



IN THE COMPETITION
APPEAL TRIBUNAL

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

BETWEEN:

(1) EPIC GAMES, INC
(2) EPIC GAMES ENTERTAINMENT INTERNATIONAL GMBH
(together, “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”)

AND BETWEEN:

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”)

AND BETWEEN:

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”)

ORDER

UPON paragraphs 15 and 16 of the Tribunal’s Order dated 4 August 2025 in the Epic Proceedings, the Coll Proceedings and the Rodger Proceedings (the “**Directions Order**”) granting permission to Epic, and to Professor Rodger, to apply to adduce expert evidence

AND UPON reading Epic’s application dated 7 July 2025 to adduce expert evidence in the Epic Proceedings

AND UPON reading Professor Rodger’s application dated 7 July to adduce expert evidence in the Rodger Proceedings

AND UPON a one-day case management conference in the Epic, Coll and Rodger Proceedings taking place on 1 August 2025 (the “**Third Joint CMC**”)

AND UPON hearing counsel for each of Epic, Professor Rodger, Ms Coll and the Defendants

IT IS ORDERED THAT:

Economic Evidence

1. Epic is permitted to adduce and rely at trial on evidence from the following expert witnesses, subject to paragraphs 3 to 6 below:
 - (a) Ms Iona McCall of AlixPartners, with expertise in economics to address market definition, dominance and exclusionary abuses; and

- (b) Mr Matt Hunt of AlixPartners, with expertise in economics to address exploitative abuses (excessive pricing).
- 2. Professor Rodger is permitted to adduce and rely at trial on evidence from the following expert witness subject to paragraphs 3 to 6 below:
 - (a) Professor Amelia Fletcher CBE, with expertise in economics to address market definition, dominance, exclusionary and exploitative abuses, counterfactual analysis and damages.
- 3. In relation to paragraphs 1 and 2 above:
 - (a) Each expert shall ensure that their report does not duplicate the evidence contained in the reports of Dr Singer and/or Mr Holt.
 - (b) Each expert shall specifically address the reports of Dr Singer and/or Mr Holt and shall explain why their evidence is necessary in light of those reports. In particular, each expert shall identify where they:
 - (i) agree with Dr Singer and/or Mr Holt, and the extent to which their evidence is adopted;
 - (ii) agree with Dr Singer and/or Mr Holt, but consider it necessary to supplement their evidence; or
 - (iii) disagree with Dr Singer and/or Mr Holt.
 - (c) Where an expert supplements the evidence of Dr Singer and/or Mr Holt pursuant to paragraph 3(b)(ii) above, they must explain the relevance of that supplemental evidence to the pleaded issues in their client's case.
 - (d) Where an expert disagrees with the evidence of Dr Singer and/or Mr Holt pursuant to paragraph 3(b)(iii) above, they must explain the relevance of that disagreement to the pleaded issues in their client's case.
 - (e) Each expert report shall contain a summary table identifying, by reference to each issue addressed:

- (i) whether, and if so, to what extent, the issue is covered in the report(s) of Dr Singer and/or Mr Holt;
 - (ii) whether the expert agrees, disagrees, or supplements the evidence of Dr Singer and/or Mr Holt, with brief reasons; and
 - (iii) the relevance of the expert's evidence to the pleaded issues.
- 4. There shall be no page limit in respect of the expert reports of Professor Fletcher or Ms McCall.
- 5. The expert report of Mr Hunt shall be limited to 100 pages, excluding annexes and the summary table referred to in paragraph 3(e) above.
- 6. Annexes shall be confined to supporting material and shall not contain substantive opinion.

Security and accounting evidence

- 7. Epic is permitted to adduce and rely at trial on evidence from the following expert witness subject to paragraphs 9 to 13 below:
 - (a) Professor Mark Ryan, with expertise in information technology and / or mobile device security to address performance and security in connection with the distribution and / or use of software applications, mobile devices, platforms, and / or billing systems.
- 8. Professor Rodger is permitted to adduce and rely at trial on evidence from the following expert witnesses subject to paragraphs 9 to 13 below:
 - (a) Dr Greig Paul, with expertise in cybersecurity and mobile ecosystems to address app distribution models and ecosystem comparisons; platform capabilities and technical discrepancies concerning the connection between the Google Play Store and Google's advertising business; and security and malware risk; and
 - (b) Mr Greg Harman of Berkley Research Group, with expertise in forensic accounting and profitability analysis to address accounting and profitability.

