



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

Case No: 1570/5/7/22 (T)

BETWEEN:

**JJH ENTERPRISES LIMITED**  
**(TRADING AS VALUE LICENSING)**

Claimant

- v -

**(1) MICROSOFT CORPORATION**  
**(2) MICROSOFT LIMITED**  
**(3) MICROSOFT IRELAND OPERATIONS LIMITED**

Defendants

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**CONSENT ORDER**

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UPON the Order of Mr Turner KC dated 5 December 2023 (the “CMC-2 Order”)

**IT IS ORDERED BY CONSENT THAT:**

**A. DISCLOSURE**

1. The Defendants shall, by 4:00pm on 3 May 2024 provide to the Claimant disclosure by way of List of Documents in the relevant practice form together with a disclosure statement verified by a statement of truth and simultaneously electronic inspection of any documents falling within the categories set out in Annex A to this Order.
2. The Defendants shall, by 4:00pm on 22 March 2024, identify:

- (a) the individual or individuals who held the position of Deal Manager, in respect of the customers set out in Annex B to this order within the time period set out in Annex B: and
  - (b) one individual who held the position of Account Executive and one individual who held the position of Commercial Executive, in respect of each of Carlsberg Group, Barclays Bank and Vodafone Group Plc, within the time period set out in Annex B.
3. The Claimant shall, by 4:00pm on 3 May 2024, provide to the Defendants disclosure by way of List of Documents in the relevant practice form together with a disclosure statement verified by a statement of truth and simultaneously electronic inspection of any documents falling within the categories set out in Annex C to this Order.

#### **B. WITNESS STATEMENT**

4. The Defendants shall, by 4:00pm on 22 March 2024, provide a witness statement identifying any and all individuals within the Defendants' organisations, and their role within that organisation, who the Defendants contacted as part of their investigations into the allegations made in these proceedings and who were materially and relevantly involved in (including chairing any committees and/or board meetings that considered the impact of):
- (i) the New From SA Condition;
  - (ii) the CAR Terms; and/or
  - (iii) the conduct alleged at paragraphs 2, 38 and 48(2)-(5) of the Re-Amended Particulars of Claim.

#### **C. SECURITY FOR COSTS**

5. In lieu of security for costs, by 8 March 2024 the Claimant shall have put in place an Anti-Avoidance Endorsement for policy number B153554462857 in the form enclosed

with the letter from Charles Fussell LLP to CMS Cameron McKenna Nabarro Olswang LLP dated 5 February 2024.

6. The Defendants' application for security for costs is adjourned to the next CMC.

#### **D. TIMETABLE**

7. Paragraphs 4-10 of the CMC-2 Order are replaced with the following:
  - (a) The parties shall seek to agree the orders that they will invite the Tribunal to make relating to disclosure in respect of each category of documents/data in the Joint Disclosure Schedules (as defined by the CMC-2 Order) (including, where appropriate, the scope of any searches) by 4pm on 9 July 2024.
  - (b) Insofar as agreement is reached, the parties will promptly invite the Tribunal to make orders in the agreed form. Insofar as agreement is not reached any dispute will be determined by the Tribunal at a further hearing with a time estimate of one day, to be listed for that purpose for the first available date in October 2024.
  - (c) Disclosure so agreed, or ordered, shall be given by exchange of Lists of Documents and Disclosure Statements verified by a statement of truth by 19 December 2024.
  - (d) Inspection shall be given electronically, using a method to be agreed between the parties.
  - (e) By 4pm on 10 April 2025, the parties shall serve signed statements of witnesses of fact.
  - (f) By 4pm on 12 June 2025, the parties shall serve signed reply statements of witnesses of fact.
8. Paragraphs 14-18 of the CMC-2 Order are replaced with the following:
  - (a) By 4pm on 22 September 2025:

- (i) The parties are to serve simultaneously their signed expert reports on issues of liability.
  - (ii) The Claimant is to serve its signed expert report on quantum.
  - (iii) The Defendants are to serve their signed expert report on the issues of market definition and dominance.
- (b) By 4pm on 10 November 2025:
- (i) the parties are to exchange simultaneously any signed expert reports in reply on issues of liability.
  - (ii) The Claimant is to serve its signed expert report on issues of market definition and dominance.
  - (iii) The Defendants are to serve their signed expert report on quantum.
- (c) By 4pm on 1 December 2025:
- (i) The Claimant is to serve any signed expert report in reply on quantum.
  - (ii) The Defendants are to serve any signed expert report in reply on issues of market definition and dominance.
- (d) The experts are to meet on or before 9 December 2025.
- (e) By 4pm on 19 December 2025, the parties' experts shall produce a joint statement of matters agreed and not agreed.

9. Paragraph 23 of the CMC-2 Order is replaced with the following:

- (a) The trial shall be listed from the first available date on or after the commencement of Easter Term 2026, with a time estimate (to be kept under review) of 6 weeks, with 3 days to be allocated as reading time for the Tribunal.

**Justin Turner KC**

Chair of the Competition Appeal Tribunal

Made: 23 Febraury 2024

Drawn: 27 February 2024