

MANDATE

25.09.2020

GLEISS LUTZ AND ROHNKE WINTER SECURE FIRST SUPREME COURT DECISION ON TRUCK CARTEL FOR DAIMLER

Last Wednesday, the Antitrust Division of the Federal Court of Justice handed down a first, broadly publicised decision regarding the claims for damages relating to the truck cartel that have been keeping the courts busy for several years.

The proceedings before the Federal Court of Justice focused on a judgment of Stuttgart Higher Regional Court from April 2019, awarding the plaintiff damages on the merits on the basis of a far-reaching assumption of fact according to which the prices for trucks had allegedly been excessive on account of the established exchange of information between the truck manufacturers. The judgment was the very first handed down on the truck cartel and the numerous plaintiff firms in particular presumed it would be a landmark decision.

Following an intensive oral hearing lasting more than four hours, the Federal Court of Justice decided in favour of Daimler. The judgment of Stuttgart Higher Regional Court was annulled and the matter referred back to that Court to be heard again. The reasons for the decision on the appeal are not available as yet, but it is already quite clear that the Federal Court of Justice considered the appeal court to have erred in law in its assessment of the relevant facts. The proceedings will now start from the beginning again.

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), Dr. Simon Wagner (counsel, Litigation), Dr. Carsten Klöppner (counsel, Competition/Antitrust), Dr. Ines Bodenstein (counsel, Competition/Antitrust, all Stuttgart), Dr. Lukas Schultze-Moderow (partner, Litigation, Hamburg), Dr. Bernd Zimmermann (counsel, Litigation, Berlin).

Supreme court lawyer Dr. Thomas Winter (Rohnke Winter) took on representation before the Federal Court of Justice.

PRESS

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