



IN THE COMPETITION
APPEAL TRIBUNAL

B E T W E E N :

Case No.: 1624/7/7/23

JUSTIN GUTMANN

Class Representative

-AND-

- (1) VODAFONE LIMITED**
- (2) VODAFONE GROUP PLC**

Defendants

Case No.: 1625/7/7/23

JUSTIN GUTMANN

Class Representative

-AND-

- (1) EE LIMITED**
- (2) BT GROUP PLC**

Defendants

Case No.: 1626/7/7/23

JUSTIN GUTMANN

Class Representative

-AND-

(1) HUTCHISON 3G UK LIMITED

Defendant

Case No.: 1627/7/7/23

JUSTIN GUTMANN

Class Representative

-AND-

(1) TELEFONICA UK LIMITED

Defendant

ORDER (TRIAL STRUCTURE AND DISCLOSURE)

UPON the Tribunal’s judgment dated 14 November 2025 ([2025] CAT 77), certifying the proceedings identified above (the “**Four Related Proceedings**”)

AND UPON the Collective Proceedings Orders (“**CPOs**”) made on 25 November 2025

AND UPON the Order of the Chair dated 12 December 2025

AND UPON the Tribunal’s letter dated 17 December 2025 directing that, on 20 May 2026, the parties shall file and serve any applications and supporting evidence in advance of the case management conference listed for 1 July 2026, with one day in reserve

AND UPON the Class Representative (“**CR**”) filing Amended Collective Proceedings Claim Forms in the Four Related Proceedings on 13 and 16 February 2026

AND UPON the Defendants filing Defences to the Four Related Proceedings on 27 February 2026, and the CR filing Replies to those Defences on 1 May 2026

AND UPON the CR's applications dated 20 May 2026 for: (i) directions for disclosure; (ii) permission to amend the Class Definitions in the Amended Collective Proceedings Claim Forms and the CPOs; and (iii) the deferral of the determination of the CR's Amendment Application dated 30 January 2026 (the "**Amendment Application**") to a date that falls after the conclusion of the disclosure exercise in the Four Related Proceedings

AND UPON the Defendants' applications dated 20 May 2026 for a split trial, with issues relating to Market Definition and Dominance to be determined at a first trial

AND UPON hearing Leading Counsel for the CR and Leading Counsel for the Defendants at the case management conference held on 1 July 2026

AND UPON the term "**Pre-Existing Material**" meaning materials produced by any of the Defendants to Ofcom and/or Citizens Advice and/or the CMA in relation to:

- (a) Ofcom, *Pricing Trends for Communication Services in the UK: Research Document*, 15 March 2017;
- (b) Ofcom, *Pricing Trends for Communication Services in the UK*, May 2018;
- (c) Citizens Advice, *Excessive prices for disengaged consumers: A super-complaint to the Competition and Markets Authority*, September 2018;
- (d) Ofcom, *Helping Consumers Get Better Deals in Communications Markets*, 26 September 2018;
- (e) CMA, *Tackling the Loyalty Penalty: response to a super-complaint made by Citizens Advice on 28 September 2018*, 19 December 2018;
- (f) Ofcom, *Helping Consumers Get Better Deals in Communications Markets: Mobile Handsets*, 22 July 2019;
- (g) Ofcom, *Helping customers get better deals: a review of the impact of end-of-contract*

notifications and pricing commitments by broadband and mobile providers, 30 November 2021;

- (h) Ofcom, *Future approach to mobile markets: A discussion paper*, February 2022; and
- (i) CMA, *Mobile Ecosystems: Market Study Final Report*, 10 June 2022.

AND UPON the Defendants having each agreed in correspondence to provide certain identified categories of Pre-Existing Material by way of early disclosure, subject to a right to withhold irrelevant materials (the “**Agreed Pre-Existing Material**”)

IT IS ORDERED THAT:

Trial Structure

1. The Defendants’ application for a split trial is dismissed.
2. A unitary trial in the Four Related Proceedings is to be listed on the first available and convenient date after 1 February 2029, with a time estimate of 10 weeks.

Disclosure

Pre-Existing Materials

3. By **4pm** on **31 July 2026**, the Defendants shall provide the CR with the Agreed Pre-Existing Material, subject to a right to withhold materials which they consider to be irrelevant.
4. By **4pm** on **31 July 2026**, the Defendants shall each serve statements on the CR in relation to the Pre-Existing Material of which they are aware as at 31 July 2026, specifically explaining (i) those readily available materials which the Defendants consider to be irrelevant, which the Defendants are to describe in the statement, and (ii) those materials which the Defendants have been unable to locate, and the Defendants will describe the reasonable steps that they have taken to attempt to locate any such material.

