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IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1673/7/7/24

Salisbury Square House
8 Salisbury Square
London EC4Y 8AP

16th September 2026

Before:

James Wolffe KC

(Sitting as a Tribunal in England and Wales)

BETWEEN:

Professor Barry Rodger

Class Representative

- V -

Alphabet Inc., Google LLC and Others

Proposed Defendants

A P P E A R A N C E S

Robert O'Donoghue KC, Anneliese Blackwood & Bethanie Chambers (instructed by Geradin Partners) on behalf of Professor Barry Rodger

Kassie Smith KC (instructed by RPC) on behalf of Google

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Wednesday, 16 September 2026

(10.31 am)

THE CHAIRMAN: Good morning.

Some of you are joining us via live stream on our website so I must start therefore with the customary warning. An official recording is being made and an authorised transcript will be produced but it is strictly prohibited for anyone else to make an unauthorised recording, whether audio or visual, of the proceedings and breach of that provision is punishable as a contempt of court.

Mr O'Donoghue, good morning.

MR O'DONOGHUE: I have sent in this morning the amended Order and the latest version of the Settlement Agreement, both in tracked and clean versions.

THE CHAIRMAN: The Tribunal is grateful for that.

Decision

THE CHAIRMAN: We are grateful for the submissions yesterday. We are satisfied that the proposed settlement is just and reasonable and we will make a Collective Settlement Agreement Order as the parties have invited us to do.

There are one or two points that we just have to go through, I think, and make sure that things are as they are required to be in order to finalise matters.

MR O'DONOGHUE: Yes, of course. One point as well, if we may.

Professor Rodger of course can sign the settlement agreement today. There are seven Google signatories, including I think two US entities, and I gather it will take a couple of days for the signatures to be added. So our proposal would be to annex the settlement agreement as is unsigned, or at least signed by Professor Rodger, and expedite as best we can the others.

THE CHAIRMAN: Yes. Ms Smith, do you have a view on that? I mean we can annex

1 the unsigned settlement agreement but if your position was that it needed to await
2 signature, well, if we have to wait for a couple of days to issue the Order --

3 MS SMITH: No, Sir. The formalities of signature, we need not wait for those. We can
4 attach it as is.

5 THE CHAIRMAN: That is very helpful. Thank you.

6 Just going through the various matters that need to be tidied up. Paragraph 7 of the
7 Order refers to the notice and there are I think certain changes that may need to be
8 made to the draft notice that we have had. Not least to correct various dates and the
9 like.

10 There are three points of greater or lesser substance on the draft notice. I don't know
11 if you have that to hand, Mr O'Donoghue?

12 MR O'DONOGHUE: In the A bundle, Tab 10....

13 THE CHAIRMAN: The points that I had identified, but it may well be that the parties
14 will want to -- and you in particular may want to look carefully at this to make sure that
15 it remains fully accurate. First of all, the dates in the second paragraph will need to be
16 adjusted, in the fourth paragraph on the first page. There may need to be some liaison
17 with the Tribunal in relation to publication of the judgment. We intend to issue
18 a judgment. It will not be issued today. It will be issued as soon as it can be finalised
19 but it may be that you will wish to -- we should get the notice up with a suitable wording
20 that states the judgment will be available on the CAT's website.

21 MR O'DONOGHUE: Yes, it would not be sensible to hold everything up before that.
22 I mean these judgments are quite substantial.

23 THE CHAIRMAN: Indeed.

24 MR O'DONOGHUE: I know that thoroughness is one of your many hallmarks and it
25 is not trivial to put these things together. I think some of them are 50-pages, or even
26 more.

1 THE CHAIRMAN: Going on to the second page of the notice, under the heading
2 "Distribution", does it remain accurate that it is within a four-month claim period? In
3 the revised draft Order, you have suggested that we simply approve the Distribution
4 Plan without making any order in terms of the date for submission of claims. **(Pause)**

5 MR O'DONOGHUE: I think it may be fine as is. There is a chicken-and-egg issue in
6 that Angeion needs to get things up and running, and part of the synchronisation is
7 the provision in the order in relation to emails. So, I don't think I can tell you today the
8 exact start date and therefore I think --

9 THE CHAIRMAN: It is really in terms of a notice which is going to be published
10 presumably, well, on the Tribunal's own website as well as presumably in other ways.
11 So, it is making sure that class members are given accurate information about the
12 process for making claims.

