



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1527/7/7/22

BETWEEN:

ALEX NEILL CLASS REPRESENTATIVE LIMITED

Proposed Class Representative

- v -

(1) SONY INTERACTIVE ENTERTAINMENT EUROPE LIMITED
(2) SONY INTERACTIVE ENTERTAINMENT NETWORK EUROPE LIMITED
(3) SONY INTERACTIVE ENTERTAINMENT UK LIMITED

Proposed Defendants

ORDER (DIRECTIONS)

UPON hearing Counsel for the Proposed Class Representative (“PCR”) and Leading Counsel for the Proposed Defendants at the first case management conference on 14 December 2022

AND UPON the Tribunal making at this case management conference a Confidentiality Ring Order establishing an inner and outer confidentiality ring for the purposes of these proposed collective proceedings

IT IS ORDERED THAT:

1. FORUM

1. Pursuant to Rule 18 of the Tribunal Rules, the proceedings shall be treated, for all purposes, as being proceedings in England and Wales.

2. PUBLICITY

2. The Proposed Defendants shall, as soon as possible (and no later than 3 working days) after receiving disclosure of the Funding Documents pursuant to paragraph 7 of this Order, inform the PCR of any proposed corrections to the draft Notice of CPO Application and Hearing, exhibited to the First Witness Statement of Alex Louise Neill dated 19 August 2022 as Document 7C. If any matters remain in dispute, the parties are to notify the Tribunal so that the disagreement can be promptly resolved on the papers.
3. By 4pm on the date 5 working days from the date on which the Proposed Defendants provide comments on the draft Notice of CPO Application and Hearing pursuant to paragraph 2 of this Order, the PCR shall publish the Notice of CPO Application and Hearing which shall be in the same form as the draft Notice that the PCR has provided to the Tribunal, save for the following amendments:
 - (a) inserting information for which a placeholder was provided in the draft Notice (e.g. the date for filing notices of objection and the dates of the hearing of the CPO Application); and
 - (b) any other factual corrections agreed between the parties or ordered by the Tribunal.

3. OBJECTIONS TO THE CPO APPLICATION AND APPLICATIONS FOR PERMISSION TO MAKE OBSERVATIONS

4. Any person with an interest (including any member of the proposed class) may object to the CPO Application and/or the authorisation of the PCR by writing to the Tribunal, with reasons, by 4pm on the date 6 weeks from the deadline set out in paragraph 3 of this Order. Any member of the proposed class may also ask for permission to make submissions (either verbally or in writing) at the CPO Application hearing, by making an application for such permission, with reasons, as part of his/her written objections.
5. Any third party with a legitimate interest (who is not a member of the proposed class) who seeks permission to make submissions (either verbally or in writing) at the CPO

Application hearing may make an application for such permission, with reasons, by 4pm on the date 6 weeks from the deadline set out in paragraph 3 of this Order.

4. **FURTHER INFORMATION / DISCLOSURE OF PUBLICITY MATERIALS**

6. The PCR shall, by 4pm on 30 December 2022, provide to the Proposed Defendants the following:

(a) Confirmation in writing that the information currently available on the website playstationyouoweus.co.uk has remained unchanged, i.e. that there are no materially different earlier versions of the information which were previously accessible on the website but which have subsequently been removed or replaced. If and insofar as there were earlier versions which are no longer on the website, the PCR shall provide the Proposed Defendants with copies.

(b) Copies of any mass mailings, social media postings, press releases, digital or print advertisements, public FAQ/Q&A material or other information relating to the proposed collective proceedings which have been published by or on behalf of the PCR to the public (or the media) and/or sent to potential class members who have signed up via the website to receive updates regarding the proposed collective proceedings, which is not available on the website.

5. **DISCLOSURE AND CONFIDENTIAL TREATMENT OF THE PCR'S LITIGATION FUNDING DOCUMENTS**

7. As soon as possible (and in any event within 2 working days) after the confidentiality ring provided for in the Confidentiality Ring Order is in place, the PCR shall disclose in the Inner Confidentiality Ring (as defined therein) the following documents:

(a) Litigation Budget;

(b) Litigation Funding Agreement dated 14 July 2022 between Woodsford Litigation Funding 15 LLP, Woodsford Group Limited and the PCR;

(c) the Priorities Agreement (when such document has been entered into);

- (d) the Deed of Adherence;
- (e) the Conditional Fee Agreements agreed with solicitors and with counsel;
- (f) the ATE insurance policy

(together, the “**Funding Documents**”).

8. By 4pm on the date 5 working days from the deadline set out in paragraph 2 of this Order, the PCR shall disclose copies of the Funding Documents outside of the confidentiality ring.
9. The PCR may redact from the Funding Documents disclosed inside and outside the confidentiality ring the insurance premia (numbers only) specified in the ATE insurance policy. If and insofar as the PCR has redacted any other information from the Funding Documents either: (a) as disclosed in the confidentiality ring pursuant to paragraph 7 of this Order, or (b) as disclosed outside the confidentiality ring pursuant to paragraph 8 of this Order, the PCR shall, by 4pm on the date 5 working days from the deadline set out in paragraph 2 of this Order, make an application for confidential treatment pursuant to Rule 101 of the Tribunal Rules, which sets out the PCR’s reasons why the redactions are required. Redactions made by the PCR from the Funding Documents as disclosed in the confidentiality ring shall not be more extensive than those set out by Counsel on its behalf at this case management conference.
10. Insofar as the Proposed Defendants wish to oppose any application(s) made by the PCR pursuant to paragraph 9 of this Order, they shall file and serve their response by 4pm on the date 14 days from the deadlines set out in paragraphs 8 and 9 of this Order.
11. The Tribunal shall give directions for the determination of any application(s) made by the PCR pursuant to paragraph 9 of this Order (whether on the papers or at a hearing, as the Tribunal may decide upon seeing an application) as soon as possible thereafter.

6. **RESPONSES AND REPLIES**

12. The Proposed Defendants shall file and serve their response to the CPO Application and any application made pursuant to Rule 41 or Rule 43 of the Tribunal Rules, together with any accompanying expert and factual evidence, by 4pm on 28 February 2023.
13. The PCR shall file and serve any reply to the Proposed Defendants' response and any response to any application made pursuant to Rule 41 or Rule 43 of the Tribunal Rules, together with any factual and expert evidence relied on in reply or response, by 4pm on 14 April 2023.

7. **SKELETON ARGUMENTS AND BUNDLES**

14. The parties shall file and serve skeleton arguments for the hearing of the CPO Application hearing (and any applications made under Rule 41 or Rule 43) by 4pm on 30 May 2023.
15. The PCR shall file an agreed electronic bundle for the hearing by 4pm on 23 May 2023 and an agreed electronic authorities bundle by 4pm on 31 May 2023.
16. Hard copy versions of electronic bundles, if requested by the Registry, are to be provided to the Tribunal as soon as possible following such request being made.

8. **HEARING OF THE CPO APPLICATION**

17. Any application made pursuant to Rule 41 or Rule 43 of the Tribunal Rules shall be case managed alongside and heard at the same hearing as the CPO Application.
18. The hearing of the CPO Application and/or any application made pursuant to Rule 41 or Rule 43 of the Tribunal Rules shall be listed to be heard starting on 7 June 2023 with a time estimate of 3 days. If it appears to the parties that a shorter time estimate would suffice, then the parties are to inform the Registry as soon as possible.

9. **COSTS**

19. Costs in the case.

Ben Tidswell
Chair of the Competition Appeal Tribunal

Made: 14 December 2022
Drawn: 5 January 2023