5. By **4pm on 18 September 2026**, the CR shall provide the Defendants with any specific disclosure requests in relation to the Pre-Existing Material.
6. By **4pm on 30 October 2026**, the Defendants shall disclose to the CR any Pre-Existing Material requested by the CR, to the extent that such requests are agreed by the Defendants. In the event of any disagreement as to whether any such Pre-Existing Material should be disclosed, the parties shall bring that disagreement to the attention of the Tribunal.

Disclosure issues list and disclosure reports

7. By **4pm on 31 July 2026**, the CR shall serve on the Defendants a single draft list of issues for disclosure, which shall indicate the categories of documents sought by the CR in relation to each issue (where those categories of documents are already known to him), without prejudice to the CR's ability to seek additional categories of documents in relation to each issue as part of his subsequent disclosure requests and as part of his position at the CMC referred to in paragraph 16 below.
8. By **4pm on 18 September 2026**, the Defendants shall notify the CR whether they agree to the CR's draft list of issues for disclosure or, alternatively, serve on the CR their consolidated proposed amendments to the draft list of issues for disclosure. Differences between the CR's position and the Defendants' position should be indicated using separate colours and, to the extent required, differences as between the Defendants should also be indicated using separate colours for each Defendant.
9. If the draft list of issues for disclosure is agreed following the process set out in paragraph 8 above:
 - (a) by **4pm on 2 October 2026**, the CR shall file and serve the final agreed list of issues for disclosure; and
 - (b) by 4pm on the date falling 28 days after service of the final agreed list of issues for disclosure, the Defendants shall file and serve Disclosure Reports prepared by reference to the agreed list of issues for disclosure.
10. If the draft list of issues for disclosure is not agreed following the process set out in

paragraph 8 above:

- (a) by **4pm on 2 October 2026**, the CR shall serve on the Defendants his further proposals for the list of issues for disclosure; and
 - (b) by **4pm on 16 October 2026**, the Defendants shall confirm whether the draft list of issues for disclosure can be agreed on the basis of the CR's further proposals referred to in paragraph 10(a) above.
- 11. If the draft list of issues for disclosure is agreed following the process set out in paragraph 10 above:
 - (a) by **4pm on 30 October 2026**, the CR shall file and serve the final agreed list of issues for disclosure; and
 - (b) by 4pm on the date falling 28 days after service of the final agreed list of issues for disclosure, the Defendants shall file and serve Disclosure Reports prepared by reference to the agreed list of issues for disclosure.
- 12. If the draft list of issues for disclosure remains unagreed despite the steps in paragraph 10 above:
 - (a) by **4pm on 30 October 2026**, the parties shall file and serve brief written submissions on the areas of dispute in respect of the draft list of issues for disclosure, which the Tribunal shall determine on the papers at its earliest convenience; and
 - (b) by 4pm on the date falling 28 days after the Tribunal's determination of the matters referred to in paragraph 12(a) above, the Defendants shall file and serve Disclosure Reports prepared by reference to the version of the list of issues for disclosure ordered by the Tribunal.
- 13. By 4pm on the date falling two weeks after service of the Disclosure Reports, the CR shall serve any request for further particulars of the Disclosure Reports, including any requests for preparation of EDQs.

14. By 4pm on the date falling six weeks after service of the Disclosure Reports, and any Electronic Documents Questionnaires, the CR shall prepare and serve further disclosure requests on the Defendants.
15. Thereafter, the parties shall engage to seek to agree the further disclosure that the Defendants are to provide, and shall seek to agree deadlines for applications, evidence and skeleton arguments ahead of the further case management conference referred to in paragraph 16 below.
16. A further case management conference shall be listed for the first available and appropriate date after 22 February 2027 (having regard to the progress made on the disclosure steps set out at paragraphs 7 to 15 above), with a time estimate of two days and one day in reserve, with the following provisional agenda:
 - (a) directions on all outstanding disputes as regards disclosure;
 - (b) permission to rely on expert evidence; and
 - (c) further directions to trial.

Deferral of the CR's Amendment Application dated 30 January 2026

17. The determination of the CR's Amendment Application dated 30 January 2026 is deferred to a date that falls after the conclusion of the disclosure exercise in the Four Related Proceedings.

Costs

18. Costs in the case.

The Honourable Lord Richardson
Chair of the Competition Appeal Tribunal

Made: 1 July 2026
Drawn: 13 July 2026