13 MR O'DONOGHUE: Yes.

14 THE CHAIRMAN: I am not suggesting we should try to draft this on the hoof but these
15 are points that we have identified --

16 MR O'DONOGHUE: We can take them away and get back to you.

17 THE CHAIRMAN: -- and if you and those behind you could liaise with the Tribunal to
18 make sure that we have a form of notice that is satisfactory.

19 Then the next point is at (d) where you deal with payments of costs, fees and
20 disbursements. Towards the end of that paragraph you move into the question of
21 undistributed funds.

22 MR O'DONOGHUE: Yes.

23 THE CHAIRMAN: The Tribunal would prefer that that be dealt with in a separate
24 paragraph.

25 MR O'DONOGHUE: Yes.

26 THE CHAIRMAN: The Tribunal has no objection to the Class Representative making

1 clear what his intended position is, but the Tribunal would also like it to be clear that
2 the Tribunal will invite representations from any interested party.

3 MR O'DONOGHUE: Yes, that, is entirely consistent with what I said yesterday -- the
4 proposal --

5 THE CHAIRMAN: It is indeed.

6 MR O'DONOGHUE: So we would start a separate paragraph with, "If the stakeholder
7 pot is insufficient..." or would you prefer, Sir, this is under an entirely separate section?

8 THE CHAIRMAN: It may be better as a sub heading, "(e)"

9 MR O'DONOGHUE: Yes. Yes.

10 THE CHAIRMAN: "Undistributed funds". If there are funds remaining in the --

11 MR O'DONOGHUE: So we will split up (d) into (d) and (e), I think.

12 THE CHAIRMAN: Yes. And take in the wording in relation to, "If at the end of the
13 distribution process not all of the amounts in the class pot have been distributed..."
14 and so on.

15 MR O'DONOGHUE: Yes.

16 THE CHAIRMAN: But making clear that the Tribunal will invite representations from
17 anyone who is interested.

18 MR O'DONOGHUE: Indeed.

19 THE CHAIRMAN: And then in relation to opting out, the time period will require to have
20 an addition to deal with the --

21 MR O'DONOGHUE: The amendment.

22 THE CHAIRMAN: -- the new paragraph in the Order.

23 MR O'DONOGHUE: Yes.

24 THE CHAIRMAN: So if you and those behind you could --

25 MR O'DONOGHUE: We can do that very quickly.

26 THE CHAIRMAN: -- look at those issues, that would be very helpful.

1 Turning back to the draft Order and moving on to the question of opting out, and just
2 so we don't have any uncertainty about what is intended, the Tribunal's reading of
3 paragraphs 7, 8 and 9 together, is that there is a prima facie cut-off of three months.
4 Any represented person has liberty to apply to extend that deadline.

5 MR O'DONOGHUE: Yes.

6 THE CHAIRMAN: If extended, that deadline then applies across the board. I think that
7 is the way it has been drafted. I can see why that would make sense from the point of
8 view of fairness to all represented persons, that if one wants that facility then it should
9 be made available.

10 MR O'DONOGHUE: We are in your hands. I mean I made the point yesterday that the
11 default, if I can call it that, has the benefit of a degree of orderliness, in that there are
12 a handful of individual applications. Our starting point is that the extension should
13 be for them alone then have a particular (Inaudible). So, I am in your hands as to
14 what --

15 THE CHAIRMAN: Yes, so I take it from what you are saying that the intention is that it
16 should apply only to that represented --

17 MR O'DONOGHUE: Yes. I mean the more certainty the Class Representative and
18 distribution people have, that are content with what is put forward, I think the more
19 efficient the second hearing will be, because there will be a lot of stuff that is not at
20 large that can be taken off the table, then if there is a rump, or no rump, of more time,
21 then fair enough. I think the discipline of the original deadline has gone (Inaudible). So
22 we are in your hands.

