

Note: Excisions in this order (marked “[”]”) relate to commercially confidential information: Schedule 4, paragraph 1 to the Enterprise Act 2002.



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1582/7/7/23
1572/7/7/22

BETWEEN:

AD TECH COLLECTIVE ACTION LLP

Class Representative

- and -

- (1) ALPHABET INC.**
(2) GOOGLE LLC
(3) GOOGLE IRELAND LIMITED
(4) GOOGLE UK LIMITED

Defendants

(the **Proceedings**)

ORDER (CMC3)

UPON the Order of the Tribunal dated 14 January 2025 (the **CPO**) as amended by Order of the Tribunal dated 23 March 2026

AND UPON the Order of the Tribunal dated 15 August 2025 which referred to documents and datasets provided to competition authorities in connection with specified related regulatory and litigation proceedings (the **Pre-existing Disclosure**) and documents and datasets outside the scope of the Pre-existing Disclosure (the **Further Disclosure**)

AND UPON the Order of the Tribunal dated 19 February 2026 (the **CMC2 Order**) which directed the Defendants (alternatively referred to in this Order as **Google**) to provide certain documents and datasets from the Pre-existing Disclosure and providing that any disputes as to further production from the Pre-existing Disclosure be determined at the case management hearing listed for 21 May 2026 with a time estimate of one day with one day in reserve (**CMC3**)

AND UPON reading the letters from Humphries Kerstetter LLP and Freshfields LLP to the Registrar dated 24 April 2026 regarding the Class Representative's and the Defendants' respective proposals as to expert evidence

AND UPON the Defendants having filed and served a Disclosure Report (**DR**) and Electronic Documents Questionnaire (**EDQ**) on 30 April 2026

AND UPON the Class Representative's application dated 5 May 2026 for production of: (i) a confidential version of the decision of the European Commission (**EC**) in Case AT.40670 dated 5 September 2025 (the **Confidential EC Decision**); and (ii) production of categories of documents from the Pre-existing Disclosure

AND UPON the Defendants' application dated 5 May 2026 requesting directions in respect of disclosure from certain members of the Class, as defined in the CPO (the **Class Members**), as set out in Annex A and Annex B of the expert statement of Adrian Majumdar of RBB Economics LLP dated 5 May 2026 (the **Defendants' Requests**) including the expert statement of Adrian Majumdar of RBB Economics LLP dated 5 May 2026 (**Majumdar 1**)

AND UPON hearing counsel for the Class Representative and the Defendants at CMC3

IT IS ORDERED THAT:

PLEADING AMENDMENTS

1. By **4pm** on **2 October 2026** the Class Representative shall serve upon Google a draft Re-Re-Re-Amended Collective Proceedings Claim Form.
2. By **4pm** on **21 October 2026**, Google shall confirm whether it consents to any amendments. If the Defendants object to any amendments, they shall provide their reasons for such objections.
3. By **4pm** on **6 November 2026**, the Class Representative shall respond to any reasoned objections raised by Google and insofar as necessary the Class Representative shall make an application to the Tribunal to determine any remaining disputed amendments.
4. The Class Representative shall file and serve the Re-Re-Re-Amended Collective Proceedings Claim Form, reflecting the amendments which have been agreed or permitted by the Tribunal, as soon as possible and no later than **5 working days** after the Defendants' agreement or the Tribunal's order, whichever is later.

5. By **4pm** on the date which is **20 working days** after the Class Representative files and serves the Re-Re-Re Amended Collective Proceedings Claim Form under paragraph 4 above, Google shall file and serve its Re-Re-Amended Defence making any consequential amendments.
6. By **4pm** on the date which is **15 working days** after Google files and serves its Re-Re-Amended Defence, the Class Representative shall file and serve its Re-Amended Reply making any consequential amendments.

