

PRESS SUMMARY

VARIOUS CLAIMANTS

- and -

**MERCEDES-BENZ GROUP AG AND OTHERS
FORD MOTOR COMPANY AND OTHERS
NISSAN MOTOR CO., LTD AND OTHERS
STELLANTIS AUTO SAS AND OTHERS
AND OTHERS**

- and -

**CLIENTEARTH
MUMS FOR LUNGS C.I.C.
THE SCOTTISH NOX EMISSIONS STEERING GROUP**

NOX EMISSIONS LITIGATION

Before Mr JUSTICE CONSTABLE

NOTE: This summary is provided to help in understand the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are public documents and are available at: <https://caselaw.nationalarchives.gov.uk/>

Background

1. This is a further judgment relating to the ongoing management of the NOx emissions litigation, in which cohorts of Claimants bring claims against manufacturer defendants and others involved in the sale or financing of vehicles. The Claimants allege the existence of 'prohibited defeat devices' ('PDDs') used in tests undertaken by regulators. A 10-week trial in respect of liability, considering sample vehicles across a range of manufacturers ('the Lead Defendants'), is set down to commence in October 2025

The Applications

2. A number of interested parties ('Interested Parties'), supported by the Claimants and other third parties including Reuters and the Financial Times, applied to the Court for copies of fully unredacted pleadings pursuant to CPR5.4C(1). In addition, the Claimants sought the de-designation as confidential of redacted parts of witness statements. The Claimants also applied for documents which had been designated as Confidential and disclosed to the Claimants into Confidentiality Rings to be de-designated as non-

confidential so that they could be referred to in open court at the forthcoming liability trial.

Redaction of Pleadings

3. See Section C of the Judgment. The redactions generally applied to the technical parameters and values by which the operation of the alleged PDDs can be understood at a specific, rather than generalised, level. Redactions are explained, with examples, at paragraphs [32] to [38].
4. The Interested Parties applied pursuant to CPR5.4C(1). This states that ‘*The general rule is that a person who is not a party to proceedings may obtain from the court records a copy of ... a statement of case*’.
5. The Interested Parties argued that they did not need to justify why they wanted or needed a copy of the unredacted pleadings and that the reasons why an applicant under CPR 5.4C(1) wants the unredacted pleadings are of little or no importance unless it can be said that the document is sought for some improper purpose. Nevertheless, the Interested Parties said they did have a good reason. Essentially, they argued that as a result of the redactions, the pleadings were impenetrable, and that there was a strong public interest in understanding how any PDDs operated at a detailed rather than generic level. Each of the Lead Defendants opposed the lifting of redactions to the pleadings, notwithstanding the concession by some that the parameters and values could be referred to in open court, and reported if so referred to at the forthcoming PDD Trial. The basis for this was the asserted remaining commercial confidentiality in the information
6. **The Court’s Decision:** (see [48]-[62]) the Interested Parties’ application succeeded in full (as did the related part of the Claimants’ application). The pleadings are to be made publicly available in a fully unredacted form forthwith. The Court determined that (a) the Lead Defendants had not established that the specific technical information relating to alleged PDDs was (still) confidential and (b) even if the parameters and values had been established as being highly commercially confidential, the fact that this information is so central to being able to understand the issues within the trial, together with the significant and justified public interest in this litigation, combined to justify the Interested Parties’ application pursuant to CPR 5.4C(1) for unredacted versions of the pleadings.

Redaction of Witness Statements

7. It followed that the majority of redactions applied, which also related to parameters and values, are to be lifted as the information is non-confidential. The Claimants’ application succeeded in respect of other redactions (generally by Ford and Nissan) that went beyond parameters and values. These redactions were held to be unjustified (see [64]).

Confidentiality of Documents

8. The Lead Defendants sought categorisation pursuant to a traffic light system: as originally proposed, see [5]. The Claimant’s application for wholesale de-designation

of most documents to 'Green' (fully non-confidential) did not succeed. However, the application succeeded to the extent that, save in respect of FFD/Firmware/A2 files which remain confidential, and some documents which contain excerpts from these documents, all parts of documents which contain technical information relevant to the pleaded issues are to be designated as 'Green' or a modified 'Amber'. The practical effect of which is that they may be referred to fully in open court, and subjected to no reporting restrictions – see the full definition of Amber as determined by the Court at [76].

9. For a fuller summary of the outcome, see paragraph 91.