



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos 1408/7/7/21
1673/7/7/24

B E T W E E N:

Elizabeth Helen Coll

the “Coll” Class Representative

- and -

- (1) **Alphabet Inc**
- (2) **Google LLC**
- (3) **Google Ireland Limited**
- (4) **Google Commerce Limited**
- (5) **Google Payment Limited**

Defendants (“Google”)

(the “Coll Proceedings”)

A N D B E T W E E N:

Professor Barry Rodger

the “Rodger” Class Representative

- and -

- (1) **Alphabet Inc**
- (2) **Google LLC**
- (3) **Google Ireland Limited**
- (4) **Google Asia Pacific Pte Limited**
- (5) **Google Commerce Limited**
- (6) **Google Payment Limited**
- (7) **Google UK Limited**

Defendants (“Google”)

(the “Rodger Proceedings”)

ORDER

UPON the Collective Proceedings Order made on 9 September 2022 in the Coll Proceedings (as amended) (the **Coll CPO**) and the Collective Proceedings Order made on 23 May 2025 in the Rodger Proceedings (the **Rodger CPO**)

AND UPON the Tribunal's Order dated 4 August 2025 (the **4 August 2025 Order**) listing the trial in the Coll Proceedings and the Rodger Proceedings (together, the **Proceedings**) to commence on 28 September 2026

AND UPON the pre-trial review being heard on 31 July 2026 (the **PTR**)

AND UPON the Joint Confidentiality Ring Order dated 15 May 2026 (the **JCRO**)

AND UPON the Tribunal's Order made on 4 June 2026 and drawn on 10 June 2026, following the case management conference held on 4 June 2026

AND UPON the parties having made applications on 1 July 2026 to be heard at the PTR, including (i) the Coll Class Representative's application for permission to amend her Collective Proceedings Claim Form (**Coll's Amendment Application**), in respect of which the Coll Class Representative provided Google with an updated draft Re-Re-Re-Amended Collective Proceedings Claim Form on 28 July 2026 (the **Coll D3ACF**), and (ii) the Rodger Class Representative's application for permission to amend his Re-Amended Claim Form dated 8 June 2026, for variation of the Rodger CPO, and for approval of the draft Further CPO Notice (**Rodger's Amendment Application**)

AND UPON the Tribunal having indicated that, if the Issue of Principle defined in paragraph 48 below is determined in Google's favour, it presently anticipates that any residual issues will be capable of determination at a relatively short further hearing

AND UPON hearing leading counsel for each of the Coll Class Representative, the Rodger Class Representative and the Defendants at the PTR

IT IS ORDERED THAT:

Trial timetable

1. The parties shall prepare and agree an updated trial timetable, identifying the date on which each witness of fact and each expert witness is to be called, and file the same with the Tribunal by **5pm on 6 August 2026**.

Trial bundle

2. The trial bundle shall be prepared and maintained on the electronic platform provided by the trial services provider agreed between the parties, in the structure and with the contents agreed between the parties or, in default of agreement, as determined by the Tribunal on the papers (subject to any alternative order made by the Tribunal).

3. On a reasonable rolling basis, and in any event by **5pm on 7 August 2026**, the Class Representatives shall provide to the trial services provider for upload to the trial bundle platform contemporaneous documents which the parties have agreed, prior to the PTR, should be included in the trial bundle.
4. By **5pm on 21 August 2026**, the parties shall use best endeavours to agree the remaining contents of the trial bundle, upload the agreed contents to the trial bundle platform and make the trial bundle platform available to the parties and the Tribunal.
5. By **5pm on 28 September 2026**, the Class Representatives shall upload to the trial bundle platform and make available to the parties and the Tribunal an agreed Core Bundle containing the key pleadings, witness statements and trial expert reports required for pre-reading, and shall file four hard copies of the same with the Tribunal.
6. By **5pm on 28 September 2026**, the Class Representatives shall upload to the trial bundle platform and make available to the parties and the Tribunal an agreed bundle of authorities, and shall file with the Tribunal a copy of the agreed bundle of authorities in pdf format. Where there are agreed updates to the authorities bundle following this deadline, they shall be uploaded to the trial bundle on a reasonable rolling basis, but the Class Representatives are to group additional authorities into supplemental authorities bundle(s) to be filed with the Tribunal in pdf format at appropriate intervals while endeavouring to minimise the number of supplemental authorities bundles.