9. In relation to paragraphs 7 and 8:
- (a) Dr Paul and Professor Ryan shall not duplicate any of the evidence contained in the reports of Dr Lee and/or Dr Krein. Their reports must be supplemental to the evidence already provided by Dr Lee and/or Dr Krein;
 - (b) Mr Harman shall not duplicate any of the evidence contained in the reports of Mr Dudney and/or Professor Fletcher. His report must be supplemental to the evidence already provided by Mr Dudney and/or Professor Fletcher.
10. By 7 October 2025, Dr Paul, Professor Ryan, Dr Lee and (insofar as relevant to the evidence of Dr Paul) Dr Krein shall meet to discuss the supplemental areas which Dr Paul and Professor Ryan wish to address, with a view to reaching agreement on those issues and/or considering whether those issues can be addressed by Dr Lee and/or Dr Krein, and/or narrowing the scope of matters to be addressed in additional reports from Dr Paul and Professor Ryan.
11. By 7 October 2025, Mr Harman shall meet with Mr Dudney and in so far as relevant Professor Fletcher to discuss the supplemental areas which Mr Harman wishes to address, with a view to reaching agreement on those issues and/or considering whether those issues can be addressed by Mr Dudney and/or Professor Fletcher, and/or narrowing the scope of matters to be addressed in an additional report from Mr Harman.
12. Insofar as Dr Paul, Professor Ryan, and Mr Harman serve expert reports, each expert shall adopt the approach set out in paragraph 3(a)-(e) above. References to Dr Singer and/or Mr Holt in those paragraphs shall be read as referring to Dr Lee and/or Dr Krein (in the case of Dr Paul and Professor Ryan), and to Mr Dudney and/or Professor Fletcher (in the case of Mr Harman), as the context requires.
13. The reports of Dr Paul, Professor Ryan, and Mr Harman shall each be limited to 50 pages, excluding annexes (which shall be confined to supporting material and shall not contain substantive opinion) and excluding the summary table referred to in paragraph 3(e) above.

Definitions and terminology

14. All experts shall endeavour to adopt definitions that are the same as, consistent with, or (if necessary) readily distinguishable from definitions already in use by other experts and/or in the pleadings, with a view to the production of a coherent glossary of such definitions for use at trial.

Expert evidence in the Coll Proceedings

15. Epic is permitted to rely on the following expert evidence served in the Coll Proceedings:
 - (a) the expert evidence of Mr Louis Dudney, currently comprising his expert report (**Dudney 1**), supplemental expert report (**Dudney 2**) and reply expert report (**Dudney 3**), served respectively on 2 October 2024, 2 October 2024 and 6 June 2025, along with any supplemental expert evidence from Mr Dudney; and
 - (b) the expert evidence of Mr Francesco Burelli, currently comprising his expert report (**Burelli 1**) and reply expert report (**Burelli 2**), served respectively on 2 October 2024 and 6 June 2025, along with any supplemental expert evidence from Mr Burelli.
16. Epic is henceforward permitted to give instructions to Mr Dudney and Mr Burelli.
17. Epic shall have liberty to apply for Mr Dudney and / or Mr Burelli to update their existing evidence to reflect:
 - (a) any developments in the nature and scope of Google's anticompetitive conduct; and
 - (b) in the case of Mr Dudney, any analysis that is currently limited by reference to the Relevant Period defined in paragraph 16 of the Re-Amended Claim Form in the Coll Proceedings.
18. Epic is permitted to call Mr Dudney and / or Mr Burelli as witnesses at trial, in the event that the Coll Proceedings settle before the conclusion of the Epic Proceedings.
19. Professor Rodger is permitted to rely on the following expert evidence served in the Coll Proceedings:

- (a) the expert evidence of Mr Francesco Burelli, currently comprising Burelli 1 and Burelli 2, along with any supplemental expert evidence from Mr Burelli;
 - (b) the expert evidence of Dr Wenke Lee, currently comprising his expert report (**Lee 1**), and reply expert report (**Lee 2**), served respectively on 2 October 2024 and 13 June 2025, along with any supplemental expert evidence from Dr Lee; and
 - (c) the expert evidence of Dr Jonathan Krein, currently comprising his expert report (**Krein 1**) and reply expert report (**Krein 2**), served respectively on 2 October 2024 and 13 June 2025, along with any supplemental expert evidence from Dr Krein.
20. Professor Rodger is henceforward permitted to give instructions to Mr Burelli, Dr Lee and Dr Krein.
21. Professor Rodger is permitted to call Mr Burelli, Dr Lee and/or Dr Krein as witnesses at trial, in the event that the Coll Proceedings settle before the conclusion of the Rodger Proceedings.

Costs and liberty to apply

22. The costs of all additional expert reports served pursuant to this Order are reserved. In the event that the Tribunal considers any aspect of such reports to be duplicative or unnecessary, it will consider whether to order the relevant claimant to bear any costs thereby wasted.
23. There be liberty to apply in respect of the matters above.

The Honourable Mr Justice Morris

Bridget Lucas KC

Made: 27 August 2025

Chairs of the Competition Appeal
Tribunal

Drawn: 27 August 2025

