



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1403/7/7/21

BETWEEN:

DR RACHAEL KENT

Class Representative

- v -

(1) APPLE INC.

(2) APPLE DISTRIBUTION INTERNATIONAL LTD

Defendants

ORDER

UPON the Tribunal having made a collective proceedings order in these proceedings (the “**Kent Proceedings**”)

AND UPON the Class Representative’s class being defined in the terms set out in paragraph 5 and 6 of the Tribunal’s collective proceedings order (individuals falling within that class being the “**Class Members**”)

AND UPON the application of Dr Ennis for a collective proceedings order pursuant to section 47B of the Competition Act 1998 and Rule 75 of the Competition Appeal Tribunal Rules 2015 (the “**2015 Rules**”) in Case No. 1601/7/7/23 *Dr Ennis v Apple Inc. and others* (the “**Ennis Proceedings**”) (the “**Ennis CPO Application**”)

AND UPON the Defendants’ application by letter dated 23 October 2023 (the “**Application**”)

AND UPON reading the Class Representative’s letter dated 3 November 2023 in response to the Application

AND UPON reading the Defendants’ letter dated 8 December 2023, which noted that the Defendants agreed that the Application should be held over until after the Tribunal has ruled on the application dated 23 September 2023 by the 1st-3rd, 5th and 6th Defendants in Case 1339/7/7/20 Mark McLaren Class Representative Limited v MOL (Europe Africa) Ltd and Others, and requesting that the Tribunal grant an interim order in the terms below (the “**Interim Order Proposal**”)

AND UPON reading the Class Representative’s letter dated 13 November 2023, agreeing to the Interim Order Proposal

AND HAVING REGARD TO the Tribunal’s powers under the 2015 Rules

IT IS ORDERED THAT:

1. The Defendants shall have permission to communicate with potential app industry experts who are Class Members for the purpose of seeking to obtain evidence or information in relation to the factual and/or expert issues in the Kent Proceedings and/or the Ennis Proceedings (including if and insofar as the Ennis CPO Application is granted), without being required to obtain permission from the Tribunal or notify the Class Representative.
2. Costs in the case.
3. There be liberty to apply.

Ben Tidswell
Chair of the Competition Appeal Tribunal

Made: 14 November 2023
Drawn: 14 November 2023