Trial bundle confidentiality

7. Each contemporaneous document that the parties agree to include in the trial bundle shall, by the party which disclosed that contemporaneous document, be assigned to one of the following categories (the **Categories**):
 - 7.1 Category A (designated as confidential in full): documents which by their nature are confidential in full, or for which partial designation is not technically practicable and/or feasible and which shall be designated as Protected Material in full and/or which the parties have agreed shall be designated as confidential in full;
 - 7.2 Category B (excerpts only): documents which it would be disproportionate to review in full and which shall be designated as Protected Material pursuant to the JCRO as produced save for relevant excerpt(s) which will be reviewed in full. The parties are to liaise promptly and in good time ahead of the trial as to relevant excerpts for review, which shall be limited to material reasonably expected to be referred to at trial.
 - 7.3 Category C (reviewed in full): documents which the disclosing party shall review for Protected Material (as defined by the JCRO) in full; and
 - 7.4 Category D (non-confidential): documents deemed by the disclosing party not to contain Protected Material (as defined in the JCRO).
8. The parties shall assign Categories to the documents in the following manner:

- 8.1 By **5pm on 17 July 2026**, the parties shall assign Categories to their respective contemporaneous documents which are agreed at that time to be included in the trial bundle pursuant to paragraph 2 above (**Tranche 1 Documents**).
- 8.2 On a reasonable rolling basis, the disclosing party shall assign Categories to any other contemporaneous documents that are agreed to be added to the trial bundles (**Tranche 2 Documents**).
9. The disclosing party shall provide to the other parties and the trial services provider for upload to the trial bundle highlighted copies of contemporaneous documents identifying Protected Material (in accordance with the Categories in paragraph 7 above) on a reasonable rolling basis. At the same time, the disclosing party shall provide written reasons for the designation of each document designated as confidential, but the disclosing party is not required to provide a reason for each and every specific designation within a single document.
10. Once provided to other parties, the disclosing party has leave to re-designate contemporaneous documents whether by Category and / or specific material designation. Should the disclosing party redesignate material in a contemporaneous document to a higher tier of confidentiality than originally designated or otherwise increase the scope of confidentiality marking on a contemporaneous document, the disclosing party shall provide written reasons to the other parties. The disclosing party will provide the re-designated documents to each party and the trial services provider.
11. Where a document included in the trial bundle contains Protected Material, the confidential passages shall be clearly marked by colour coding which permits the underlying text to be read, and a colour key shall be provided to the Tribunal. The same confidentiality markings shall be applied consistently in the parties' skeleton arguments for trial.

Confidentiality challenges

12. Within 14 days of receipt of a disclosing party's Category assignment of a document and/or a copy of that document containing designations for Protected Material, a party may challenge: (i) the Category assigned to that document; and/or (ii) the specific material designated as Protected Material, by way of a table of objections containing a row for each Category or designation challenged and columns for each of the challenging parties' reasons and the disclosing party's response.
13. Within 7 days of receipt of a challenge in accordance with paragraph 12, the disclosing party shall use best endeavours to respond to the table of objections and the parties shall use best endeavours to resolve the objections by agreement. The parties acknowledge that, where the challenge relates to Protected Material of a third party, they may need to be notified and to make representations as part of the challenge process. To the extent that any material designated by Google as Protected Material is deemed by Google to be confidential to a class member in these proceedings, Google is entitled without restriction to notify that class member.
14. In connection with the challenge process referred to at paragraphs 12 and 13 above, the parties shall endeavour to select example challenges capable of assisting in the

resolution of other disagreements. Any objection that cannot be resolved by agreement shall be referred to the Tribunal for determination in accordance with paragraph 15 below.

15. The Tribunal shall determine any disagreements as to confidentiality designations on the papers.

Trial Confidentiality Protocol

16. The parties shall liaise and seek to agree a short document addressing how confidentiality is proposed to be dealt with at trial, and file the same with the Tribunal **by 5pm on 28 August 2026**, with any disagreement in respect of the same to be determined by the Tribunal on the papers.

CMA further written observations

17. The parties shall be entitled to respond in their skeleton arguments for trial to any written observations made by the CMA in the proceedings.

Skeleton arguments for trial

18. The Class Representatives' skeleton arguments for trial shall each not exceed **100 pages** (including any annexes).
19. The Defendants' skeleton argument for trial shall not exceed **150 pages** (including any annexes).
20. The parties' skeleton arguments for trial shall otherwise comply with the formatting requirements of Practice Direction 2/2025.

Expert evidence: cross-examination

21. In cross-examination:
 - 21.1 the parties shall not be required to put their full case to any expert witness; and
 - 21.2 the parties' experts shall be permitted access to blank notepaper, hard copy versions of their expert reports in the proceedings and the Joint Expert Statement.

