



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No: 1582/7/7/23

BETWEEN:

**CHARLES MAXWELL ARTHUR**

Proposed Class Representative

- v -

**(1) ALPHABET INC.**  
**(2) GOOGLE LLC**  
**(3) GOOGLE IRELAND LIMITED**  
**(4) GOOGLE UK LIMITED**

Proposed Defendants

AND BETWEEN:

Case No. 1572/7/7/23

**CLAUDIO POLLACK**

Proposed Class Representative

- v -

**(1) ALPHABET INC.**  
**(2) GOOGLE LLC**  
**(3) GOOGLE IRELAND LIMITED**  
**(4) GOOGLE UK LIMITED**

Proposed Defendants

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**ORDER**

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**UPON** the proposed collective proceedings under section 47B of the Competition Act 1998 with case number 1572/7/7/22 commenced by Mr Claudio Pollack on 30 November 2022 (the “**Pollack Proceedings**”)

**AND UPON** the proposed collective proceedings under section 47B of the Competition Act 1998 with case number 1582/7/7/23 commenced by Mr Charles Arthur on 29 March 2023 (the “**Arthur Proceedings**”)

**AND UPON** reading the applications of: (i) Mr Pollack filed on 30 November 2022 in the Pollack Proceedings; and (ii) Mr Arthur filed on 23 March 2023 in the Arthur Proceedings for a collective proceedings order pursuant to section 47B of the Competition Act 1998 and Rule 75 of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648) (the “**Tribunal Rules**”) (individually, a “**CPO Application**”; together, the “**CPO Applications**”)

**AND UPON** Mr Pollack and Mr Arthur (the “**PCRs**”) having exchanged copies of their respective CPO Applications in the form as originally filed with the Tribunal and served on the Proposed Defendants

**AND UPON** Mr Pollack agreeing to treat any documents disclosed to it from the Arthur Proceedings in accordance with Rule 102 of the Tribunal Rules as if it were a party to the Arthur Proceedings

**AND UPON** Mr Arthur agreeing to treat any documents disclosed to him from the Pollack Proceedings in accordance with Rule 102 of the Tribunal Rules as if he were a party to the Pollack Proceedings

**AND UPON** hearing counsel for the parties at a case management conference in the Pollack Proceedings on 19 May 2023

**IT IS ORDERED THAT:**

**Forum**

1. Pursuant to Rules 18, 52 and 74 of the Tribunal Rules, each of the Pollack and Arthur Proceedings be treated as proceedings in England and Wales.

## **Confidentiality**

2. A confidentiality ring (the “**Joint Confidentiality Ring**”) be established by separate order (the “**Joint Confidentiality Ring Order**”). The parties shall liaise and agree the terms of the Joint Confidentiality Ring and shall file an agreed draft Joint Confidentiality Ring Order to the Tribunal by 4pm on 9 June 2023. In the event that the parties cannot reach agreement, they shall file a composite draft showing the areas of agreement and disagreement for the Tribunal to determine on the papers.

## **Future provision of documents on all parties to the Pollack Proceedings and the Arthur Proceedings**

3. While both the Pollack Proceedings and the Arthur Proceedings remain extant and neither has been stayed, unless either the Tribunal directs otherwise or All Parties agree otherwise:
  - a. All documents filed after the date of this Order until the resolution of the Carriage Issue (as defined below) in either the Pollack Proceedings or the Arthur Proceedings shall be provided by the party filing the document(s) to All Parties (subject to and in accordance with the Joint Confidentiality Ring Order, where appropriate); and
  - b. All documents otherwise provided after the date of this Order until the resolution of the Carriage Issue (including for the avoidance of any doubt, documents disclosed or served) to all parties to either the Pollack Proceedings or the Arthur Proceedings shall be provided by the Providing Party to All Parties (subject to and in accordance with the Joint Confidentiality Ring Order, where appropriate).

## **Use of documents provided pursuant to this Order**

4. Pursuant to Rule 102(2) and (3) of the Tribunal Rules, All Parties are permitted to use all documents provided (including, for the avoidance of any doubt, documents disclosed, filed or served) to date and in future in the Pollack Proceedings for the purposes of the Arthur Proceedings, subject to paragraph 6 below.

5. Pursuant to Rule 102(2) and (3) of the Tribunal Rules, All Parties are permitted to use all documents provided (including, for the avoidance of any doubt, documents disclosed, filed or served) to date and in future in the Arthur Proceedings for the purposes of the Pollack Proceedings, subject to paragraph 6 below.
6. All Parties shall have liberty to apply to vary the terms of paragraphs 4 and 5 above, including (for the avoidance of any doubt) where one of the Pollack Proceedings or the Arthur Proceedings is dismissed or stayed but the other continues.

### **Carriage Directions**

7. The PCRs shall serve on the Proposed Defendants and exchange with each other unredacted copies of documents in their respective CPO applications, save that the ATE premia and conditional fee deferred and contingent percentages may be redacted, two working days following the establishment of the Joint Confidentiality Ring Order (subject to and in accordance with the Joint Confidentiality Ring Order, where appropriate).
8. The PCRs shall file and serve on all other parties their written submissions regarding which of the two PCRs would be the most suitable to act as class representative for the purpose of Rule 78(2) of the Tribunal Rules (the “**Carriage Issue**”) by 4pm on 15 September 2023.
9. The Proposed Defendants shall confirm whether they intend to participate in the hearing regarding the Carriage Issue, and if so file and serve on all other parties their written submissions regarding the Carriage Issue, by 4pm on 22 September 2023.
10. The PCRs shall file and serve on all other parties their submissions in reply to the other parties’ submissions on the Carriage Issue, by 4pm on 6 October 2023.
11. The hearing of the Carriage Issue shall be listed for 16 October 2023 with a time estimate of one day with one day in reserve.
12. The parties shall seek to agree the hearing and authorities bundles in accordance with the Tribunal’s Guide to Proceedings 2015 and Practice Direction 1/2021. The PCRs shall file the agreed hearing and authorities bundles in electronic form by 4pm on 11 October 2023.

## **Certification Hearing**

13. The PCRs will confirm whether they intend to seek permission to appeal and/or challenge the Tribunal decision by way of judicial review within two weeks of the Tribunal's determination of the Carriage Issue being handed down.
14. In the event that both PCRs confirm that they do not intend to challenge the Tribunal's determination of the Carriage Issue the Proposed Defendants shall file and serve on the successful PCR on the Carriage Issue (the "**Continuing PCR**") its response to the Continuing PCR's CPO Application by 4pm on 14 December 2023 or six weeks after the Tribunal's determination of the Carriage Issue being handed down, whichever is later.
15. The Continuing PCR shall file and serve its reply to Google's response to the CPO Application by 4pm 4 weeks after service of Google's response.
16. The parties to the Continuing PCR's CPO Application shall file and serve skeleton arguments by 4pm 7 days before the certification hearing.
17. The certification hearing be listed for 29 January 2024 with a time estimate of two days, with one day in reserve.

## **General**

18. Costs in the case.
19. There be liberty to apply.

**Sir Marcus Smith**  
President of the Competition Appeal Tribunal

Made: 14 June 2023  
Drawn: 14 June 2023