



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1468/7/7/22

BETWEEN:

JUSTIN GUTMANN

Applicant / Proposed Class Representative

- v -

(1) APPLE INC.

(2) APPLE DISTRIBUTION INTERNATIONAL LIMITED

(3) APPLE RETAIL UK LIMITED

Respondents/ Proposed Defendants

ORDER

UPON hearing Mr Philip Moser KC, leading counsel for the Applicant/Proposed Class Representative (“PCR”), and Lord Wolfson KC, leading counsel for the Proposed Defendants/Respondents, at the Certification Hearing in these proceedings held on 2 May 2023

AND UPON the Certification Hearing listed for 2-4 May 2023 being adjourned to allow time for the PCR to make a pre-certification disclosure application

HAVING REGARD TO the Tribunal’s powers under Rule 53(2)(1) and Rule 89(1)(a) of the Competition Appeal Tribunal Rules 2015

IT IS ORDERED THAT:

1. The PCR shall be permitted to make an application for pre-certification disclosure of documents (the “**Disclosure Application**”) regarding the evidential basis for the proposed claims, and in particular the alleged substandard performance of the iPhone models within scope of the proposed claims.

2. The Disclosure Application will be heard alone by the Chair and listed for up to half a day on 28 June 2023, commencing at 10:30am.
3. The Disclosure Application shall be filed and served by 4pm on 11 May 2023.
4. The PCR is permitted to amend his Disclosure Application, if so advised, by 4pm on 30 May 2023.
5. The Respondents are to file and serve any Response (and any accompanying evidence) to the Disclosure Application (if so advised) by 4pm on 6 June 2023.
6. The hearing bundles for the Certification Hearing listed for 2-4 May 2023 shall be used for the oral hearing of the Disclosure Application.
7. The PCR shall file an agreed supplemental hearing bundle in the form of both an electronic version and three hard copies by 4pm on 19 June 2023.
8. The parties are to each file and serve their skeleton arguments in respect of the Disclosure Application by 4pm on 21 June 2023.
9. The PCR shall file an agreed authorities bundle in the form of both an electronic version and three hard copies by 4pm on 23 June 2023.
10. Costs in the case.

Justin Turner K.C.

Chair of the Competition Appeal Tribunal

Made: 25 May 2023

Drawn: 25 May 2023