



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1606/7/7/23

BETWEEN:

NIKKI STOPFORD

Applicant/Proposed Class Representative

- and -

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

Respondents/ Proposed Defendants

ORDER

UPON reading the Applicant's/Proposed Class Representative's ("**PCR**") application filed on 7 September 2023 for a Collective Proceedings Order pursuant to 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 served on the Fourth Respondent/Proposed Defendant on 2 October 2023, served on the First and Second Respondents/Proposed Defendants on 30 October 2023 and served on the Third Respondent/Proposed Defendant on 31 October 2023 (the "**CPO Application**")

UPON the Applicant's/PCR's application under Rule 101 of the Tribunal Rules that certain information in the Amended and Restated Litigation Funding Agreement, the After-the-Event Insurance Policy and the Litigation Budget (the "**Funding Documents**") be treated as confidential and be redacted

UPON the PCR agreeing to amend her Proposed Class Definition following the judgment of the Tribunal in *Alex Neill Class Representative Limited v Sony Interactive Entertainment Europe Limited and Or* [2023] CAT 73, but reserving her right to apply to re-amend the Class Definition at a later stage if her CPO Application is granted

UPON the Proposed Defendants having consented to the PCR's proposed amendments to her Collective Proceedings Claim Form dated 7 September 2023 and ancillary documents in the form sent to the Proposed Defendants under cover of a letter dated 29 February 2024

AND UPON the PCR having agreed to bear the costs of, and occasioned by, her proposed amendments to her Collective Proceedings Claim Form dated 7 September 2023 and ancillary documents

BY CONSENT 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.

AMENDMENTS TO COLLECTIVE PROCEEDINGS CLAIM FORM

2. The PCR has permission to file and serve an Amended Collective Proceedings Claim Form and draft Amended Collective Proceedings Order in the form sent to the Proposed Defendants under cover of a letter dated 29 February 2024.
3. The Amended Claim Form shall be filed with the Tribunal and served on the Proposed Defendants by **22 April 2024**. Service shall be effected by email to the Proposed Defendants' legal representatives.
4. The PCR shall at the same time file and serve a draft Amended Notice of CPO and a draft Amended CPO Application and Hearing Notice in the form sent to the Proposed Defendants under cover of a letter dated 29 February 2024.

PUBLICITY

5. The PCR shall publicise the CPO Application in accordance with the proposal set out in paragraphs 7.1 to 7.7 and Annexure C of the Notice and Administration Plan (enclosed with the Litigation Plan) that is exhibited to the PCR's First Witness Statement as [NS1/D12.3] by **29 April 2024**.
6. The PCR shall publicise, in accordance with paragraphs 5, 11 and 12 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 **29 April 2024**.
7. The PCR shall publicise, in accordance with paragraphs 5 and 11 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 **29 April 2024**.

CONFIDENTIAL TREATMENT OF THE PCR'S FUNDING DOCUMENTS

8. In accordance with Rule 101 of the Tribunal Rules, the PCR may redact from the Funding Documents the passages set out in Annex B to the PCR's letter to the Tribunal dated 7 September 2023 (the "**Table of Redactions**") as updated in the form enclosed with the letter to the Proposed Defendants dated 25 March 2024.

RESPONSES AND REPLIES

9. The Respondents/Proposed Defendants shall file and serve their response to the CPO Application, and any application made pursuant to Rule 41 or Rule 43 of the Tribunal Rules, together with any economic expert and factual evidence by **4pm on 24 May 2024**.
10. The PCR shall file and serve any reply to the Respondents'/Proposed Defendants' response, and any response to any application made pursuant to Rule 41 and Rule 43 of the Tribunal Rules, together with any economic expert and factual evidence, by **4pm on 5 July 2024**.

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

11. 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 **4pm on 10 June 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.
12. 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 **4pm on 10 June 2024**.

SKELETON ARGUMENTS AND BUNDLES

13. The parties shall seek to agree the hearing and authorities bundles for the CPO Application hearing and the PCR shall serve on the Respondents/Proposed Defendants an electronic version of the agreed hearing bundle no later than **4pm on the date falling 21 calendar days before the CPO Application hearing**.
14. The parties shall file and exchange skeleton arguments for the hearing of the CPO Application by **4pm on the date falling 14 calendar days before the CPO Application hearing**.
15. The PCR shall file an electronic version of the agreed hearing bundle by **4pm on the date falling 7 calendar days before the CPO Application hearing** and an agreed electronic authorities bundle by **4pm on the date falling 7 calendar days before the CPO Application hearing**.
16. Hard copy versions of electronic bundles, if requested by the Registry, are to be provided to the Tribunal as soon as possible following such a request being made.

HEARING

17. The hearing of the CPO Application be listed for **18-20 September 2024** with a current provisional time estimate of 3 sitting days plus one reading day. In the event that the parties' time estimate for the hearing changes, they shall notify the Tribunal without delay.

COSTS

18. The PCR to pay the costs of, and occasioned by, the proposed amendments to her Collective Proceedings Claim Form dated 7th September 2023 and ancillary documents, the scope of such costs having been set out at paragraph 7 of the letter of Simmons & Simmons LLP dated 12 March 2024, and such costs to be the subject of detailed assessment (if not agreed).
19. Save as provided by paragraph 18 of this Order, costs in the case.

GENERAL

20. There be liberty to apply.

The Honourable Mr Justice Meade
Chair of the Competition Appeal Tribunal

Made: 12 April 2024
Drawn: 12 April 2024