



**IN THE COMPETITION APPEAL
TRIBUNAL**

Case No: 1468/7/7/22

B E T W E E N :

JUSTIN GUTMANN

Class Representative

- v -

(1) APPLE INC.

(2) APPLE DISTRIBUTION INTERNATIONAL LIMITED

(3) APPLE RETAIL UK LIMITED

Defendants

ORDER

UPON the Class Representative’s application for a collective proceedings order (the “**CPO Application**”) made in the Collective Proceedings Claim Form dated 17 June 2022 (the “**Claim Form**”), as amended on 25 April 2023, re-amended on 3 August 2023, and re-re-amended on 12 July 2024

AND UPON the Tribunal handing down judgment on the CPO Application on 1 November 2023 ([2023] CAT 67) certifying the Collective Proceedings (the “**Certification Judgment**”)

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

AND UPON the application by the Defendants dated 5 December 2025 to de-certify, strike out, and/or enter summary judgment on the claim, pursuant to Rules 85(1), 41(1)(b) and 43(1) of the Competition Appeal Tribunal Rules 2015 (the “**Tribunal Rules**”) (the “**Strike Out Application**”)

AND UPON hearing counsel for the parties at a hearing on 10 February 2026

AND UPON the Tribunal handing down judgment on the Strike Out Application on 11 March 2026 ([2026] CAT 20) (the “**Strike Out Judgment**”)

AND UPON the Registrar’s letter to the parties dated 18 March 2026 vacating the CMC listed for 24 March 2026

AND UPON the Tribunal’s costs ruling dated 21 April 2026 ([2026] CAT 35) (the “**Costs Ruling**”)

IT IS ORDERED THAT:

A. STRIKE OUT JUDGMENT AND REPLEADING

1. The Class Representative’s case that the Defendants abused a dominant position in the period from 29 March 2018, following the release of iOS 11.3, is struck out and/or the subject of reverse summary judgment.
2. The Class Representative’s case that the Defendants abused a dominant position in relation to iPhones that were purchased with the performance management feature introduced by iOS 10.2.1 (or by any later version of iOS) already installed or installed on first activation prior to use, is struck out and/or the subject of reverse summary judgment.
3. Save as set out in paragraphs 1 and 2 above, the Strike Out Application is dismissed.
4. The Class Representative shall by 4pm on 1 May 2026 file and serve a re-pleaded Claim Form which:
 - (a) removes the allegations that are subject to paragraphs 1 and 2 above;
 - (b) amends the definition of “Affected iPhones” in the Claim Form so as to be consistent with paragraph 2 above and the Tribunal’s ruling at paragraphs 57 and 67 of the Strike Out Judgment; and
 - (c) makes the necessary revisions so that it is limited to concise statements of the facts and contentions of law relevant to the case as certified and consistent with

Rules 75(3)(g) and (h) of the Tribunal Rules and the guidance of the Court of Appeal at paragraph 36 of its judgment of 21 June 2024 ([2024] EWCA Civ 702) in these proceedings.

5. The CR shall by 4pm on 15 May 2026 file proposed amendments to the Collective Proceedings Order dated 23 January 2025 which give effect to the revised definition of “Affected iPhones” contained in the repleaded Claim Form filed pursuant to paragraph 4 above, with the parties having used reasonable endeavours to seek to agree the same in advance.
6. The Defendants shall file and serve an Amended Defence by 4pm on 29 May 2026.
7. The Class Representative shall file and serve an Amended Reply, if so advised, by 4pm on 12 June 2026.

B. FURTHER DIRECTIONS

8. A further CMC (“CMC2”) shall be listed in the first half of the Trinity Term to determine:
 - (a) the CR’s application dated 4 February 2026 for de-designation of Apple’s Documents designated as Confidential Information pursuant to the Confidentiality Ring Order of 19 December 2022, including determining the confidentiality of the CMA Consultation Letter (insofar as confidentiality is maintained);
 - (b) the CR’s application dated 9 February 2026 to admit certain individuals from his litigation fund manager, and its external counsel, into the Outer Confidentiality Ring, pursuant to the Confidentiality Ring Order of 19 December 2022; and
 - (c) directions for further hearings to determine any unresolved disclosure issues and any other directions.

9. By 5pm **5 days** before CMC2, the Class Representative shall file electronic and hard copy hearing bundles (as required by the Tribunal) for CMC2, with the parties having used reasonable endeavours to agree their contents in advance.
10. By 5pm **4 days** before CMC2, the parties shall file and exchange their respective skeleton arguments.
11. By 5pm **3 days** before CMC2, the Class Representative shall file an electronic copy of the authorities bundle, with the parties having used reasonable endeavours to agree its contents in advance.
12. By 5pm **2 days** before CMC2, the parties shall file and exchange skeleton arguments updated (only) to contain cross-references to the authorities bundle.
13. 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 any hearing or the trial.

C. COSTS

14. The Defendants shall pay the Class Representative's costs of and occasioned by the Strike Out Application summarily assessed in the sum of £175,000.00 within 28 days of the date of the Costs Ruling.
15. Save for paragraph 14 above, and without prejudice to any other order that the Tribunal might make in due course in relation to the costs of and occasioned by the amendments referred to in paragraph [4]-[6] above, no other order as to costs.

Justin Turner KC

Chair of the Competition Appeal Tribunal

Made: 27 May 2026

Drawn: 27 May 2026