PRE-EXISTING DISCLOSURE

Disclosure from the investigations of the Texas Attorney General and the US Department of Justice

7. By **4pm** on **26 June 2026**, the Defendants shall write to the Class Representative setting out their proposals as to which of the search strings identified at Schedule 14 to the Defendants' Explanatory Note and Proposal dated 24 October 2025 (the **Explanatory Note and Proposal**) should be applied to the documents provided by Google to the United States Department of Justice (the **DOJ**) issued during the course of its investigation concerning Google's ad tech business commenced in July 2019 (the **DOJ Investigation Documents**) in order to exclude irrelevant documents.
8. By **4pm** on **10 July 2026**, the parties shall seek to agree which of the search strings identified at Schedule 14 to the Explanatory Note and Proposal (the **Agreed DOJ Search Strings**) are to be applied by the Defendants to the DOJ Investigation Documents in order to exclude irrelevant documents.
9. The Defendants shall produce the documents within the DOJ Investigation Documents responding to the Agreed DOJ Search Strings by **4pm** on **14 August 2026**.
10. By **4pm** on **26 June 2026**, the Defendants shall write to the Class Representative setting out their proposals as to which of the search strings identified at Schedule 18 to the Explanatory Note and Proposal should be applied to the documents provided by Google to the Office of the Attorney General of Texas (**Texas OAG**) in connection with the

Texas OAG's investigation into Google's ad tech business (the **Texas Documents**) in order to exclude irrelevant documents.

11. By **4pm** on **10 July 2026**, the parties shall seek to agree which of the search strings identified at Schedule 18 to the Explanatory Note and Proposal (the **Agreed Texas Search Strings**) are to be applied by the Defendants to the Texas Documents in order to exclude irrelevant documents.
12. The Defendants shall produce the documents within the Texas Documents responding to the Agreed Texas Search Strings by **4pm** on **14 August 2026**.

Disclosure from the investigation of the French Competition Authority

13. By **4pm** on **26 June 2026**, the Defendants shall produce to the Class Representative the Defendants' responses to the French Competition Authority's (**FCA**) Requests for Information, with redactions for privilege and relevance.

Disclosure from the investigation of the European Commission

14. By **4pm** on **10 July 2026**, the Defendants shall produce to the Class Representative the Defendants' responses to the European Commission's (**EC**) Pre-Decision Requests for Information, with redactions for privilege and relevance.

Additional disclosure from the categories of documents listed in the Explanatory Note and Proposal

15. By **4pm** on **10 July 2026**, the Defendants shall produce the documents set out in Appendix 1 to this Order.

Additional disclosure from the categories of datasets listed in the Explanatory Note and Proposal

16. The Class Representative's and Defendants' expert advisers shall meet to seek to agree which of the datasets in the Pre-existing Disclosure requested by the Class

Representative's economic expert, Dr Latham, should be reproduced. Any areas of dispute shall be referred to the Tribunal by **4pm on 30 October 2026**.

FURTHER DISCLOSURE

DR and EDQ

17. By **4pm on 25 September 2026**, the Class Representative shall raise any questions in respect of the DR and/or EDQ.
18. By **4pm on 9 October 2026**, the Defendants shall provide written responses to the Class Representative's questions. Where the Defendants decline to provide a substantive answer to a question, the Defendants shall explain why they consider that it is not reasonable or proportionate to do so.
19. By **4pm on 21 October 2026**, the Class Representative will inform the Defendants of any requests for disclosure, based on the DR and EDQ and any further information provided pursuant to paragraph 18, justifying each request by reference to the Class Representative's pleaded case and the issues in the Proceedings.
20. Should the parties be unable to agree any requests made pursuant to paragraphs 17–19 above by **4pm on 20 November 2026**, the parties shall refer any remaining disputes in relation to the DR and EDQ to the Tribunal.

Confidential EC Decision

21. Within **21 days** of this Order being made, the Defendants shall disclose and provide inspection to the Class Representative of a version of the Confidential EC Decision with redactions relating only to the Defendants removed, save in respect of those redactions which can be justified on the basis that: (i) they are subject to without prejudice privilege; or (ii) they engage the principles set out by the EU General Court in Case T-474/04 *Pergan* [2007] ECR II-4225, EU:T:2007:306.

