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## **BIOGRAPHY**

Sam is an associate in the Antitrust & Competition team, based in the London office.

Sam advises clients on all aspects of UK and EU competition law, including cartels, mergers and abuse of dominance.

Sam has experience of litigating disputes in various forums in the UK, including the High Court of Justice and the Competition Appeal Tribunal.

### **THE GROWTH OF CLASS ACTIONS: WHAT'S NEXT?**

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## RELATED INSIGHTS

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### **Certification of Collective Actions in the CAT**

To bring a collective competition action in the Competition Appeal Tribunal (“CAT”), a proposed class representative first has to have their claim certified by the CAT. The CAT’s approach to certification is therefore an important issue and has been heavily scrutinised. In this Insight, we look at three recent judgments of the Competition Appeal Tribunal where the CAT has stalled the progression of the claims: *Gormsen v Meta Platforms, Inc.*, *Justin Gutmann v Apple Inc.*, and *Commercial and Interregional Card Claims*. We consider the factors that led to these decisions, which buck the trend over the last two years of class representatives achieving certification of their claims with relative ease, and set out our thoughts on the key learnings from the judgments.

Insights

Jul 03, 2023

### **The Digital Markets, Competition & Consumers Bill: Key Aspects for Private Enforcement**

On 25 April 2023, the UK Government published the Digital Markets, Competition and Consumers Bill. In this Insight, we consider three key aspects of this draft legislation that are of particular relevance to the private enforcement of competition law in the UK: provisions enabling private actions to be brought against any person that has breached a ‘relevant requirement’ under the new regulatory regime for digital markets that the Bill introduces; the route for decisions made by the CMA exercising its new digital markets functions to be challenged by undertakings designated by the CMA as having strategic market status or by any person with a sufficient interest in the decision; and the planned expansion of the jurisdiction of the Competition Appeal Tribunal to grant declaratory relief and award exemplary damages in competition claims.

News

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### **BCLP competition team featured in ‘The Lawyer’ for work on landmark trucks cartel case**

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## **BCLP wins The Lawyer Awards Litigation Team of the Year**

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## **BCLP shortlisted in 'The Lawyer' Awards 2023**

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## **Mastercard overcharge counterfactual declined – Tribunal rules in Merricks class action**

The Competition Appeal Tribunal has handed down a judgment determining several preliminary issues in the £17 billion collective action brought against Mastercard in relation to anti-competitive multilateral interchange fees, following on from the European Commission's infringement Decision. In this Insight, we discuss the Tribunal's rejection of Mastercard's argument that it could rely on a counterfactual scenario premised on the interchange fees having been set at a lower, lawful level, thereby limiting the claimants' recoverable losses. We consider in particular the Tribunal's ruling that this argument was precluded by the binding effect of the decision, or alternatively, by the argument constituting an abuse of process given that Mastercard did not advance it before the Commission.

Insights

Apr 17, 2023

## **Learning from the latest Trucks cartel judgment: a conversation between BCLP and Erso Capital**

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Mar 17, 2023


## **Financing losses and interest - simple pleasures or compounding the misery?**

It has long been a mystery to economists, accountants and business people why lawyers have regard to simple interest in commercial cases, in circumstances where companies generally do not (and cannot) borrow money on a simple interest basis. Despite compound interest having been awarded and endorsed in *Sempra Metals* more than 15 years ago, it is still common for claimants to claim, and for UK courts to award, interest on a simple basis. The Competition Appeal Tribunal's landmark judgment in *Royal Mail v DAF Trucks* provides a ringing endorsement of the principles laid down in *Sempra Metals* and provides insight as to what a claimant is required to prove to successfully claim compound interest.

News

Feb 15, 2023

## **Landmark cartel damages judgment for BCLP clients Royal Mail and BT**

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