



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1606/7/7/23

BETWEEN:

NIKKI STOPFORD

Class Representative

- and -

(1) ALPHABET INC

(2) GOOGLE LLC

(3) GOOGLE IRELAND LIMITED

(4) GOOGLE UK LIMITED

Defendants

ORDER

UPON the Collective Proceedings Order of Mr Justice Meade dated 18 December 2024;

AND UPON the Order of the Chair dated 25 June 2025 establishing a confidentiality ring (the “**Confidentiality Ring Order**”) under which EC Materials are automatically designated as Confidential Information (as those terms are defined in the Confidentiality Ring Order)

AND UPON considering written submissions filed by the parties in advance of and hearing Counsel for the Class Representative, Or Brook Class Representative Limited, Mr Roger Kaye KC and Defendants at a case management conference held on 2 July 2025

AND UPON the following definitions applying for the purpose of this order:

“**Accessible Third Party Pre-Decision Commission File Documents**” means Android File documents that were produced to the European Commission by third

parties and subsequently disclosed to one or more of the Defendants. It excludes information that the European Commission placed in a data room or made subject to non-disclosure agreements, such that those materials are not within the Defendants' possession or control (the **"Inaccessible Third Party Documents"**).

"Advertiser Proceedings" means the applications for collective proceedings orders made pursuant to Section 47B of the Competition Act 1998 by Or Brook Class Representative Limited on 16 April 2025 (with case number 1720/7/7/25) and by Mr Roger Kaye KC on 27 May 2025 (with case number 1733/7/7/25), (individually, each an **"Advertiser Proceeding"**).

"Android File" means EC Materials which constitute documents transmitted by the European Commission to one or more of the Defendants pursuant to the EC Access to File Notice during the European Commission investigation in Case AT.40099 – Google Android.

"Android Compliance Reports" means EC Materials which constitute the notifications and reports required to be sent to the European Commission by Article 4 of the EC Decision.

"Availability Date" means the date on which the Confidentiality Ring Order is made in the proceedings, or the making of this Order (whichever is later).

"EC Access to File Notice" means Commission Notice on the rules for access to the Commission file in cases pursuant to Articles 81 and 82 of the EC Treaty, Articles 53, 54 and 57 of the EEA Agreement and Council Regulation (EC) No 139/2004 (2005/C 325/07).

"EC Decision" means the decision of the European Commission dated 18 July 2018 in Case AT.40099 – Google Android.

"EC Materials" has the meaning given to it in the Confidentiality Ring Order.

"Google GC Materials" means EC Materials which constitute documents submitted to the General Court by the Defendants in Case T-604/18.

"Google CJEU Materials" means EC Materials which constitute documents submitted to the Court of Justice by the Defendants in Case C-738/22 P.

"Google Pre-Decision Commission File Documents" means Android File documents that were produced to the European Commission by one or more of the Defendants.

“ISA and its Amendments” means the documents referred to at paragraph 35 of the Defence.

“Relevant Third Parties” are third parties who were notified by the Defendants when producing the Google Pre-Decision Commission File Documents to the European Commission.

“Relevant Third Party Materials” means materials containing information from a Relevant Third Party.

“Statements of Objections” means the statement of objections sent by the European Commission to the Defendants on or around 20 April 2016 in Case AT.40099 – Google Android, including any and all supplementary statements of objections sent to the Defendants by the European Commission after that date.

AND UPON the European Commission’s decision in case AT.40099 Google Android of 18 July 2018 (**“the Commission Decision”**)

AND UPON the validity of the Commission Decision being subject to the determination of the Court of Justice of the European Union in Case C-738/22P (**“Google’s CJEU Appeal”**)

IT IS ORDERED THAT:

CORE ISSUES

1. By 4pm on 31 July 2025 the Class Representative and the Proposed Class Representatives in the Advertiser Proceedings shall provide to the Defendants their composite list of issues comprising the key issues in dispute which are common to their respective claims (the **“Core Issues”** and **“List of Core Issues”**).
2. By 4pm on 30 September 2025 the Defendants shall provide to the Class Representative and the Proposed Class Representatives in the Advertiser Proceedings their agreement to, or comments on, the List of Core Issues.
3. By 4 pm on 31 October 2025, the parties shall agree the List of Core Issues. Any matters relating to the List of Core Issues that are not agreed shall be determined at a further case management conference (**“CMC”**) to be listed pursuant to paragraph 20 below.
4. By 4pm on 19 December 2025 the Defendants shall file and serve a disclosure report (as defined in Rule 60(1)(b) of the Tribunal Rules) and an Electronic Disclosure

Questionnaire (as defined in Rule 60(1)(c) of the Tribunal Rules) by reference to the List of Core Issues.

5. Paragraphs 1 to 4 above shall not restrict the ability of the Proposed Class Representatives in the Advertiser Proceedings to seek to revise or extend the List of Core Issues at an appropriate stage (e.g., if the claims are certified, following the filing of statements of case).

KNOWN RELEVANT DOCUMENTS

6. Subject to paragraph 7, by 4pm on 31 October 2025 the Defendants shall provide simultaneous disclosure and inspection of documents to the extent that, as at that date, they are known, they are identified as clearly relevant to an issue which is likely to be a Core Issue, and it is proportionate to give disclosure and inspection of them (the **“Known Relevant Documents”**).
7. The Defendants may withhold from inspection any documents, or parts of documents, which:
 - a. are privileged; or
 - b. in respect of which they owe any duties of confidentiality to third parties.
8. In respect of documents which fall into the category in paragraph 7(b), the Defendants shall, on a rolling basis, notify those third parties of their intention to disclose the documents using the same notification mechanism provided for Relevant Third Parties in paragraph 13(a) to (d) and paragraph 14. The Defendants shall provide the Class Representative with the draft wording of a template letter that will be used to give notice to such third parties identified in paragraph 7(b) 7 days before the first such notice is sent.

