



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No: 1408/7/7/21

BETWEEN:

ELIZABETH HELEN COLL

Class Representative

- v -

(1) ALPHABET INC.

(2) GOOGLE LLC

(3) GOOGLE IRELAND LIMITED

(4) GOOGLE COMMERCE LIMITED

(5) GOOGLE PAYMENT LIMITED

Defendants

- and -

THE COMPETITION AND MARKETS AUTHORITY

Interveners

ORDER

UPON a first Case Management Conference (the **First CMC**) being listed for 15 December 2022 pursuant to paragraph 14 of the Collective Proceedings Order made on 18 July 2022

UPON the Competition and Markets Authority (CMA) letter to the Tribunal of 8 August 2022 notifying the Tribunal of its intention to make written submissions in the present proceedings pursuant to Rule 50(2) of the Tribunal Rules

UPON the Tribunal's letter dated 12 December 2022

UPON the Class Representative, Defendants and CMA having agreed the terms of this Order

AND UPON the Tribunal vacating the First CMC

IT IS ORDERED THAT:

DISCLOSURE

1. Subject to and within 21 days from the date on which a confidentiality ring order for the substantive stage of the proceedings is made, the Defendants shall give inspection of:
 - (a) the data referred to in paragraph 3 of the Defendants' letter to the Class Representative dated 24 November 2022, in an electronic format and on an electronic medium to be agreed by the parties.
 - (b) the documents referred to in paragraph 5 of the Defendants' letter to the Class Representative dated 24 November 2022, in an electronic format and on an electronic medium to be agreed by the parties.
2. By **6 February 2023**, the Defendants shall file a disclosure report (as defined in Rule 60(1)(b) of the Tribunal Rules) and an Electronic Disclosure Questionnaire (as defined in Rule 60(1)(c) of the Tribunal Rules).
3. The parties shall seek to agree the categories of documents and data to be disclosed. Any matters that are not agreed shall be determined at a further case management conference (**CMC**) to be listed pursuant to paragraph 6 below.
4. By **6 March 2023**, the Class Representative and the Defendants shall provide notice of:

- (a) the number of expert witnesses they propose to call;
 - (b) those experts' respective fields of expertise; and
 - (c) the issues it is proposed that each of those experts will address.
5. The Tribunal shall then give directions at the next CMC as to the expert evidence that will be permitted to be adduced at Trial.
6. The next CMC shall be listed for the first available date on or after **24 April 2023** with a time estimate of 1 day with a day in reserve.
7. Subject to any further order, by 4pm on **25 August 2023**, the Defendants shall give disclosure in accordance with the terms agreed by the parties and/or as ordered by the Tribunal. Inspection shall be given in an electronic format and on an electronic medium to be agreed by the parties.

FACTUAL WITNESS EVIDENCE

8. By 4pm on **15 December 2023**, the parties shall serve signed statements of witnesses of fact, and hearsay notices where required by CPR r 33.2.
9. By 4pm on **16 February 2024**, the parties shall serve signed reply statements of witnesses of fact, and hearsay notices where required by CPR r 33.2.

EXPERT EVIDENCE

10. Subject to any further order:
- (a) By 4pm on **12 April 2024**, the Class Representative shall serve her signed expert report(s).
 - (b) By 4pm on **27 September 2024**, the Defendants shall serve their signed expert report(s).
 - (c) By 4pm on **24 January 2025**, the Class Representative, if so advised, shall serve her signed reply expert report(s).

- (d) By **7 March 2025**, the parties' experts in each respective field shall meet on a without prejudice basis to discuss their respective report(s), and produce a joint statement on matters agreed and not agreed.

THE CMA'S INTERVENTION UNDER RULE 50(2) OF THE TRIBUNAL RULES

11. The CMA shall not be provided with the disclosure made between the other parties in these proceedings pursuant to paragraphs 1 and 7 above, but the CMA has liberty to apply for inspection of any such documents.
12. The parties shall serve any further statements of case, and their respective factual witness statements, expert reports and skeleton arguments on the CMA as soon as reasonably practicable after those documents are otherwise served (including pursuant to paragraphs 8, 9, 10(a), 10(b) and 10(c) above, and paragraphs 19 and 20 below).
13. The CMA shall be provided with a copy of the joint statement(s) as soon as reasonably practicable after the final versions have been produced pursuant to paragraph 10(d) above.
14. The CMA shall file and serve its written observations pursuant to Rule 50(2) of the Tribunal Rules by 4pm on **4 April 2025**.
15. If so advised, the parties shall file and serve their respective written observations on the CMA's written observations by 4pm on **9 May 2025**.
16. If so advised, the CMA shall file and serve written observations in reply by 4pm on **6 June 2025**.
17. The CMA shall have liberty to apply at the Pre-Trial Review for permission to submit oral observations at trial.

TRIAL

18. A pre-trial review shall be listed at the first available date on or after **9 June 2025**.

19. By 4pm on **11 July 2025**, the Class Representative shall file and serve her skeleton argument for trial.
20. By 4pm on **30 July 2025**, the Defendants shall file and serve their skeleton argument for trial.
21. The trial shall be listed from the first available date on or after **1 September 2025** with an time estimate of 8 weeks. The first week shall be a reading week for the Tribunal.

GENERAL

22. Costs shall be costs in the case.
23. There be liberty to apply.
24. By agreement the parties may vary without further order any deadline in this Order provided that they inform the Tribunal of such agreement in advance of the expiry of the relevant deadline and the extension does not affect the dates of any listed hearings.
25. For the avoidance of doubt, (and without prejudice to the Tribunal's case management powers pursuant to the Tribunal Rules) any date in this Order may be varied to an earlier date in the circumstances set out in the Tribunal's letter dated 12 December 2022.

Bridget Lucas KC
Chair of the Competition Appeal Tribunal

Made: 16 December 2022
Drawn: 16 December 2022