



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1527/7/7/22

BETWEEN:

ALEX NEILL CLASS REPRESENTATIVE LIMITED

Class Representative

- v -

(1) SONY INTERACTIVE ENTERTAINMENT EUROPE LIMITED

(2) SONY INTERACTIVE ENTERTAINMENT NETWORK EUROPE LIMITED

Defendants

ORDER (DIRECTIONS)

UPON the applications of the Class Representative dated 28 May 2024 for (i) permission to provide expert evidence and (ii) directions in respect of disclosure

UPON the application of the Defendants dated 28 May 2024 for permission to provide expert evidence

AND UPON consideration of the parties' written submissions and hearing Leading Counsel for both parties at a case management conference held on 14 June 2024

AND UPON the Class Representative's consent on 12 June 2024 to the Defendants' draft Rejoinder served on 5 June 2024

AND UPON hearing counsel at a case management conference ("CMC") on 14 June 2024

AND HAVING REGARD TO the Tribunal’s powers under Rules 53(2)(d), 53(2)(e), 53(2)(i), 53(2)(l), 55(1)(d), 55(1)(g) and 74 the Competition Appeal Tribunal Rules 2015

IT IS ORDERED THAT:

Pleadings

1. The Defendants are to file and serve their Rejoinder in the form consented to by the Class Representative by 4pm on 19 June 2024.

Disclosure – Redfern Schedule process

2. By 4pm on 21 June 2024, the Class Representative shall file and serve a Redfern Schedule containing its disclosure requests and requests for information.
3. By 4pm on 5 July 2024, the Defendants shall file and serve their response to the Class Representative’s Redfern Schedule.
4. By 4pm on 8 July 2024:
 - (a) The Class Representative shall file and serve its reply to the Defendants’ response to its Redfern Schedule; and
 - (b) The parties shall file and serve an agreed agenda for the CMC described in paragraph 5 below.

Further CMC

5. A further CMC be listed for 2pm on 10 July 2024, to address:
 - (a) Any issues arising from the Redfern Schedule described at paragraphs 2-4 above; and
 - (b) The timetable to trial.

Expert Evidence

6. The Class Representative is permitted to adduce expert evidence at trial from Mr Greg Harman in the fields of competition economics and forensic accounting.
7. The Class Representative is permitted to adduce technical expert evidence at trial from Professor Peter Pietzuch in the field of computer science, namely the sub-fields of (i) operating systems, (ii) systems security (including cryptographic techniques), (iii) distributed systems (in particular, the distributed services design aspects thereof), and (iv) software engineering (in particular, the software development process), subject to the provision by Professor Pietzuch of an explanation of the specific scope of his proposed evidence, such explanation to be provided on the same date as the filing of an amended Claim Form consequent upon the Defendants' disclosure (such date to be fixed at the Further CMC listed pursuant to paragraph 5 above).
8. Subject to the permission described in paragraph 7 above, Professor Pietzuch shall, at the same time as the parties file and serve signed witness statements of fact, provide a statement setting out the extent to which he intends by his evidence to establish factual propositions, to be confined to facts drawn from sources other than the Defendants' (i) disclosure and/or (ii) responses to the Class Representative's information requests.
9. The Defendants are permitted to adduce expert evidence at trial from:
 - (a) Mr Liam Colley, in the field of competition economics; and
 - (b) Mr Mark Bezant, in the field of accounting.
10. The Defendants are permitted to adduce expert evidence at trial from Mr Mark Bezant in the field of valuation, subject to the provision by Mr Bezant of a short report by 4pm on 8 July 2024 explaining:
 - (a) The specific matters that he envisages addressing; and

- (b) His proposed methodology for dealing with those matters.
11. To the extent not already covered by the permission granted in respect of Mr Harman, the Class Representative is permitted to adduce expert evidence in the field of valuation dealing with the matters set out in Mr Bezant's short report referred to in paragraph 10, if so advised.
12. Subject to the permission described in paragraph 7 above, the Defendants are permitted to adduce technical expert evidence on the same matters as will be addressed in Professor Pietzuch's technical evidence. The Defendants will confirm their intentions in relation to calling a technical expert and the the scope of any proposed technical expert evidence on the same date as the filing of an amended Defence in response to the amended Claim Form consequent upon the Defendants' disclosure.

Trial listing

13. A Trial is to be listed to begin on the first available date in March 2026, with a duration of eight weeks. The first week shall be a reading week for the Tribunal.

Liberty to Apply

14. There be liberty to apply.

Costs

15. Costs in the case.