



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1523/7/7/22

BETWEEN:

BSV CLAIMS LIMITED

Applicant / Proposed Class Representative

- v -

(1) BITTYLICIOUS LIMITED

(2) PAYWARD LIMITED

(3) SHAPESHIFT GLOBAL LIMITED

(4) PAYWARD, INC.

(5) SHAPESHIFT AG

(6) BINANCE EUROPE SERVICES LIMITED

Respondents / Proposed Defendants

ORDER

UPON the Proposed Class Representative's ("**PCR's**") application dated 29 July 2022 for a collective proceedings order (the "**CPO Application**") pursuant of section 47B of the Competition Act 1998 and Rule 75 of the Competition Appeal Tribunal Rules (S.I. 2015 No. 1648) (the "**Tribunal Rules**").

AND UPON the PCR's requests that certain information in the witness statement of Mr Jaswal and its exhibit, the witness statement of Mr Druzeta and its exhibit and details of the premium and certain terms in the PCR's ATE Policy be treated as confidential or be redacted (the "**Confidentiality Requests**").

AND UPON the parties agreeing the terms of an interim confidentiality ring order (the "**Interim Confidentiality Ring**") to accommodate the Confidentiality Requests, without prejudice to their right to challenge any of the Confidentiality Requests.

AND UPON the PCR having provided to members of that Interim Confidentiality Ring and provided to the Tribunal the Litigation Funding Agreement and certain other documents related to the PCR's funding arrangements (the "**Funding Documents**") in unredacted form, save for information over which strategic sensitivity is asserted or which is asserted to be personal information, but highlighting any information for which confidential treatment is requested and redacting details of the premium and certain terms in the PCR's ATE Policy.

AND UPON the PCR seeking permission to amend the CPO Application and supporting witness evidence to reflect changes to its litigation funding arrangements since 29 July 2022.

AND UPON reading the written submissions made by Counsel for the PCR and Counsel for each of the Proposed Defendants made in advance of a case management conference on 22 September 2023.

AND UPON hearing Counsel for the PCR and Counsel for each of the Proposed Defendants at a case management conference on 22 September 2023.

IT IS ORDERED THAT:

FORUM

1. Pursuant to Rules 18, 52 and 74 of the Tribunal Rules, the CPO Application be treated as proceedings in England and Wales.

PUBLICITY

2. The PCR shall publicise the CPO Application in accordance with the terms of a notice approved by the Tribunal by **27 October 2023**.
3. The PCR shall publicise, in accordance with paragraphs 4, 9 and 10 of this Order, the right under Rule 76(10)(c) of the Tribunal Rules of persons with an interest to object to the CPO Application or the authorisation of the PCR by **27 October 2023**.
4. The PCR shall publicise, in accordance with paragraphs 2 and 9 of this Order, the right under Rule 79(5) of the Tribunal Rules of members of the Proposed Class to make an application to the Tribunal for permission to make oral submissions at the hearing of the CPO Application by **27 October 2023**.

PERMISSION FOR THE PCR TO AMEND CPO APPLICATION AND FILE NEW WITNESS STATEMENTS

5. The PCR has permission to amend the CPO Application and to file new witness evidence in support to reflect changes to its litigation funding arrangements since 29 July 2022 together with any amendments logically consequential to the evidence and changes (the "**Amended CPO Application**"). The amendments are to be subject to the PCR inserting the page numbers and dates of the documents indicated in the form of amendment submitted before the 22 September 2023 hearing.

6. The PCR shall file and serve the Amended CPO Application, supporting witness evidence and executed copies of its amended litigation funding documents, and any other funding-related materials on which the PCR will seek to rely, by **4 p.m. on 6 October 2023**.

RESPONSES AND REPLIES TO THE AMENDED CPO APPLICATION

7. The Proposed Defendants shall file and serve their response to the Amended CPO Application and any application made pursuant to rule 79(4) of the Tribunal Rules, including in each case any evidence on which they will rely, by **4 p.m. on 16 February 2024**.
8. The PCR shall file and serve any reply to the Proposed Defendants' response, together with any evidence on which they rely, and any response to any application made pursuant to rule 79(4) of the Tribunal Rules, by **4 p.m. on 12 April 2024**.

OBJECTIONS TO THE AMENDED CPO APPLICATION AND APPLICATIONS FOR PERMISSION TO MAKE OBSERVATIONS

9. Any person with an interest (including any member of the Proposed Class) may object to the CPO Application or the authorisation of the PCR by writing to the Tribunal stating their reasons for objecting by **4 p.m. on 16 April 2024**. Any member of the Proposed Class may also seek permission to make oral observations at the CPO Application hearing, by making an application for such permission, with reasons, as part of his/her written objections.
10. Any third party with a legitimate interest (who is not a member of the Proposed Class) who seeks permission to make written and/or oral observations at the CPO Application hearing is to make such application, supported by reasons, to the Tribunal by **4 p.m. on 16 April 2024**.

SKELETON ARGUMENTS AND BUNDLES

11. The PCR shall file an electronic version and six hard copies of the agreed hearing bundle by **4 p.m. on 21 May 2024**.
12. The parties shall file and exchange skeleton arguments by **4 p.m. on 24 May 2024**.
13. The PCR shall file an electronic version of the agreed authorities bundle by **4 p.m. on 29 May 2024**.

HEARING

14. The hearing of the Amended CPO Application (and any application(s) under rule 79(4) of the Tribunal Rules) be listed for **3 days, from 5 to 7 June 2024** (the "**Certification Hearing**").

GENERAL

15. Costs reserved to the hearing of the Amended CPO Application.
16. There shall be liberty to apply.
17. 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 the Certification Hearing (or of any other listed hearing).

Sir Marcus Smith
President of the Competition Appeal Tribunal

Made: 25 September 2023
Drawn: 26 September 2023