



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1589/5/7/23 (T)
1424/5/7/21 (T)
1596/5/7/23

BETWEEN:

INFEDERATION LIMITED
(“Foundem”)

Claimant

- v -

(1) GOOGLE LLC
(2) GOOGLE IRELAND LIMITED
(3) GOOGLE UK LIMITED

Defendants

AND BETWEEN:

(1) KELKOO.COM (UK) LIMITED
(2) KELKOO SAS
(3) JAMPLANT LIMITED
(4) KELKOO INTERNET SL
(5) KELKOO AS
(6) KELKOO SRL
(7) KELKOO NETHERLANDS BV
(8) KELKOO AB
(9) KELKOO DEUTSCHLAND GMBH
(10) KELKOO DANMARK A/S
(11) JOLT LIMITED
(together, “Kelkoo”)

Claimants

- v -

(1) GOOGLE UK LIMITED
(2) GOOGLE IRELAND LIMITED
(3) GOOGLE LLC

Defendants

AND BETWEEN:

WHITEWATER CAPITAL LIMITED
(“Ciao”)

Claimant

- v -

(1) GOOGLE LLC
(2) ALPHABET INC
(together, “Google”)

Defendants

ORDER (CLA APPLICATION)

UPON the application by Kelkoo and Ciao, made by letter from their solicitors, Linklaters LLP (“**Linklaters**”) dated 3 June 2026 (the “**CLA Application**”)

AND UPON the letter from Linklaters dated 4 June 2026 filing the Fifth Witness Statement of Richard Stables dated 4 June 2026 (“**Stables 5**”), and its accompanying exhibit

AND UPON Google having disclosed three documents on 29 May 2026 relating to the “CLA Experiment” (the “**Newly Disclosed Documents**”) including the “CLA Experiment Report”

AND UPON considering the correspondence from Herbert Smith Freehills Kramer LLP (“**HSFK**”) on behalf of Google and from Linklaters, sent between 5 June and 9 June 2026, together with their enclosures, concerning the CLA Application

IT IS ORDERED THAT:

1. The Claimants shall have permission to rely upon Stables 5.
2. Google shall by **4pm on 12 June 2026** make inquiries of Mr Samuel Braendle and Mr Greg Friedman as to whether they are aware of any known adverse documents relating to the CLA Experiment as described in the Newly Disclosed Documents, and to the extent that they are so aware shall conduct a reasonable and proportionate search for those documents and disclose the same by 4pm on 19 June 2026.
3. Google shall by **4pm on 18 June 2026** conduct a reasonable and proportionate search of the documents held or created by each of the following custodians in the period 15 August 2022 to 2 September 2022 and disclose any documents relating to the preparation or discussion of the CLA Experiment Report or any known adverse documents relating to the Newly Disclosed Documents, subject to any redaction for privilege: Hao Sun, Yuan Pan, Xincheng (Brian) Zhang, Digby Lock and Luca Bertelli.
4. Google shall by **4pm on 15 June 2026** serve a witness statement from one of the three partners identified at para 20 of HSFK's letter of 5 June 2026 stating that she or he has personally reviewed the redactions made to the CLA Experiment Report disclosed on 29 May 2026, and confirming that s/he is satisfied that the redacted passages are protected by legal professional privilege, or to the extent that s/he is not so satisfied shall disclose a less redacted version of this document.
5. Costs in the case.
6. There shall be liberty to apply.

REASONS:

1. As regards para 1 of this Order, this is not opposed by Google.
2. Para 2 of this Order corresponds in large part to what Google undertook to do in para 19 of HSFK's letter of 5 June 2026.
3. As regards para 3 of this Order, where a party adduces evidence from a witness testifying to facts based on their recollection, and the party has documents in its custody or control relating to those facts which the witness is seeking to recollect, the party should disclose those documents, irrespective of whether the witness was aware of them when making their statement, or the terms of any prior order for disclosure. Google failed to do so in this case, and only on 29 May 2026 did Google disclose the Newly Disclosed Documents. Further, Google gave incorrect information regarding one of those documents in its initial response to the CLA Application in the letter from HSFK of 5 June 2026, that was corrected by HSFK in their letter of 9 June 2026 only after Linklaters had questioned that response after going through the transcript of foreign proceedings. In all those circumstances, and given the imminence of the trial, it is reasonable to require Google to make a reasonable and proportionate search for additional relevant documents according to a very tight timetable. The Order is limited to a short period of 3 weeks, concerns documents generated less than 4 years ago, and involves a limited number of custodians. I consider that is reasonable and proportionate in the circumstances.
4. The redactions made to the CLA Experiment Report give rise to reasonable queries raised by Linklaters. However, it is only in exceptional circumstances that the Tribunal will go behind a statement from an experienced solicitor. Accordingly, I consider that the limited requirement in para 4 of this Order is appropriate.

Sir Peter Roth

Chair of the Competition Appeal Tribunal

Made: 11 June 2026

Drawn: 11 June 2026