Concurrent expert evidence

22. The expert evidence in the field of Economics shall include evidence given concurrently followed by individual cross-examination, in accordance with the trial timetable approved by the Tribunal, and the following provisions shall apply to that concurrent evidence:
 - 22.1 the experts shall be released from their oath/affirmation at the end of the concurrent evidence session and re-sworn only at the start of their own cross-examination, so that no expert is under oath/affirmation while another is being cross-examined; and
 - 22.2 during the concurrent evidence session (but not during cross-

examination), the experts shall be permitted access to blank notepaper, any hard copy notes, any annotated hard copy versions of their expert reports in the proceedings and the Joint Expert Statement.

Documents to put to witnesses of fact

23. No document may be put to any witness of fact in cross-examination unless:
- 23.1 that document has been (i) mentioned by the witness of fact in his or her evidence, (ii) specifically pleaded or referred to in a trial skeleton argument in these proceedings, (iii) specifically referred to in the parties' expert reports, or (iv) put to one or more of Google's witnesses in cross-examination in *Epic Games, Inc and Others v Apple Inc and Others* (and related proceedings) (Federal Court of Australia, Victoria Registry, Beach J, Proceedings NSD 1236 of 2020, NSD 190 of 2021, VID 341 of 2022 and VID 342 of 2022)(the "Australian Proceedings")
 - 23.2 the party intending to put the document has given the party calling the witness of fact not less than one working day's notice prior to the witness of fact being called, identifying the document(s) it intends to put to that witness of fact; or
 - 23.3 the Tribunal otherwise gives permission.
24. Paragraph 23 shall not apply to the cross-examination of Dr Krein.

Witnesses under oath overnight

25. Where a witness of fact or an expert witness is under oath / affirmation overnight, the party calling that witness is permitted to send the witness a transcript of that day's oral evidence. The witness may, on the resumption of his or her evidence, make brief corrections or clarifications to the evidence given on the preceding day, but shall not otherwise revise, elaborate upon or add to that evidence.

Trial expert reports

26. By **10am on 10 August 2026**, Mr Noble shall re-file his Trial Expert Report so as to reflect the Tribunal's observations at the PTR, namely by (i) shortening the annexes to include only strictly necessary material and (ii) ensuring that his substantive opinions and conclusions are set out in the body of the report.
27. By **10am on 10 August 2026**, each of the Defendants' experts shall sign a declaration verifying compliance with the Tribunal's Order made on 4 June 2026 and drawn on 10 June 2026.
28. In the event of any inconsistency between a party's Trial Expert Report and that expert's earlier reports, the parties shall proceed on the basis that that party's evidential position at trial is as set out in the Trial Expert Report.

Coll's Amendment Application

29. The Coll Class Representative has permission to further amend her Collective Proceedings Claim Form in the form set out in the Coll D3ACF (the **R3 Amended Claim Form**), which must be filed and served by **5pm on 7 August 2026**.

30. Google has permission to amend its Defence dated 18 March 2026 in response to the amendments introduced by the R3 Amended Claim Form (the **Re-Re-Amended Defence**), which must be filed and served by **5pm on 21 August 2026**.
31. The Coll Class Representative has permission to amend her Amended Reply dated 1 April 2026 in response to the amendments introduced by the Re-Re-Amended Defence, which must be filed and served by **5pm on 4 September 2026**.
32. The Coll Class Representative shall pay Google's costs of and occasioned by the amendments to her Claim Form, to be assessed if not agreed.

Variation of the Coll CPO

33. Paragraph 6(i) of the Coll CPO is amended as follows: *"Relevant Period" means the period between 1 October 2015 and 31 July 2026.*
34. Paragraph 7 of the Coll CPO is amended as follows: *The Domicile Date is 18 July 2022, being the date on which the Tribunal granted the CPO Application, save for in respect of any persons who made Relevant Purchases for the first time from (i) 19 July 2022 to 30 January 2026 in which case the Domicile Date is 30 January 2026 or (ii) 31 January 2026 to 31 July 2026 in which case the Domicile Date is 31 July 2026.*
35. The Notice of Amended Class Definition is approved in the form at **Annex 1** to this Order.
36. The Coll Class Representative shall publish the Notice of Amended Class Definition to her claim website (<https://www.appstoreclaims.co.uk/Google>) and shall also provide a copy to those of her class members who have registered for updates on the claim.
37. Paragraph 8 of the Coll CPO is amended to include the following paragraph 8B: *Persons satisfying the Class Definition for whom the Domicile Date is 31 July 2026 and who are domiciled within the United Kingdom at the Domicile Date may opt out of these collective proceedings by posting a letter to or emailing Epiq, the Claims Administrators appointed on behalf of the Class Representative, by 11 September 2026 at UK Apps Administrator, PO Box 1435, Sunderland, SR5 9UD or forms@appstoreclaims.co.uk, as specified online at www.appstoreclaims.co.uk. Any opt-out requests received after 28 November 2022 and prior to the date of this order are treated as made on the day after this order is made.*
38. Paragraph 9 of the Coll CPO is amended to include the following paragraph 9B: *Persons satisfying the Class Definition for whom the Domicile Date is 31 July 2026 and who are domiciled outside the United Kingdom at the Domicile Date may opt in to these collective proceedings via the opt-in form available online at www.appstoreclaims.co.uk or by posting a letter to or emailing Epiq, the Claims Administrators appointed on behalf of the Class Representative, by 11 September 2026, at UK Apps Administrator, PO Box 1435, Sunderland, SR5 9UD or forms@appstoreclaims.co.uk, as specified online at www.appstoreclaims.co.uk.*