23 THE CHAIRMAN: No, I can see that. Perhaps give us a moment. **(Pause)**

24 Mr O'Donoghue, we are content that that should be the intention. I think the drafting
25 perhaps just needs to make that clearer.

26 MR O'DONOGHUE: Yes.

1 THE CHAIRMAN: So just to make clear that for an extension of the settlement opt-out
2 deadline, in respect of that represented person. Or words to that effect.

3 MR O'DONOGHUE: Yes.

4 THE CHAIRMAN: On the Distribution Plan, we discussed yesterday certain aspects
5 of the Distribution Plan and you gave us a helpful clarification about the £200, which
6 we understood was to be in effect a hard floor for everyone and it is, looking to the
7 distribution plan which you are asking us to approve, it certainly doesn't make that
8 clear.

9 MR O'DONOGHUE: Yes.

10 THE CHAIRMAN: I wonder whether it would be possible to file a revised Distribution
11 Plan and then we would adjust the description of the amendments, yes.

12 We are content with the proposed allocation. We are also content that any balance
13 should be determined and should be dealt with by the Tribunal in due course.

14 Those were all the issues that the Tribunal had with the Order. So if those matters, if
15 you could provide a revised draft Order, taking those matters into account, a revised
16 Distribution Plan and a revised version of the notice.

17 MR O'DONOGHUE: Yes, we can do that today.

18 THE CHAIRMAN: Then the Tribunal will make the Order.

19 MR O'DONOGHUE: Thank you.

20 THE CHAIRMAN: So anything else that we need to deal with from your point of view?

21 MR O'DONOGHUE: No. The joint applicant is grateful to the Tribunal for its efficiency
22 (Inaudible).

23 THE CHAIRMAN: Not at all. I should have checked with Ms Smith whether there was
24 anything that she wished to say on the points that we have discussed.

25 Ms Smith, was there anything you would wish to say on any of the points we have
26 discussed?

1 MS SMITH: Sir, no. I don't think there is anything that need trouble the Tribunal.
2 Simply that, as for the signing of the Settlement Agreement, it may take more than
3 two days but we will do it as quickly as possible.

4 THE CHAIRMAN: And you are content that we annex an unsigned version?

5 MS SMITH: Absolutely, Sir. Yes.

6 THE CHAIRMAN: That is very helpful. I have been asked, Ms Smith, to invite you and
7 those behind you to liaise with Ms Coll in relation to the preparation of a proposed
8 revised trial timetable by 4.00 pm on Monday, the 21st.

9 MS SMITH: We will do that, Sir.

10 THE CHAIRMAN: Thank you very much.

11 MR O'DONOGHUE: Sir, in a similar vein, it is not for this panel, but there are a number
12 of deadlines on disclosure in the skeleton and so on. We will pick those off with the
13 President.

14 THE CHAIRMAN: I think that is for the trial --

15 MR O'DONOGHUE: Yes, that is a different hat, if I can call it that.

16 THE CHAIRMAN: Indeed.

17 Well, thank you, Mr O'Donoghue and Ms Smith. The Tribunal is grateful to you both
18 and to all those behind you for what no doubt has been a great deal of work that has
19 gone into not just this litigation but to achieving a settlement.

20 The Tribunal will adjourn. Thank you.

21 **(10.47 am)**

22 **(The hearing concluded)**

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Key to punctuation used in transcript

--	Double dashes are used at the end of a line to indicate that the person's speech was cut off by someone else speaking
...	Ellipsis is used at the end of a line to indicate that the person tailed off their speech and did not finish the sentence.
- xx xx xx -	A pair of single dashes is used to separate strong interruptions from the rest of the sentence e.g. An honest politician - if such a creature exists - would never agree to such a plan. These are unlike commas, which only separate off a weak interruption.
-	Single dashes are used when the strong interruption comes at the end of the sentence, e.g. There was no other way - or was there?