



**IN THE COMPETITION  
APPEAL TRIBUNAL**

Case No: 1698/7/7/24

BETWEEN:

**CLARE MARY JOAN SPOTTISWOODE CBE**

Class Representative

- v -

**(1) AIRWAVE SOLUTIONS LIMITED**

**(2) MOTOROLA SOLUTIONS UK LIMITED**

**(3) MOTOROLA SOLUTIONS, INC**

Defendants

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**DIRECTIONS ORDER**

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**UPON** the Tribunal's Collective Proceedings Order made on 12 November 2025

**AND UPON** the case management conference (CMC) in these proceedings on 4 March 2026

**AND UPON** the Tribunal's Directions Order made on 10 December 2025

**AND UPON** the Class Representative having provided a draft outline List of Issues for determination at trial (the **List of Trial Issues**) to the Defendants on 27 February 2026

**AND UPON** the Defendants having provided a draft confidentiality protocol for disclosure in these Proceedings (the **Confidentiality Protocol**) to the Class Representative on 27 February 2026

**AND UPON** the Home Office having provided documents to the Competition and Markets Authority (**CMA**) on 15 February 2022 (the **First Production**), 17 February 2022 (the **Second Production**), 4 March 2022 (the **Third Production**), 21 March 2022 (the **Fourth Production**) and 23 January 2023 (the **Fifth Production**) and the Home Office having provided a list of emails (and their attachments) passing between the CMA and the Home Office (or its legal representatives) and list of documents otherwise provided to the CMA as part of a market investigation conducted by the CMA in 2021–2023 (together, the **Home Office CMA Documents**)

**AND HAVING REGARD TO** the Tribunal’s powers under the Competition Appeal Tribunal Rules 2015 (the **Tribunal Rules**)

**AND PURSUANT TO** Rules 63 and 89(1)(c) of the Tribunal Rules in respect of the directions pertaining to The Secretary of State for the Home Department (the **Home Office**)

**IT IS ORDERED THAT:**

1. By 4 pm on 13 March 2026, the Defendants shall provide comments on the Class Representative’s draft outline List of Trial Issues.
2. By 4 pm on 13 March 2026 the Class Representative and the Home Office shall provide comments on the draft Confidentiality Protocol provided by the Defendants.
3. The Defendants will use reasonable endeavours to disclose the documents included in the index provided to the Class Representative on 11 February 2026 (the **Motorola CMA Documents**) as soon as possible and in any event by no later than 4 pm on Monday 27 March 2026.
4. The Home Office shall provide to the Class Representative and the Defendants disclosure of the Home Office CMA Documents, subject to reviews and redactions for (i) legal professional privilege; (ii) confidentiality of third-parties (in respect only of

text or documents which those third-parties have not consented to be disclosed); and (iii) personal information and data which is not relevant to the proceeding and together with a log explaining the basis for any such redactions, as follows:

- (a) By 4pm on 13 March 2026, the documents included in the Third Production;
  - (b) By 4pm on 23 March 2026, the documents included in the Fourth Production and Fifth Production;
  - (c) By 4pm on 27 March 2026, all other Home Office CMA Documents (to the extent not provided under paragraphs 4(a) and 4(b) above).
- 5. By 4 pm on 27 March 2026, the Class Representative shall file a copy of (i) the List of Trial Issues; and (ii) the Confidentiality Protocol indicating any areas of agreement and disagreement together with the preferred wording or explanatory positions of the parties (and/or in the case of the Confidentiality Protocol, the Home Office). Any dispute regarding the content of the List of Trial Issues and/or the Confidentiality Protocol shall be referred to the Tribunal and be determined on the papers without a hearing (unless the Tribunal directs otherwise).
  - 6. By 4 pm on 2 April 2026 the Defendants shall provide a draft proposal for the provision of disclosure from a sample of Class members other than the Home Office.
  - 7. By 4 pm on 30 April 2026, the Class Representative shall provide comments on the Defendants' draft proposal for the provision of disclosure from a sample of Class members other than the Home Office.
  - 8. By 4 pm on 24 April 2026, the Defendants and the Home Office shall each file and serve an explanatory memorandum detailing the matters set out in the Annex to this Order (**Explanatory Memorandum**).
  - 9. By 4 pm on 26 June 2026:

