



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

Case No. 1468/7/7/22

BETWEEN:

**JUSTIN GUTMANN**

Class Representative

- v -

**(1) APPLE INC.**

**(2) APPLE DISTRIBUTION INTERNATIONAL LIMITED**

**(3) APPLE RETAIL UK LIMITED**

Defendants

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**DIRECTIONS ORDER**

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**UPON** the Collective Proceedings Order (“**CPO**”) of 23 January 2025 certifying these proceedings

**AND UPON** the Tribunal’s judgment of 1 November 2023 ([2023] CAT 67, the “**Certification Judgment**”) having directed that the question of abuse shall be determined at a first trial in these proceedings (“**Trial 1**”)

**AND UPON** the Tribunal listing a case management conference (“**CMC1**”) in the proceedings on 15 July 2025 to consider further directions relating to disclosure and directions to Trial 1

**AND UPON** the Tribunal having heard Leading Counsel for the CR and for the Defendants at **CMC1**

**IT IS ORDERED THAT:**

**A: INITIAL DISCLOSURE**

1. By **5pm on 29 August 2025**, the Defendants shall give disclosure and (in respect of non-privileged documents) inspection of all documents in the CMA Production and the

DGCCRF Production (with the exception of individual complaints), in both cases as defined in the Disclosure Report of the Defendants dated 7 July 2025.

**B: PLEADINGS**

2. By **5pm on 17 October 2025**, the Defendants shall file and serve their Defence on Trial 1 issues only.
3. By **5pm on 14 November 2025**, the CR shall file and serve his Reply (if so advised).

**C: FACTUAL EVIDENCE**

4. By **5pm on 17 October 2025**, the Defendants shall file and serve a signed witness statement(s), supported by a statement of truth and appropriate proportionate contemporaneous documents, which will stand as evidence-in-chief at Trial 1 and which addresses the following issues:
  - (a) Apple's understanding as to the cause(s) of “Unexpected Power Offs” (“**UPOs**”) at the relevant dates and how UPOs impacted consumers;
  - (b) how Apple reached a decision to introduce the Performance Management Feature (“**PMF**”) and the technical reasons why it understood this ameliorated the problem of UPOs;
  - (c) the effectiveness of the PMF in reducing UPOs; and
  - (d) the manner by which the PMF was implemented.

**D: FURTHER CASE MANAGEMENT CONFERENCE**

5. There shall be a further case management conference (“**CMC2**”) listed for a convenient date on or after **2 February 2026**, with a time estimate of up to 2 days, to consider further case management matters, including (but not limited to) disclosure issues, and any applications made by either party, and directions to Trial 1 (to the extent appropriate).

6. By **5pm 21 days before CMC2**, the parties shall file and serve any applications (including any accompanying evidence) for determination at CMC2.
7. By **5pm 14 days before CMC2**, the parties shall file and serve any evidence in response to applications filed and served pursuant to paragraph 6 above.
8. By **5pm 14 days before CMC2**, the CR shall, if so advised, file the following documents (with the parties having used reasonable endeavours to agree their contents):
  - (a) A draft agenda for CMC2.
  - (b) An updated list of issues for disclosure.
  - (c) A list of issues for trial.
  - (d) Provisional indications of experts and their fields of expertise.
9. By **5pm 10 days before CMC2**, the Defendants shall file a revised Disclosure Report / EDQ, if so advised.
10. By **5pm 4 days before CMC2**, the CR shall lodge electronic and hard copy hearing bundles for CMC2, with the parties having used reasonable endeavours to agree the contents.
11. By **5pm 3 days before CMC2**, the parties shall lodge and exchange their skeleton arguments for CMC2, fully cross referenced to the CMC2 hearing bundle.

**E: OTHER**

12. By agreement the parties may vary without further order any deadline in this Order for a period or periods of up to 28 days in total without reference to the Tribunal, 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 date of CMC2 or the trial.
13. Costs in the case.

14. The parties have liberty to apply.

**Justin Turner KC**

Chair of the Competition Appeal Tribunal

Made: 7 August 2025

Drawn: 7 August 2025