

MANDATE

10.02.2020

GLEISS LUTZ SECURES DISMISSAL OF LARGEST TRUCK CARTEL ACTION IN GERMANY FOR DAIMLER

On Friday, Munich I Regional Court dismissed Germany's largest truck cartel damages suit. Alleged claims relating to some 84,000 trucks had been assigned to plaintiffs financialright claims GmbH, represented in court by Hausfeld, by over 3,200 truck buyers from Germany and 20 other countries. In a class action financialright claims GmbH was seeking in excess of EUR 600 million in damages from truck manufacturers Daimler, MAN, Volvo/Renault, DAF and Iveco.

In its ruling Munich Regional Court followed Daimler's line of argument, namely that financialright claims GmbH had violated the Out-of-Court Legal Services Act on several counts, rendering the assignment of the damages claims invalid. In the opinion of Munich Regional Court, the plaintiff exceeded the bounds of its debt collection licence with its assignment model. The court also ruled that the assignment model results in an irresolvable conflict of interests for the plaintiff.

The matter was handled by the following Gleiss Lutz team: Dr. Ulrich Denzel (partner, Competition/Antitrust, Stuttgart), Dr. Stefan Rützel (partner, Litigation, Frankfurt, both lead), Dr. René Kremer (counsel, Litigation, Stuttgart), Christian Hütt (Competition/Antitrust, Munich), Dr. Simon Wagner (counsel, Litigation, Stuttgart), Dr. Carsten Klöppner (counsel, Competition/Antitrust, Stuttgart), Dr. Ines Bodenstein (counsel, Competition/Antitrust, Stuttgart), Dr. Lukas Schultze-Moderow (partner, Litigation, Hamburg), Dr. Bernd Zimmermann (counsel, Litigation, Berlin), Christian Köhli (Munich), Moritz Krause, Ramona Wehrle (both Competition/Antitrust, Stuttgart), Katja Meyer, Saskia Guenoub (both Litigation, Berlin).

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