- (a) the Class Representative shall file a Redfern schedule setting out any further disclosure requests and justifications for the same in respect of: (i) the Defendants, and (ii) the Home Office; and
  - (b) the Defendants shall file a Redfern schedule setting out: (i) any further disclosure requests and justifications for the same in respect of the Home Office; and (ii) any disclosure requests and justifications for the same in respect of a sample of Class members other than the Home Office.
- 10. By 4 pm on 31 July 2026:
  - (a) the Defendants shall respond to the Class Representative's Redfern schedule requests;
  - (b) the Home Office shall respond to: (i) the Defendants' and (ii) the Class Representative's Redfern schedule requests; and
  - (c) The Class Representative shall respond to the Defendants' Redfern schedule requests in relation to disclosure from a sample of Class members other than the Home Office.
- 11. By 4 pm on 18 September 2026:
  - (a) the Class Representative shall reply to (i) the Defendants' and (ii) the Home Office's response to her Redfern schedule requests; and
  - (b) the Defendants shall reply to (i) the Home Office's response to their Redfern schedule requests; and (ii) the Class Representative's response to their Redfern schedule requests in relation to disclosure from a sample of Class members other than the Home Office.
- 12. There shall be a further CMC listed for the first available date after 21 September 2026 (with a time estimate of up to two days) for the purposes of considering any outstanding issues in relation to disclosure, applications in respect of expert evidence, timetable to trial and any other relevant case management issues.

### Split Trial

13. There shall be a first trial for the purposes of resolving all issues other than the issues of pass-on as referred to in §79.2 of the Defendants' Defence and §35(b) of the Class Representative's Reply (**First Trial**).
14. There shall be a second trial for resolving any issues of pass-on as referred to in §79.2 of the Defendants' Defence and §35(b) of the Class Representative's Reply (**Second Trial**).
15. The First Trial shall be listed for a period of 6 weeks commencing in October 2027.

### Costs Budgets

16. By 4pm on 31 March 2026, the Class Representative shall file an updated costs budget setting out her incurred costs to date and her estimated future costs for (i) the First Trial and (ii) the Second Trial.
17. By 4pm on 30 April 2026, the Defendants shall file a costs budget setting out their incurred costs to date and their estimated future costs for (i) the First Trial and (ii) the Second Trial.

### General

18. Costs in the case, as between the parties.
19. The Home Office's costs of and occasioned by (a) its attendance at the CMC and (b) the disclosure process set out at paragraph 4 and 8–11 above be paid (in an amount to be assessed, if not agreed) by the Defendants in the event that they are the unsuccessful party at the conclusion of the proceedings insofar as not otherwise agreed or directed.
20. There shall be liberty to apply.

**The Honourable Mrs Justice Bacon**  
President of the Competition Appeal Tribunal

Made: 6 March 2026  
Drawn: 6 March 2026

## Annex

1. In this Annex, the following words have the following meanings:

- (a) **CMA Documents** means (i) the Home Office CMA Documents in the case of the Explanatory Memorandum to be provided by the Home Office; and (ii) the Motorola CMA Documents in the case of the Explanatory Memorandum to be provided by the Defendants.
- (b) **Custodians** means the names of all those who hold or have held or may hold or have custody of Relevant documents, including (but not limited to) third parties, agents or advisers, secretaries, personal assistants, former employees and/or former participants.
- (c) **Data Sources** means any data sources which hold or have held or may hold potentially Relevant documents including but not limited to (i) document repositories and/or geographical locations; (ii) computer systems or electronic storage devices; (iii) mobile phones, tablets and other handheld devices; (iv) databases or document management systems; (v) email servers; (vi) cloud based data storage; (vii) webmail accounts e.g., Gmail, Hotmail, Instant Messaging/collaboration systems; (viii) back-up systems or archives; (ix) social media accounts; (x) third parties who may have Relevant documents (e.g., agents or advisers); and (xi) hard copy documents (for example, notebooks, lever arch files, note pads, drawings/plans and handwritten notes).
- (d) **Relevant** means relevant to the issues in the proceedings, as set out in the List of Trial Issues or the pleadings.
- (e) **Relevant Documents** means documents which are relevant to the issues in the proceedings, as set out in the List of Trial Issues or the pleadings, but which are not included in the CMA Documents.
- (a) **Searches** means any searches and methods of searching (including any keywords, automated searches, date ranges or other techniques).

2. The Explanatory Memorandum referred to in paragraph 8 shall be verified by a statement of truth and shall provide details of:

- (a) how the CMA Documents were compiled, including (but not limited to) a description of: (i) any Data Sources or Custodians that were searched; and (ii) the nature of the Searches conducted, including (but not limited to) details of the search terms applied;
- (b) the date range(s) for which the Defendants and/or the Home Office (as applicable) have held or hold or may hold control of Relevant Documents (**Date Range(s)**);
- (c) any Data Sources used and/or created and/or stored during the Date Range(s) that have held or hold or may hold Relevant Documents;
- (d) any Custodians which have held or hold or may hold Relevant Documents during the Date Range(s);
- (e) details of any document retention policy and instructions given to preserve Relevant documents from 2016 onwards.