



**IN THE COMPETITION APPEAL
TRIBUNAL**

Case No: 1537/5/7/22(T)

BETWEEN:

OT COMPUTERS LIMITED (IN LIQUIDATION)

Part 20 Claimant

-v-

SAMSUNG SEMICONDUCTOR EUROPE LIMITED

Part 20 Defendant

ORDER

UPON the European Commission having issued a decision in Case COMP/38511 DRAMs dated 19 May 2010 addressed to, amongst others, Micron Europe Limited (“**Micron**”) and Samsung Semiconductor Europe Limited (“**SSEL**”) (the “**Decision**”), and the Decision having become final against all addressees

AND UPON OT Computers Limited (In Liquidation) (“**OTC**”) issuing proceedings in the High Court under Claim No. CL-2016-000304 on 18 May 2016, and those proceedings having been transferred to the Competition Appeal Tribunal by Order dated 5 October 2022 (the “**Main Claim**”)

UPON Micron having brought an additional claim pursuant to the Civil Procedure Rules, r. 20.7 against SSEL (the “**Part 20 Claim**”)

AND UPON the Order of 20 August 2024 substituting OTC in place of Micron as the Part 20 Claimant following the assignment of the Part 20 Claim by Micron to OTC

AND UPON OTC's application for directions in the Part 20 Claim in respect of disclosure from SSEL filed on 3 January 2025 (and expanded on 15 January 2025) (the “**OTC Disclosure Application(s)**”)

AND UPON the Order of 21 February 2025, which among other things, adjourned the OTC Disclosure Application(s) to be determined on paper (the “**CMC3 Order**”)

AND UPON OTC filing written submissions on 3 March 2025 and reply submissions on 19 March 2025, and SSEL filing submissions in response on 17 March 2025 and rejoinder submissions on 24 March 2025 in respect of the OTC Disclosure Application(s)

AND UPON the Ruling of the Tribunal on the OTC Disclosure Application(s) dated 20 August 2025

IT IS ORDERED THAT:

Disclosure

1. The Disclosure Date as referred to in the CMC3 Order shall be 23 December 2025.
2. SSEL shall provide disclosure and inspection of the documents relating to the disclosure issues and document types set out in paragraphs 1, 2 and 4 of Annex 1 to the CMC3 Order by 5pm on the Disclosure Date subject to paragraphs 3 and 4 below.
3. To identify documents for disclosure, SSEL shall carry out reasonable and proportionate searches of: (i) documents held by its solicitors, Covington & Burling LLP, as detailed in section 1 of the Disclosure Report of SSEL dated 6 September 2022, in so far as these comprise documents of SSEL itself or documents filed with the Commission jointly by the Samsung Electronics entities which were addressees of the Decision (the “**SSEL Documents**”); and (ii) any management and/or accounting data of SSEL for the period July 1996 to June 2004.
4. For the avoidance of doubt, in providing this disclosure, SSEL:
 - a. may withhold from inspection the following documents (in whole or in part), as defined in paragraph 2.1(a) of the Tribunal’s Order (Commission File) dated 30 June 2023: (i) Leniency Statements; (ii) Settlement Submissions; and (iii) Privileged Materials; and
 - b. shall not be required to disclose documents that have already been disclosed to OTC in these proceedings.
5. If either party intends to use any search terms to identify documents relevant to the disclosure issues and document types set out in paragraphs 1, 2 and 4 of Annex 1 to the CMC3 Order, it shall liaise with the other party to seek to reach agreement regarding the terms to be used.
6. The disclosure provided in accordance with paragraphs 1 and 2 of this Order shall be accompanied by a written statement setting out: (a) the searches undertaken to identify the documents to be disclosed; (b) who has undertaken the searches; and (c) that to the best of the knowledge and belief of the person making the statement, the disclosure ordered has been provided.

7. The parties shall co-operate at an early stage about the format in which electronic documents are to be provided on inspection.
8. The parties' respective duties of disclosure continue until the conclusion of the Proceedings, which, for the avoidance of doubt, requires the parties to disclose any documents relevant to the disclosure issues and document types listed in paragraph 2 of this Order that come into their control after the date of this Order.

Costs

9. Costs of the OTC Disclosure Application(s) shall be costs in the case.

Miscellaneous

10. The dates and time limits in this Order may be extended by agreement between the parties by up to 14 days without the permission of the Tribunal.
11. There be liberty to apply.

Andrew Lenon KC

Chair of the Competition Appeal Tribunal

Made: 20 October 2025

Drawn: 22 October 2025