22. The Defendants shall write to the EC within **14 days** of this Order of their intention to disclose and provide inspection of a version of the Confidential EC Decision with redactions over third-party confidential information removed.
23. The Defendants shall provide the EC with a period of **14 days** following such notification to make an application to the Tribunal that the redactions should not be lifted, supported by reasons. The EC shall have liberty to apply to the Tribunal to request an extension of that 14-day period, should such extension be necessary to prepare an application.
24. The Defendants shall within **28 days** of this Order use reasonable endeavours to notify third parties who have claimed confidentiality or to whom a duty of confidentiality may be owed of their intention to lift redactions over third-party confidential information.
25. Any recipient of a notification under paragraph 24 of this Order wishing to raise an objection to the lifting of any redactions should do so within **28 days** of the date of notification.
26. A person making such an objection may apply to the Tribunal to vary (to the extent necessary) this Order. Such application(s) will be:
 - (a) filed with the Tribunal Registry within **28 days** of the date of the notification;
 - (b) served at the same time on the Class Representative and the Defendants;
 - (c) accompanied by a reasoned explanation to vary (to the extent necessary) this Order together with any evidence relied on; and
 - (d) if opposed by the Class Representative, determined by the Tribunal on the papers as soon as practicable, unless the Tribunal directs otherwise.
27. If a recipient of a notification under paragraph 24 of this Order does not respond within **28 days** of the date of notification, the Defendants will give inspection of the Confidential EC Decision with redactions over third-party confidential information removed in accordance with the timetable at paragraph 29 below **provided that** for the

avoidance of doubt nothing in this Order shall require Google to disclose those redacted passages which protect *Pergan* materials and the without prejudice privilege of third parties.

28. If the Defendants notify any third party pursuant to paragraph 24, the Defendants shall:
 - (a) provide the Class Representative with a copy of the notification pursuant to paragraph 24 at the same time as the notification; and
 - (b) notify the Class Representative if any third party does not respond within **28 days** of the date of the notification pursuant to paragraph 24.
29. The Defendants shall disclose and provide inspection of the Confidential EC Decision with redactions over third-party confidential information removed save where the exceptions specified in paragraph 21 above apply by the date that is **21 days** after the determination of any application to the Tribunal (if opposed) or confirmation by the Class Representative that it does not oppose the application under paragraph 26 (or, if no applications are made, two months after the deadline to make such applications has passed).
30. All versions of the Confidential EC Decision shall be designated as Confidentiality Ring Information in accordance with the Confidentiality Ring Order dated 31 July 2025.
31. If any disputes arise between the parties about the Defendants' entitlement not to disclose any individual redacted passages in the Confidential EC Decision whether pursuant to paragraph 21 and/or the proviso to paragraph 27 (above), the Tribunal will resolve those disputes at the next CMC.

EXPERT EVIDENCE

Competition and auction economics

32. The Class Representative has permission to adduce evidence from up to two experts in the field of competition economics to address issues of: (i) market definition; (ii)

dominance; (iii) abuse; (iv) causation/loss/quantum; (v) interest and (vi) auction theory. If more than one expert is instructed, their evidence is to be non-duplicative.

33. The Defendants have permission to rely on the following expert evidence:
- (a) Evidence from a competition economist to address issues of (i) market definition; (ii) dominance; (iii) abuse; (iv) causation/loss/quantum; and (v) interest.
 - (b) Evidence from an expert in the field of auction economics to address: (i) auction mechanism design; and the (ii) impact of auction models.
34. The Class Representative has permission (if so advised) to adduce expert evidence in the field of auction economics in reply to any evidence served by the Defendants in accordance with paragraph 33(b) above, provided that evidence is non-duplicative of evidence served in accordance with paragraph 32 above and is of a proportionate volume. The Defendants have permission to file evidence in reply to any auction economics evidence served in accordance with this paragraph 34.

Technological and industry evidence

35. The Class Representative also has permission to adduce evidence from:
- (a) an expert in ad tech technology; and/or
 - (b) an expert in the online publishing industry.
36. The Defendants have permission (if so advised) to adduce factual witness evidence in response to any ad tech technology and/or industry expert evidence served by the Class Representative in accordance with paragraph 35 above on the timetable for expert evidence provided at paragraph 27 of the CMC2 Order.

