



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No: 1408/7/7/21

BETWEEN:

ELIZABETH HELEN COLL

Class Representative

- v -

**(1) ALPHABET INC.
(2) GOOGLE LLC
(3) GOOGLE IRELAND LIMITED
(4) GOOGLE COMMERCE LIMITED
(5) GOOGLE PAYMENT LIMITED**

Defendants

(together "Google")

and

THE COMPETITION AND MARKETS AUTHORITY

Intervener

(the "Coll Proceedings")

Case No: 1378/5/7/20

AND BETWEEN:

(1) EPIC GAMES, INC.

(2) EPIC GAMES ENTERTAINMENT INTERNATIONAL GMBH

Claimants (together, Epic)

and

(1) ALPHABET INC.
(2) GOOGLE LLC
(3) GOOGLE IRELAND LIMITED
(4) GOOGLE COMMERCE LIMITED
(5) GOOGLE PAYMENT LIMITED

Defendants

and

THE COMPETITION AND MARKETS AUTHORITY

Intervener

(the "**Epic Proceedings**")

ORDER

UPON the Order of the Tribunal drawn and made on 16 December 2022 establishing the trial timetable in the Coll Proceedings ("**Trial Timetable Order**")

AND UPON the Orders of the Tribunal drawn and made in the Coll Proceedings on 15 September 2023, 20 December 2023 and 18 January 2024 amending the Trial Timetable Order in part

AND UPON the Order of the Tribunal made in the Coll and Epic Proceedings on 15 May 2024

AND UPON the parties' joint letter to the Tribunal dated 17 May 2024

AND HAVING REGARD TO the Tribunal's powers under the Competition Appeal Tribunal Rules 2015

BY CONSENT IT IS ORDERED THAT:

Timetable to trial

1. The Tribunal's Order of 18 January 2024 is varied as follows:

1.1. Paragraph 2: "By **4pm on 21 June 2024**, the parties shall serve signed statements

of witnesses of fact”.

- 1.2. Paragraph 3: “By **4pm on 26 July 2024**, the parties shall serve signed reply statements of witnesses of fact, and hearsay notices where required by CPR r 33.2.”
2. The Tribunal’s Order of 20 December 2023 is varied as follows:
 - 2.1. Paragraph 13.3: “By **4pm on 25 September 2024**, the Class Representative shall serve her signed expert report(s).”
 - 2.2. Paragraph 13.4: “By **4pm on 14 February 2025**, the Defendants shall serve their signed expert report(s).”
 - 2.3. Paragraph 13.5: “By **4pm on 11 April 2025**, the Class Representative, if so advised, shall serve her signed reply expert report(s).”
 - 2.4. Paragraph 13.6: “By **16 May 2025**, the parties’ experts in each respective field shall meet on a without prejudice basis to discuss their respective report(s), and produce a joint statement on matters agreed and not agreed.”
 - 2.5. Paragraph 13.7: “The CMA shall file and serve its written observations pursuant to Rule 50(2) of the Tribunal Rules by **4pm on 6 June 2025**.”
 - 2.6. Paragraph 13.8: “If so advised, the parties shall file and serve their respective written observations on the CMA’s written observations by **4pm on 27 June 2025**.”
 - 2.7. Paragraph 13.9: “If so advised, the CMA shall file and serve written observations in reply by **4pm on 11 July 2025**.”
3. The Tribunal's Order dated 15 May 2024 is varied as follows:
 - 3.1. Paragraph 13: "Google shall serve witness evidence of fact in the Coll Proceedings and its witness evidence in reply in the Epic Proceedings jointly by 4pm on 21 June 2024."
 - 3.2. Paragraph 14: " Epic shall serve its factual witness evidence in reply in the Epic Proceedings by 4pm on 21 June 2024."

- 3.3. Paragraph 15(a): “the parties shall file and exchange hearsay notices where required by CPR 33.2 by 4pm on 1 October 2024”.

Costs

4. Costs in the case

Liberty to apply

5. There be liberty to apply.

Bridget Lucas KC
Chair of the Competition Appeal Tribunal

Made: 22 May 2024
Drawn: 22 May 2024