



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

Case Nos 1378/5/7/20  
1408/7/7/21  
1673/7/7/24

**B E T W E E N:**

- (1) Epic Games, Inc  
(2) Epic Games Entertainment International GmbH  
("Epic")

Claimants

- and -

- (1) Alphabet Inc  
(2) Google LLC  
(3) Google Ireland Limited  
(4) Google Commerce Limited  
(5) Google Payment Limited

Defendants

(the "Epic Proceedings")

**A N D B E T W E E N:**

Elizabeth Helen Coll

the "Coll" Class Representative

- and -

- (1) Alphabet Inc  
(2) Google LLC  
(3) Google Ireland Limited  
(4) Google Commerce Limited  
(5) Google Payment Limited

Defendants

(the "Coll Proceedings")

**A N D B E T W E E N:**

Professor Barry Rodger

the "Rodger" Class Representative

- and -

- (1) Alphabet Inc  
(2) Google LLC  
(3) Google Ireland Limited  
(4) Google Asia Pacific Pte Limited  
(5) Google Commerce Limited  
(6) Google Payment Limited  
(7) Google UK Limited

Defendants

(the "Rodger Proceedings")

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## ORDER

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**UPON** the Order of the Tribunal made in the Epic, Coll and Rodger Proceedings on 24 March 2025

**AND UPON** a first case management conference in the Epic, Coll and Rodger Proceedings taking place on 1 May 2025

**AND UPON** hearing counsel for each of Epic, the Coll Class Representative, the Rodger Class Representative and the Defendants

**AND UPON** the Order of the Tribunal dated 15 May 2025 establishing a confidentiality ring in the Joint Proceedings (the “**Joint Confidentiality Ring Order**” or “**JCRO**”)

**AND UPON** the Tribunal’s Orders dated 15 May 2024 (the **15 May Order**) and 7 October 2024 (the **7 October Order**) made in the Epic and Coll Proceedings, the Tribunal’s Timetable Amendments Order dated 4 March 2025 made in the Epic and Coll Proceedings (the **4 March Timetable Order**), the Tribunal’s Order dated 4 March 2025 arising from Epic’s application to amend its Claim Form in the Epic Proceedings (the **4 March Pleading Amendment Order**), and the Tribunal’s Order dated 4 April 2025 made in the Epic and Coll Proceedings (the **4 April Order**)

**IT IS ORDERED THAT:**

### **FURTHER CASE MANAGEMENT CONFERENCES**

1. The parties shall liaise to list a one-day case management conference to take place in the Epic, Coll and Rodger Proceedings on 1 August 2025 (the “**Third Joint CMC**”).
2. A further one-day case management conference in the Epic, Coll and Rodger Proceedings shall be listed for the week commencing 2 February 2026, to be vacated if not required.

### **DISCLOSURE**

3. By **5pm** within **3 business days** from the date on which the JCRO is made (the “**JCRO Date**”), Epic, the Coll Class Representative and the Defendants shall serve on the Rodger Class Representative (as applicable):
  - 3.1 Confidential versions of their pleadings filed in the Epic Proceedings and the Coll Proceedings;
  - 3.2 Confidential versions of their statements of witnesses of fact for trial served in the Epic Proceedings and the Coll Proceedings; and
  - 3.3 Confidential versions of their expert reports served in the Coll Proceedings.
4. Disclosure from the Defendants in the Rodger Proceedings (the “**Rodger Stage 1 Disclosure**”) shall be as follows:
  - 4.1 By **5pm** within **7 business days** from the JCRO Date, the Defendants shall:
    - 4.1.1 serve on the Rodger Class Representative the transaction data disclosed by them in the Epic Proceedings and the Coll Proceedings and a first tranche of the documents disclosed by them in the Epic Proceedings and the Coll Proceedings.
    - 4.1.2 provide the Rodger Class Representative with the Defendants’ Disclosure Reports, Disclosure Statements and Electronic Document Questionnaires from the Epic and Coll Proceedings.
  - 4.2 By no later than **5pm** within **28 days** from the JCRO Date, the Defendants shall serve on the Rodger Class Representative the remaining documents disclosed by them in the Epic Proceedings and the Coll Proceedings, save for those documents for which the Defendants are required, pursuant to paragraphs 21 to 24 of the JCRO, to provide notice to third parties before disclosure, which may be served once the third-party notification process established by paragraphs 21 to 24 of the JCRO has been completed. The Defendants shall endeavour to produce materials in tranches as soon as they are available for production within the 28 day period.

