



**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

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**ORDER**

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**UPON** the Tribunal’s Order dated 19 December 2022 establishing a confidentiality ring (the “**Confidentiality Ring Order**”)

**AND UPON** the Class Representative’s application to the Tribunal dated 4 February 2026 for de-designation of Confidential Information pursuant to the Confidentiality Ring Order (the “**De-Designation Application**”)

**AND UPON** the Class Representative’s application to the Tribunal dated 9 February 2026 for the admission of certain individuals into the Outer Confidentiality Ring pursuant to the Confidentiality Ring Order (“**CRO Application**”)

**AND UPON** reading the evidence filed and hearing counsel for the parties at a case management conference on 26 June 2026

**IT IS ORDERED THAT:**

**A. CONFIDENTIALITY**

1. The Defendants shall review all documents currently designated as containing Confidential Information pursuant to the Confidentiality Ring Order and take the following steps in respect of each document:
  - (a) Where it is clear from the face of a document that it is not confidential, the Defendants will de-designate the document;
  - (b) Where a document is asserted to contain Confidential Information, or it would be time-consuming to determine whether the information in the document remains confidential the Defendants will confirm whether the entire document remains designated as Confidential Information or alternatively, identify those parts of the document over which it continues to designate Confidential Information; and
  - (c) The Defendants will provide a list of the documents currently included in the Outer Confidentiality Ring, confirming the updated confidentiality designation of each document.
2. The Defendants will comply with the directions in paragraph 1 within 14 days of the date of this Order.
3. Robert Rothkopf and Jeremy Humm, both of Balance Legal Capital LLP and Jon Lawrence, Counsel, Brick Court Chambers, shall each be admitted to the Outer Confidentiality Ring established by the Confidentiality Ring Order and shall be bound by rule 102 of the Competition Appeal Tribunal Rules 2015.

**B. FURTHER DIRECTIONS**

4. By 5pm on 17 July 2026, the Defendants shall serve on the Class Representative a draft List of Issues for Disclosure and draft List of Issues for Trial.
5. By 5pm on 31 July 2026, the Class Representative shall provide his comments on the draft List of Issues for Disclosure and draft List of Issues for Trial.

6. By 5pm on 31 July 2026, the parties shall exchange the following:

(a) Their estimated costs incurred up to 30 June 2026; and

(b) Their estimated costs to the end of Trial 1.

The question of whether the parties should exchange their estimated costs relating to Trial 2 shall fall for consideration at the next CMC, or on further application in the meantime by the parties.

7. By 5pm on 1 September 2026, the parties shall seek to agree a draft List of Issues for Disclosure and a draft List of Issues for Trial.

8. By 4pm on 15 September 2026, the parties shall file at the Tribunal an agreed draft List of Issues for Disclosure and draft List of Issues for Trial, if necessary, identifying any areas of disagreement between the parties about the content of those lists.

9. By 5pm on 22 September 2026, the Defendants shall file a revised Disclosure Report / EDQ, if so advised.

### **C. FURTHER CASE MANAGEMENT CONFERENCE**

10. There shall be a further case management conference (“**CMC3**”) listed for a convenient date on or after 1 October 2026, subject to the Tribunal’s and the parties’ availability, with a time estimate of 1 day (with a further day in reserve), to consider directions for disclosure and other case management issues, including directions to Trial 1.

11. By 4pm on 28 days before CMC3, the parties shall file and serve any applications (including any accompanying evidence) for determination at CMC3.

12. By 4pm on 14 days before CMC3, the parties shall file and serve any evidence in response to applications filed and served pursuant to paragraph 10 above.

13. By 4pm on 14 days before CMC3, the Class Representative shall, if so advised, file the following documents (with the parties having used reasonable endeavours to agree their contents):

(a) A draft agenda for CMC3.

(b) Provisional indications of both parties' experts and their field of expertise.

14. By 4pm on 7 days before CMC3, the Class Representative shall file electronic and hard copy hearing bundles (as required by the Tribunal) for CMC3, with the parties having used reasonable endeavours to agree their contents in advance.
15. By 4pm on 5 days before CMC3, the parties shall file and exchange their respective skeleton arguments.
16. By 4pm on 3 days before CMC3, 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.
17. By 4pm on 2 days before CMC3, the parties shall file and exchange skeleton arguments updated (only) to contain cross-references to the authorities bundle.

**D. INDICATIVE TRIAL 1 WINDOW**

18. Trial 1 shall provisionally be listed to commence on the first convenient date in Trinity Term 2028, subject to the Tribunal's and the parties' availability, with a time estimate of 4 weeks (including reading), with one week in reserve.

**E. COSTS**

19. The CR shall pay the Defendants' costs of and occasioned by the amendments to the pleadings carried out pursuant to Section A of the Tribunal's order dated 27 May 2026 on the standard basis, to be assessed if not agreed.
20. The Defendants shall pay 50% of the CR's costs of the CMC heard on 26 June 2026 on the standard basis, to be assessed if not agreed.

**F. MISCELLANEOUS**

21. The parties may, by agreement, vary 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 CMC3 or Trial 1.
22. Save as provided in paragraphs 19-20 above, costs shall be in the case.

23. The parties have liberty to apply.

**Justin Turner KC**

Chair of the Competition Appeal Tribunal

Made: 3 July 2026

Drawn: 3 July 2026