General

37. Pursuant to the permissions granted in paragraphs 32–36 above, the parties shall provide notice to the Tribunal as soon as reasonably practicable of:
- (a) the identity and field of expertise of each expert proposed to be instructed, and
 - (b) the issues proposed to be addressed by each expert.
38. The Tribunal may consider at a later hearing whether to limit the issues in respect of which each expert may give evidence.

CLASS MEMBER DISCLOSURE

39. The Class Representative's and Defendants' expert advisers shall meet during the week commencing **29 June 2026** to seek to agree the scope of the disclosure requests to be made of Class Members (including in respect of the Defendants' Requests).
40. By **4pm** on **17 July 2026**, the Class Representative shall provide to the Defendants a list of: (i) those Class Members it considers to account for the majority of the claim value in the Proceedings (the **Large Publishers**), and an accompanying explanation of the basis and methodology upon which it has identified the Large Publishers; and (ii) any other Class Members from whom the Class Representative intends to request data or documents for the purposes of disclosure in these proceedings or from whom the Class Representative intends to adduce witness evidence (together with the Large Publishers, the **Disclosing Publishers**).
41. By **4pm** on **17 July 2026**, the Class Representative shall provide to the Defendants a copy of any disclosure requests which it proposes to make of the Disclosing Publishers.
42. By **4pm** on **31 July 2026**, the Defendants shall inform the Class Representative of any objections to the Class Representative's basis and methodology for identifying the Large Publishers.
43. By **4pm** on **14 August 2026**, the parties shall seek to agree the list of Disclosing Publishers and the form of disclosure or data requests to Disclosing Publishers.

44. If the parties are unable to agree the form of the disclosure or data requests and the identity of the Disclosing Publishers, they have permission to apply to the Tribunal for a short hearing at which the Tribunal will settle the form of the requests and the list of Disclosing Publishers.
45. Within **21 days** of agreement or determination by the Tribunal of the form of disclosure requests and the list of Disclosing Publishers, the Class Representative shall write to the Disclosing Publishers to request that the Disclosing Publishers conduct a reasonable and proportionate search for data and documents in their possession responsive to (i) the Defendants' Requests and (ii) any requests identified by the Class Representative (together, the **Class Member Requests**), and provide the same (subject to any objections to inspection) to the Class Representative by **4pm** on **23 October 2026**, and the Class Representative shall otherwise publicise the Class Member Requests as it considers necessary.
46. The Class Representative shall produce to the Defendants all data and documents received from the Disclosing Publishers in response to paragraph 45 of this Order as soon as practicable on a rolling basis.
47. By **4pm** on **28 October 2026**, the Class Representative shall identify to the Defendants any Disclosing Publishers which have not provided data and documents in response to the Class Member Requests together with any explanation received by the Class Representative for that omission.

TRIAL BUNDLE

48. By **24 January 2028**, the parties shall seek to agree deadlines for:
 - (a) The Class Representative to provide draft Trial bundle indices to the Defendants;
 - (b) The Defendants to provide comments on the draft indices; and
 - (c) The Class Representative to file and serve the Trial bundle.

49. The parties shall submit a draft Order to the Tribunal in respect of any directions agreed in accordance with paragraph 48 above by **4pm on 26 January 2028**.
50. Any disputes as to the directions in respect of the preparation and filing of the Trial bundle shall be heard at the Pre-Trial Review to be listed in accordance with paragraph 28 of the CMC2 Order.

WRITTEN SUBMISSIONS

51. The Class Representative shall file and serve its opening submissions by **4pm on 25 August 2028**.
52. The Defendants shall file and serve their opening submissions by **4pm on 11 September 2028**.

GENERAL

53. Costs in the case.
54. Liberty to apply.

The Honourable Mr Justice Leech
Chair of the Competition Appeal Tribunal

Made: 24 June 2026
Drawn: 24 June 2026

APPENDIX 1

[✂]