



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1689/7/7/24

BETWEEN:

CONSUMERS' ASSOCIATION

Class Representative

- v -

(1) APPLE INC.
(2) APPLE DISTRIBUTION INTERNATIONAL LTD
(3) APPLE EUROPE LTD
(4) APPLE RETAIL UK LTD

Defendants

ORDER (STAY)

UPON the Tribunal's judgment dated 2 April 2026 (the **Judgment**) granting a Collective Proceedings Order in these proceedings (the **CPO**) and dismissing the application by the Defendants for strike-out of the Class Representative's (the **CR**) claim on behalf of non-paying users of iCloud (the **NPU Claim**)

AND UPON the Order of the Tribunal dated 17 June 2026 and the case management conference listed for 27 November 2026 (the **CMC**)

AND UPON the Defendants having appealed the Tribunal's dismissal of that strike-out application to the Court of Appeal with the Tribunal's permission

AND UPON reading the letter from the CR's solicitors to the Tribunal dated 22 September 2026: (i) stating that the CR had informed the Court of Appeal on 17 September 2026 that it was not in a position to defend that appeal, and had indicated to the Court of Appeal and the Defendants that it would therefore withdraw the NPU Claim; and (ii) seeking a reasonable period in which to address any implications arising

AND UPON reading the letter from the Defendants' solicitors to the Tribunal dated 24 September 2026 requesting the Tribunal's urgent direction

AND UPON reading the letter from the CR's solicitors to the Tribunal dated 28 September 2026: (i) stating that the CR had not obtained funding from LCM Funding UK Limited (**LCM**)

to defend that appeal and therefore accepted that it must withdraw the NPU Claim; (ii) stating further that in those circumstances the CR had given notice to LCM that it had breached the Litigation Funding Agreement (the **LFA**) referred to in the Judgment; (iii) stating that the CR considered that the alleged breach was not capable of being remedied, and that the CR had therefore exercised its right to terminate the LFA; and (iv) requesting that the Tribunal stay the proceedings for six weeks to allow the CR to seek new funding arrangements

AND UPON reading the letter from the Defendants' solicitors to the Tribunal dated 5 October 2026 stating that the Defendants did not object to a stay for six weeks

AND UPON the CR having informed the Tribunal that it has terminated its litigation funding agreement with its funder, LCM, and requesting a stay of these proceedings in order to secure a new funder and after-the-event (**ATE**) insurance

AND UPON the Tribunal indicating that the CR shall inform the Tribunal and the Defendants of any material developments relating to the CR's search for a new funder and ATE insurance

IT IS ORDERED THAT:

1. The NPU Claim is withdrawn.
2. The proceedings are stayed until 4pm on 16 November 2026.
3. The CR is to apprise the Tribunal and the Defendants of any developments relating to the CR's funding as and when they occur during the period of the stay under paragraph 2.
4. The CMC shall (subject to any further order of the Tribunal) remain listed to address: (a) any matters previously for consideration; and (b) any issues arising (whether in respect of costs or otherwise) in relation to the CR's funding, the withdrawal of the NPU Claim, or otherwise.
5. Costs reserved.
6. There be liberty to apply.

The Honourable Mr Justice Waksman
Chair of the Competition Appeal Tribunal

Made: 9 October 2026
Drawn: 9 October 2026