- 4.3 By **5pm** within **7 business days** from the JCRO Date, the Rodger Class Representative shall identify the issues in the Rodger Proceedings which do not overlap with the Epic and Coll Proceedings (the **Non-Overlapping Issues**) to the Defendants.
- 4.4 By **5pm** within **10 business days** of receiving the Non-Overlapping Issues as set out in paragraph 4.3 above, the Defendants shall provide search terms to the Rodger Class Representative that can be used to identify documents within the Rodger Stage 1 Disclosure relating to the Non-Overlapping Issues.
- 4.5 By **5pm** on **30 June 2025**, the Defendants shall serve on the Rodger Class Representative available transaction data relating to purchases by users through the Google Play Store, from UK app developers, of apps or in-app content in apps distributed through the Google Play Store from 22 August 2018 until 31 March 2025 containing materially the same data fields as the unprocessed transaction data disclosed by Google in the Coll Proceedings, to the extent those data fields are available and subject to any variations as a result of geographic scope, time period and data sources.
5. By **5pm** within **7 business days** from the JCRO Date, Epic shall serve on the Rodger Class Representative and the Coll Class Representative all documents produced by Epic in the Epic Proceedings, save for those documents for which Epic is required, pursuant to paragraphs 21 to 24 of the JCRO, to provide notice to third parties before disclosure can be made, which may be served once the third-party notification process established by paragraphs 21 to 24 of the JCRO has been completed.
6. By **4pm** within **28 days** from the JCRO Date:
- 6.1 The Defendants shall disclose to Epic all documents disclosed in the Coll Proceedings not previously disclosed to Epic, save for those documents for which the Defendants are required, pursuant to paragraphs 21 to 24 of the JCRO, to provide notice to third parties before disclosure can be made, which may be served once the third-party notification process established by paragraphs 21 to 24 of the JCRO has been completed. The Defendants

shall endeavour to produce materials in tranches as they are available for production within the 28 day period.

- 6.2 The Defendants shall disclose to the Coll Class Representative all documents disclosed in the Epic Proceedings not previously disclosed to the Coll Class Representative, save for those documents for which the Defendants are required, pursuant to paragraphs 21 to 24 of the JCRO, to provide notice to third parties before disclosure can be made, which may be served once the third-party notification process established by paragraphs 21 to 24 of the JCRO has been completed.
7. By **4pm on 30 June 2025**, the Rodger Class Representative shall identify the scope of any disclosure he intends to provide by reference (where applicable) to members of the class from whom disclosure is being provided, factual witnesses, custodians, date ranges and search terms.
8. The second stage of disclosure in the Rodger Proceedings ("**Rodger Stage 2 Disclosure**") shall be as follows:
  - 8.1 The Rodger Class Representative shall submit to the Defendants its specific supplementary disclosure requests (if any) following the provision of the Rodger Stage 1 Disclosure by reference to the issues in the Rodger Proceedings by **4pm on 30 June 2025**.
  - 8.2 By **4pm on 14 July 2025**, the Defendants shall submit to the Rodger Class Representative any disclosure requests by reference to the issues in the Rodger Proceedings.
  - 8.3 Any dispute as to the scope of the disclosure requests made pursuant to paragraphs 8.1 or 8.2 shall be resolved at the Third Joint CMC; and
  - 8.4 The Defendants and the Rodger Class Representative shall provide the disclosure requested pursuant to paragraphs 8.1 or 8.2 above, as agreed and/or as ordered at the Third Joint CMC, on a rolling basis and in any event by no later than **5pm on 5 September 2025**.

9. Google and the Rodger Class Representative shall liaise and seek to agree the format and medium for production of the Rodger Stage 2 Disclosure.
10. Any further orders for disclosure of documents in the Epic Proceedings, Coll Proceedings, or Rodger Proceedings, including but not limited to the Stage 2 Disclosure, shall, subject to the third-party notification process established by paragraphs 21 to 24 of the JCRO, include disclosure of such documents to all Parties to the Epic, Coll or Rodger Proceedings, and shall be provided to all Parties at the same time.

## **EVIDENCE**

11. The provisions of the following Orders are set aside:
  - 11.1 Paragraphs 1 and 2 of the 4 April Order;
  - 11.2 Paragraph 1(c) of the 4 March Timetable Order;
  - 11.3 Paragraphs 14 to 16, 18 to 19, and 23 of the 7 October Order; and
  - 11.4 Paragraph 16 of the 15 May Order.
12. Any factual witness evidence and expert evidence served in any of the Epic, Coll or Rodger Proceedings shall stand as evidence in the other proceedings and with respect to evidence filed on or after the date of this Order, such evidence shall be served at the same time in those other proceedings. For the avoidance of doubt, the parties to the Epic, Coll or Rodger Proceedings may rely on hearsay evidence at trial.
13. By **4pm on 6 June 2025**, the Coll Class Representative shall file and serve her reply expert reports of Mr Louis Dudney and Mr Francesco Burelli in the Coll Proceedings, and by **4pm on 13 June 2025**, the Coll Class Representative shall file and serve her remaining reply expert reports in the Coll Proceedings, save for Dr Singer's reply expert evidence in the Coll Proceedings concerning pass-on / incidence. Paragraph 1(b) of the 4 March Timetable Order is varied accordingly.
14. By **4pm on 30 June 2025**:

