

London, 30. April 2021

LitFin – Truck Cartel News

Dear Sir or Madam,

As one of the largest **litigation financiers in the EU**, we are turning to you with the latest developments that have occurred before various German courts and that may be relevant to lawsuits relating to the **Truck cartel case**. Recently, several courts have ruled that the assignment model chosen by some providers to enforce such claims is inadmissible and therefore the lawsuits are unsuccessful. If you are a damaged party and have decided to proceed with legal actions, these developments could be relevant to you – especially if you have assigned claims to the **financial right claims GmbH (“Financialright”)**. If you work with another partner without an assignment model under German law, this letter is likely not relevant to you.

Legal situation

With its judgment of 7 February 2020 (Az. 37 O 18934/17), the Munich I Regional Court **dismissed** a “class action” brought by **Financialright** concerning allegedly assigned cartel damages claims of more than EUR 600 million. The Court found that the plaintiff lacks capacity to sue since the underlying assignments were **invalid** due to numerous violations of the Act on Out-of-Court Legal Services.

Since then, the principles of the Munich I Regional Court decision have been confirmed by other courts in Germany, for example in cartel damages proceedings against the sugar cartel by the LG Hannover (May 5, 2020, Az. 18 O 50/16) and LG Berlin (October 22, 2020, 67 S 167/20). A similar decision was made in proceedings on the emissions scandal led by financialright GmbH, which operates the “myright.de” platform, for example by LG Augsburg (ruling of October 27, 2010, Az. 011O 3715/18), LG Ingolstadt (ruling. v. 07.08.2020, Az. 41 O 1745/18) and from LG Braunschweig (ruling of 30.04.2020, Az. 11 O 3092/19). Time and again, assignment agreements were declared **null and void**.

To the best of our knowledge, **there is currently not a single positive judgement** in the Truck Cartel case that would permit widespread bundling of claims through the assignment **model in Germany**.

It is to be expected that the Munich Higher Regional Court **will in all likelihood** confirm the decision of the Munich I Regional court. However, the decision of the Appeal court will most probably not be made before **19 July 2021**. In such case, the clients of Financialright will **irretrievably lose their claims** due to the expiration of the limitation period and they will not be able to apply their claims elsewhere.

We are convinced that **Financialright** and other providers are aware of this situation. If you have not been fully informed of the above-written facts yet, please feel free to **contact their representatives directly**. In addition, you shall immediately consult the situation with a specialized law firm you trust.

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For more information, please visit our website www.truckcartel.nl. We are also happy to answer your questions personally and explain the process of filing a lawsuit via LitFin in the Netherlands so that you receive the financial compensation you are entitled to from the cartel members.

We're your litigation partners. We are LitFin.

Kind Regards
Jan Eisenreich



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More about LitFin

In total, across the European continent we finance claims worth approx. **EUR 1.3 bn.**

Recently, LitFin supported over 2,200 companies within the **logistics and transportation industry** from all around Europe in the case of unlawfully charged German toll while being trusted partner of Eurowag and other mobility providers.

LitFin also helps injured investors to enforce their claims exceeding **EUR 500 million** for damages against **Ernst and Young GmbH** (and other responsible parties) by financing a group action in the scandal of German fintech company **Wirecard AG**. To succeed, LitFin provides to its clients the best legal representation via international law firm **Pinsent Masons LLP**, cooperates with associations protecting investors such as **Schutzgemeinschaft der Kapitalanleger (SdK)** and was recommended by **Deutsche Bank**.

In addition, LitFin represents the claims of numerous damaged dealers from Germany, Austria and Eastern Europe and has filed lawsuits worth over **EUR 200 million** in Belgium in the case of excessive interchange fees against the major card companies **VISA** and **Mastercard**.

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