ISA AND EC MATERIALS

9. Within 14 days from the Availability Date, the Defendants shall give disclosure and inspection of the ISA and its Amendments to the Class Representative.
10. Between the Availability Date and the date that is 28 days after the determination of any Relevant Third Party’s application to the Tribunal under paragraph 13 (or, if no applications are made, two months after the deadline to make such applications has passed), the Defendants shall, on a rolling basis, give disclosure and inspection of the following EC Materials to the Class Representative:

- a. the Google Pre-Decision Commission File Documents;
 - b. the Android Compliance Reports.
- 11. Inspection shall be provided in an electronic format and by an electronic means to be agreed by the parties.
- 12. The Defendants may withhold from inspection any documents (or parts of documents):
 - (i) over which they are entitled to assert privilege;
 - (ii) which constitute Inaccessible Third Party Documents;
 - (iii) in respect of which they owe non-disclosure obligations to third parties; and/or
 - (iv) which are irrelevant purely administrative documents.
- 13. Insofar as giving the disclosure referred to at paragraph 10 above will require the Defendants to disclose any Relevant Third Party Materials:
 - a. Within 28 days of the Availability Date, the Defendants shall notify the Relevant Third Parties of their intention to disclose the Relevant Third Party Materials in the proceedings in accordance with the terms of the Confidentiality Ring Order. The Defendants shall provide the Class Representative with the draft wording of a template letter that will be used to give notice to such Relevant Third Parties 7 days before the first such notice is sent.
 - b. Any Relevant Third Party wishing to raise an objection to the disclosure of their documents in accordance with the terms of the Confidentiality Ring Order should do so within 28 days of the date of the notification in accordance with paragraph 13(c) of this Order.
 - c. A Relevant Third Party may apply to the Tribunal to vary (to the extent necessary) this Order. Such application(s) will be:
 - i. filed with the Tribunal Registry within 28 days of the date of the notification;
 - ii. served at the same time on the Class Representative and the Defendants; and
 - iii. accompanied by a reasoned explanation of the application to vary (to the extent necessary) this Order together with any evidence relied on.

- d. If a Relevant Third Party does not respond within 28 days of the date of the notification, the Defendants will give inspection of the Relevant Third Party Materials.
- 14. If the Defendants notify any Relevant Third Party pursuant to paragraph 8 or 13, the Defendants shall:
 - a. provide the Class Representative with a copy of the notification to the Relevant Third Party pursuant to paragraph 13(a) at the same time as the notification; and
 - b. notify the Class Representative if any Relevant Third Party does not respond within 28 days of the date of the notification pursuant to paragraph 13(d).

NOTIFICATION TO THE EUROPEAN COMMISSION

- 15. The Defendants shall write to the European Commission within 14 days of the Availability Date of their intention to disclose and provide inspection of the EC Materials listed below at paragraph 15(a)-(e) in the proceedings in accordance with the terms of the Confidentiality Ring Order:
 - a. the Accessible Third Party Pre-Decision Commission File Documents;
 - b. the confidential version of the EC Decision held by the Defendants;
 - c. the Google GC Materials;
 - d. the Google CJEU Materials; and
 - e. the Statements of Objections and the Defendants' responses to the Statements of Objections.
- 16. The Defendants shall, in such notification in paragraph 15, provide the European Commission with a period of 14 days following such notification to make an application to the Tribunal that such disclosure should not be given or given subject to conditions, supported by reasons. The European Commission shall have liberty to apply to the Tribunal to request an extension of that 14-day period, should such extension be necessary to prepare an application.
- 17. Subject to paragraph 16, the Defendants shall simultaneously disclose and provide inspection of the documents listed in paragraph 15(a)-(e) in accordance with the terms of the Confidentiality Ring Order within 28 days after the expiry of the period for the European Commission to make an application following notification in paragraph 15,

unless the European Commission has made an application to the Tribunal pursuant to paragraph 16. In that event, until the application is determined, disclosure shall not be given of such parts of the documents listed in paragraph 15(a)-(e) that are the subject matter of such application.

18. The Defendants shall copy the Class Representative into the notification to the European Commission pursuant to paragraph 15 and the Defendants shall provide the Class Representative with the European Commission's response promptly after receiving it.

FURTHER CMCs

19. A CMC shall be listed for the first available date on or after 14 November 2025 with a time estimate of one day to determine, *inter alia*, any issues arising out of or in connection with disclosure and inspection already provided, the Known Relevant Documents, the agreement of the List of Core Issues and directions for further disclosure in respect of the List of Core Issues.
20. A further CMC shall be listed for the first available date after the date that is one month following determination of the issues of carriage and certification in respect of the Advertiser Proceedings to determine:
 - a. any further issues of disclosure;
 - b. the timetable to trial (including in respect of disclosure, factual and expert witness evidence and alternative dispute resolution); and
 - c. any other issues arising (including in respect of joint case management).

COSTS

21. By 4pm on 7 November 2025 the Class Representative and the Defendants shall provide to each other and the Tribunal their total recoverable costs incurred since the beginning of the proceedings.
22. The Defendants shall notify the Class Representative and the Tribunal when the Defendants' total recoverable costs incurred since the beginning of the proceedings exceed £12,000,000.

GENERAL

23. Costs shall be costs in the case.

24. There be liberty to apply.
25. By agreement the parties may vary without further order any deadline in this Order provided that they inform the Tribunal of such agreement in advance of the expiry of the relevant deadline and the extension does not affect the dates of any listed hearings.

The Honourable Mr Justice Meade

Made: 21 July 2025

Chair of the Competition Appeal Tribunal

Drawn: 24 July 2025