- 14.1 The Rodger Class Representative shall provide notice to the other Parties of the identity of the factual witnesses he proposes to rely upon in support of his claim in the Rodger Proceedings.
  - 14.2 Epic shall (if so advised) apply for permission to update its witness evidence of fact in the Epic Proceedings by reference to all issues in the Epic Proceedings they intend to address in signed statements of witnesses of fact. The Tribunal shall determine such application at the Third Joint CMC.
- 15. By **4pm** on **7 July 2025**, Epic and the Rodger Class Representative shall apply for permission to adduce necessary expert evidence in which they specify:
  - 15.1 The number of expert witnesses they propose to call;
  - 15.2 Those experts' respective fields of expertise; and
  - 15.3 The issues it is proposed that each of those experts will address.
- 16. The Tribunal shall give directions at the Third Joint CMC as to the expert evidence that will be permitted to be adduced by Epic and the Rodger Class Representative in the Epic Proceedings and the Rodger Proceedings at Trial.
- 17. By **5pm** on **31 October 2025**:
  - 17.1 The Rodger Class Representative and the Defendants shall file and serve signed statements of witnesses of fact in the Rodger Proceedings.
  - 17.2 The Defendants shall (if so advised) file and serve further factual witness evidence in the Epic Proceedings in relation to the amendments introduced by Epic's Re-re-re-re-Amended Claim Form dated 5 March 2025. Paragraph 6 of the 4 March Pleading Amendment Order is varied accordingly.
  - 17.3 To the extent permitted by the Tribunal only following determination of the application referred to in paragraph 14.2 above, Epic shall file and serve signed statements of witnesses of fact in the Epic Proceedings, limited to the issues outlined in paragraph 14.2 above.

18. By **5pm on 28 November 2025**, Epic, the Rodger Class Representative and the Defendants shall, if so advised, file and serve signed statements of witnesses of fact in the Epic and Rodger Proceedings in reply to the witness statements referred to in paragraph 17 above.
19. By **5pm on 17 December 2025**, Epic and the Rodger Class Representative shall file and serve their signed expert report(s) in the Epic and Rodger Proceedings in the fields and on the issues permitted by the Tribunal pursuant to paragraph 15 above only.
20. By **5pm on 1 April 2026**, the Defendants shall file and serve evidence in response to the expert evidence filed and served in the Epic and Rodger Proceedings.
21. By **5pm on 13 May 2026**:
  - 21.1 Epic and the Rodger Class Representative, if so advised, shall file and serve responsive evidence in reply to the Defendants' evidence filed and served pursuant to paragraph 20 above; and
  - 21.2 the Coll Class Representative, if so advised, shall file and serve evidence in reply to the Defendants' expert evidence filed and served in the Coll Proceedings on 7 March 2025 and the Rodger Class Representative's expert evidence filed and served pursuant to paragraph 19 above, on the issue of pass-on / incidence only.
22. By **30 June 2026**, 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 setting out matters agreed and not agreed.

#### **THE CMA'S INTERVENTION UNDER RULE 50(2) OF THE TRIBUNAL RULES**

23. The deadlines referred to in paragraphs 3(a) to (c) of the 4 March Timetable Order are set aside and replaced with those set out below.
24. The CMA shall not be provided with the disclosure made between the parties in these proceedings, but the CMA has liberty to apply for inspection of such documents subject to appropriate confidentiality provisions being put in place.



25. The parties shall serve non-confidential copies of any further statements of case, and their respective factual witness statements, expert reports and skeleton arguments on the CMA as soon as reasonably practicable after those documents are otherwise served (including pursuant to paragraphs 17 to 21 above, and paragraphs 33 and 34 below).
26. The CMA shall be provided with a non-confidential copy of the joint expert statement(s) as soon as reasonably practicable after the final versions have been produced pursuant to paragraph 22 above.
27. The CMA shall file and serve its written observations pursuant to Rule 50(2) of the Tribunal Rules by **4pm on 3 October 2025**.
28. If so advised, the parties shall file and serve their respective written observations on the CMA's written observations by **4pm on 7 November 2025**.
29. The CMA shall file and serve its written observations in reply by **4pm on 28 November 2025**.
30. The CMA shall be entitled to file and serve further written observations, if so advised, on a date between **26 June 2026 and 27 July 2026**. The parties shall be entitled (if so advised) to respond to any such further written observations on a date to be agreed and / or ordered by the Tribunal.
31. The CMA shall have liberty to apply at the Pre-Trial review for permission to submit oral observations at Trial.

## **TRIAL**

32. A pre-trial review shall be listed on a date between **27 July 2026 and 31 July 2026**.
33. By **4pm on 11 September 2026**, Epic, the Coll Class Representative and the Rodger Class Representative shall file and serve their respective skeleton arguments for trial.
34. By **4pm on 25 September 2026**, the Defendants shall file and serve their skeleton argument for trial.
35. The trial shall commence on **28 September 2026** with a provisional trial length estimate of **14 weeks**. The trial length is subject to review at future CMCs and at the PTR. The week commencing **28 September 2026** shall be a reading week for the Tribunal.

## **GENERAL**

36. Costs shall be costs in the case.
37. There be liberty to apply.
38. By agreement the parties may vary without further order any deadline in this Order provided that they inform the Tribunal of such agreement and the extension does not affect the dates of any listed hearings.

**The Honourable Mr Justice Morris**

**Bridget Lucas KC**

Made: 4 August 2025

Chairs of the Competition Appeal  
Tribunal

Drawn: 4 August 2025