



Neutral Citation [2025] CAT 79

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

**IN THE COMPETITION APPEAL
TRIBUNAL**

Salisbury Square House
8 Salisbury Square
London EC4Y 8AP

24 November 2025

BETWEEN:

OT COMPUTERS LIMITED (IN LIQUIDATION)

Part 20 Claimant

-v-

SAMSUNG SEMICONDUCTOR EUROPE LIMITED

Part 20 Defendant

**REASONED ORDER (COSTS MANAGEMENT, SECURITY FOR COSTS,
DIRECTIONS TO TRIAL)**

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**)

AND UPON Micron having brought an additional claim pursuant to the Civil Procedure Rules, r. 20.7 against SSEL (the **Part 20 Claim** or the **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 costs management filed on 20 December 2024 (the **OTC Costs Management Application**)

AND UPON SSEL's application for security for costs filed on 3 January 2025 and SSEL's letter dated 17 September 2025 (the **SSEL Security Application**)

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 and adjourned the Security Application and Costs Management applications

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 ([2025] CAT 48) (the **Ruling**)

AND UPON the parties filing Precedent H costs budgets on 15 September 2025

AND UPON the parties agreeing that the SSEL Security Application and the OTC Costs Management Application be determined on the papers

AND UPON the parties filing written submissions on 16 and 24 October 2025 in respect of: (i) the OTC Costs Management Application; (ii) the SSEL Security Application; and (iii) directions to trial

AND UPON the Order of the Tribunal dated 22 October 2025 setting the Disclosure Date at 23 December 2025

IT IS ORDERED THAT:

The OTC Costs Management Application

1. The Part 20 Claim shall be subject to costs management.
2. OTC and SSEL shall file and exchange Precedent R budget discussion reports in respect of each other's Precedent H cost budgets within 21 days of this Order.
3. A Case Management Conference (CMC) of up to half a day shall be listed for the first available date 21 days after the Precedent R budget discussion reports have been filed to determine the approved budgets.

The SSEL Security Application

4. Within seven days of this Order, OTC shall increase the sum it holds in respect of security for costs to £1 million (which shall continue to be held by Osborne Clarke LLP subject to an undertaking to be agreed by the parties).
5. If so advised, SSEL is permitted to renew the SSEL Security Application at the CMC.

Expert evidence

6. SSEL shall file and serve any expert evidence of US Law by 5pm on 30 January 2026.
7. OTC shall file and serve any responsive evidence on US Law by 5pm on 27 February 2026.
8. The experts on matters of US Law shall meet and shall prepare a Joint Memorandum summarising the areas of agreement and disagreement (with concise reasons) by 27 March 2026.
9. The parties shall address the Tribunal on the scope, relevance and length of expert evidence at the CMC. If for any reason the CMC falls later than any of the deadlines set out in paragraph 6 to paragraph 8 above, the parties shall address the Tribunal on this via correspondence.

Witness evidence

10. OTC and SSEL shall each file and serve any factual witness statements by 5pm on 27 March 2026.
11. OTC and SSEL shall each file and serve any responsive factual witness statements by 5pm on 15 May 2026.

Pre-trial review

12. A pre-trial review (**PTR**) shall be listed approximately four weeks before the trial.

Trial

13. The trial of the Part 20 Claim shall be listed with a time estimate of 5 days (exclusive of 2 days of judicial pre-reading time) to be listed on the first available date after 1 October 2026.

Trial preparation

14. OTC and SSEL shall agree the index to the trial bundle by 5pm on the date that is six weeks before the trial date, the trial date being the first day of judicial pre-reading.
15. OTC shall lodge the agreed electronic bundle with the Tribunal by 5pm on the date that is four weeks before trial.
16. OTC and SSEL shall file and exchange skeleton arguments for trial by 5pm on the date that is seven days before the first day of trial.

Costs

17. Costs in the case.

Miscellaneous

18. 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, so long as any extensions do not affect the trial date.
19. There be liberty to apply.

REASONS

1. The history of these proceedings has been set out in the Ruling.
2. I have been asked to give certain directions after receiving submissions in writing. The first question, logically, is whether there should be a costs management order in respect of this Part 20 Claim. OTC submits that such an order is appropriate having regard to the size of the Claim which is materially less than £10 million. It also contends that there is a risk that costs will be disproportionate. The level of incurred costs in SSEL's budget is, as noted by OTC, £1,124,069, and we are still at a relatively early stage of these proceedings. Its total costs to trial are estimated at £2,229,455.
3. SSEL submits that such costs orders are rare in the Tribunal and that that the low value of the Claim "cuts both ways" because costs budgeting increases costs. I disagree. It also submits that costs budgeting is unlikely to bring material benefits in that it is "unlikely to be game-changing".
4. I agree with OTC that costs budgeting is appropriate in this case for the reasons advanced. I direct that the parties have 21 days to file Precedent R reports and that a CMC in relation to costs management and other matters (see below) take place at the first available date three weeks after exchange of those reports.
5. There is an application by SSEL for security for costs (the SSEL Security Application). So far, OTC has provided security of £500,000 held by its solicitors and has offered a further £500,000. SSEL seeks security through to trial in the sum of £949,146. I order £500,000 for be provided within seven days, as offered by OTC, and direct that SSEL can renew its application for further security at the costs management hearing if so advised.

6. In determining the costs budget and the amount of security to be provided, careful regard should be had to the Solicitors' Guideline Hourly Rates which came into effect on 1 January 2025. In a Claim of this size there will need to be good reason for departing from those rates.
7. There is a dispute as to the timing of expert evidence. I make a provisional order in the terms requested by OTC but require that the Tribunal be addressed by both parties on the scope, relevance and length of this expert evidence at the CMC.
8. There is no reason to delay the service of fact evidence to after preparation of a joint memorandum. I order that evidence-in-chief be exchanged on 27 March 2026.

Justin Turner KC

Chair of the Competition Appeal Tribunal

Made: 24 November 2025

Drawn: 24 November 2025