL

Date: 17 June 2024

Before :

Mrs Justice Cockerill

Between :

Pan NOx Emissions Litigations

Claimant

Adam Kramer KC and Simon Teasdale (instructed by **PGMBM LAW LTD t/a Pogust Goodhead, Leigh Day**) for the **Claimant**

Toby Riley-Smith KC, David Myhill and Nicholas Bacon KC (instructed by **Signature Litigation LLP, Cleary Gottlieb Steen & Hamilton LLP**) for the **Defendant**

Hearing dates: **17th June 2024**

APPROVED RULING 2

Mrs Justice Cockerill
(11:31 am)

Monday, 17 June 2024

Ruling by **MRS JUSTICE COCKERILL**

1. I am going to say exclude prior to the 15th on the basis that this seems to me to be a question which is capable of being replete with unnecessary distractions and more costs incurred arguing about what related to what. Let's just clear the deck for the costs judge dealing with this to enable them to take a robust view in relation to what happens.
2. On the rider to the recital, let's just keep it clean, keep it down to the defined disclosure order. Yes, there is a background of the March CMC order. If you want to put something in about that, that can come in after the definition of the disclosure order saying "*and further in the light of the order made at the March CMC*" so that anybody who wants to refer back to it can. I am not at all sure it is necessary.
3. I am going to leave the paragraph 2 as it has been put forward by the claimants. There is a permission to apply. Whether it is purely a material change of circumstances or otherwise may be a question which we will have to look at. The truth is that this was not an application made in relation to every future bit of disclosure, but it must be recorded that the intention is that this shall be the operative principle.
4. If liberty to apply is inherent, whether it's appropriate that a different approach be taken exceptionally and with some case or other, that is a matter we can revisit if absolutely necessary, but let's just have recording future orders shall be made without the appointment of a Hague commissioner and application can be made if necessary.
5. I think if we put that full rider that Mr Riley-Smith has put it, I understand entirely why he has done it, but "or otherwise" is just asking for trouble in this case.