Rodger's Amendment Application

39. The Rodger Class Representative has permission to amend his Re-Amended Claim Form in the form exhibited to Rodger's Amendment Application.

40. The Rodger Class Representative shall file and serve a copy of the Re-Re-Amended Claim Form in the form exhibited to Rodger's Amendment Application by **5pm on 7 August 2026**.
41. The Rodger Class Representative shall pay Google's costs of and occasioned by the amendments to his Re-Amended Claim Form, to be assessed if not agreed.

Variation of the Rodger CPO

42. Paragraph 6(h) of the Rodger CPO is amended as follows: *"Relevant Period" means the period starting six years before the date of the Collective Proceedings Claim Form and ending on 31 July 2026. (The CR seeks to combine Claims that accrued during the Relevant Period; but each of those underlying Claims will be in respect of all corresponding losses, whenever suffered, including after the end of the Relevant Period.)*
43. Paragraph 7 of the Rodger CPO is amended as follows: *The Domicile Date is: (a) 23 May 2025 in respect of any persons who made a Relevant Sale for the first time before 23 August 2024; and (b) 31 July 2026 in respect of any persons who made a Relevant Sale for the first time from 23 August 2024 to 31 July 2026.*
44. Paragraph 8 of the Rodger CPO is varied as follows: *Any person satisfying the Class Definition and for whom the Domicile Date is 23 May 2025 may opt out of these collective proceedings by giving the Class Representative notice in writing of their intention to opt out by 4pm on 23 August 2025. Any such notice may be given by posting a letter to or emailing Angeion, the claims administrator appointed on behalf of the Class Representative, at the address or email specified online at www.googleplaystoredeveloperclaim.com. Any person satisfying the Class Definition and for whom the Domicile Date is 31 July 2026 may opt out of these collective proceedings by giving the Class Representative notice in writing of their intention to opt out by 4pm on 14 September 2026. Any such notice may be given by posting a letter to or emailing Angeion, the claims administrator appointed on behalf of the Class Representative, at the address or email address specified online at www.googleplaystoredeveloperclaim.com.*
45. The Further CPO Notice is approved in the form at **Annex 2** to this Order.
46. The Rodger Class Representative shall give notice of the Further CPO Notice in accordance with Rule 81 of the 2015 Rules in the same manner as the CPO Notice referred to in the Rodger CPO.

Use at trial of disclosure from represented persons in the Rodger Proceedings

47. Subject to paragraph 49 below, the relevance of the intra-group arrangements of UK-domiciled app developers to the assessment of aggregate damages in the Rodger Proceedings shall be determined at trial as an issue of principle (**Issue of Principle**). The Tribunal shall make no findings of fact at trial as to the intra-group arrangements of any represented person. The Rodger Class Representative and Google are permitted to use the disclosure that has been or may be ordered from represented persons in the Rodger Proceedings (the **Represented Persons Disclosure**) only to the extent necessary to determine the Issue of Principle.

48. This Order is made without prejudice to the determination by Mr Hodge Malek KC, on the papers, of Google's outstanding revised disclosure requests.
49. In their written and oral submissions, the Rodger Class Representative and Google shall address the extent to which the Tribunal is able to make findings as to quantum in the Rodger Proceedings in light of the Issue of Principle and shall identify the amount of the quantum calculation which is in dispute by reason of that issue.
50. In the event that the Tribunal determines the Issue of Principle in Google's favour, the residual issues arising shall be determined at a short further hearing to be listed after judgment. The Tribunal shall give directions for that hearing, including as to the filing of any further factual and expert evidence after judgment in these proceedings.

Other matters

51. Save as provided at paragraphs 32 and 41 above, costs in the case.
52. Liberty to apply.

The Honourable Mrs Justice Bacon

Made: 31 July 2026

President of the Competition Appeal Tribunal

Drawn: 5 August 2026