



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1568/7/7/22

BETWEEN:

JULIE HUNTER

Proposed Class Representative

- v -

- (1) AMAZON.COM, INC
- (2) AMAZON EUROPE CORE S.À.R.L
- (3) AMAZON SERVICES EUROPE S.À.R.L
- (4) AMAZON EU S.À.R.L

Proposed Defendants

AND BETWEEN:

Case No. 1595/7/7/23

ROBERT HAMMOND

Proposed Class Representative

- v -

- (1) AMAZON.COM, INC
- (2) AMAZON EU S.À.R.L
- (3) AMAZON SERVICES EUROPE S.À.R.L
- (4) AMAZON EU MEDIA S.À.R.L
- (5) AMAZON EUROPE CORE S.À.R.L
- (6) AMAZON UK SERVICES Ltd

Proposed Defendants

ORDER (CARRIAGE ISSUES)

UPON the proposed collective proceedings under section 47B of the Competition Act 1998 with case number 1568/7/7/22 commenced by Ms Julie Hunter on 15 November 2022 (the “**Hunter Proceedings**”)

AND UPON the proposed collective proceedings under section 47B of the Competition Act 1998 with case number 1595/7/7/23 commenced by Mr Robert Hammond on 7 June 2023 (the “**Hammond Proceedings**”)

AND UPON reading the applications of: (i) Ms Hunter filed on 14 November 2022 in the Hunter Proceedings; and (ii) Mr Hammond filed on 7 June 2023 in the Hammond 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 Ms Hunter agreeing to treat any documents disclosed to it from the Hammond Proceedings in accordance with Rule 102 of the Tribunal Rules as if she were a party to the Hammond Proceedings

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

AND UPON hearing counsel for the parties to the Hunter Proceedings and the Hammond Proceedings (each a “**Party**” and together the “**Parties**”) at a case management conference in the Hunter Proceedings on 28 June 2023

AND UPON the joint confidentiality ring order of the Tribunal dated 2 August 2023 (the “**Joint Confidentiality Ring Order**”)

IT IS ORDERED THAT:

Forum

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

Future provision of documents to all Parties

2. While both the Hunter Proceedings and the Hammond 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 Hunter Proceedings or the Hammond 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) shall be provided to all Parties (subject to and in accordance with the Joint Confidentiality Ring Order, where appropriate).

Use of documents provided pursuant to this Order

3. 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 Hunter Proceedings for the purposes of the Hammond Proceedings, subject to paragraph 5 below.
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 Hammond Proceedings for the purposes of the Hunter Proceedings, subject to paragraph 5 below.
5. All Parties shall have liberty to apply to vary the terms of paragraphs 3 and 4 above, including (for the avoidance of any doubt) where one of the Hunter Proceedings or the Hammond Proceedings is dismissed or stayed but the other continues.

Carriage Directions

6. 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 10 November 2023**.
7. The PCRs shall (if so advised) have permission to file and serve, at the same time as they are required to file and serve their written submissions, a short statement from their expert, limited to no more than 25 pages in length including any annexes and/or appendices, on the issues raised in the reports filed in support of the other CPO Application.
8. 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 24 November 2023**.
9. The PCRs shall file electronic and hard copy versions of the agreed hearing bundle by **4pm on 1 December 2023**.
10. The PCRs shall file and serve on all other Parties their skeleton arguments in relation to the Carriage Issue, which may include submissions in reply to the other Parties’ submissions on the Carriage Issue, by **4pm on 8 December 2023**.
11. If the Proposed Defendants intend to participate in the hearing regarding the Carriage Issue, they shall file and serve their skeleton argument by **4pm on 13 December 2023** if so advised.
12. The PCRs shall file (i) electronic and hard copy versions of the agreed authorities bundle, and (ii) an agreed draft agenda by **4pm on 15 December 2023**.
13. The hearing of the Carriage Issue shall be listed for one day on 20 December 2023 with a time estimate of one day with one day in reserve, on 21 December 2023.
14. 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.

Certification Hearing

15. The certification hearing shall be listed for the first available date from 25 April 2024 with a time estimate of two days, with one day in reserve.

General

16. Costs in the case.

17. There be liberty to apply.

Sir Marcus Smith

President of the Competition Appeal Tribunal

Made: 26 September 2023

Drawn: 26 September 2023