IN THE COMPETITION APPEAL TRIBUNAL

Case No: 1468/7/7/22

B E T W E E N :

JUSTIN GUTMANN

Class Representative

- v -

(1) APPLE INC.
(2) APPLE DISTRIBUTION INTERNATIONAL LIMITED
(3) APPLE RETAIL UK LIMITED

Defendants

ORDER

UPON the Class Representative filing and serving a Re-Re-Re-Amended Claim Form dated 1 May 2026 (the "**RRRACF**") as rectified on 9 July 2026

UPON the Tribunal listing a Case Management Conference for 7 October 2026 ("**CMC3**") to consider directions for disclosure and other case management issues, including directions to Trial 1

AND UPON the parties having filed a draft composite List of Issues for Disclosure ("**LOID**") and List of Issues for Trial ("**LOIT**") on 15 September 2026

AND UPON the Defendants having filed an application dated 9 September 2026 that the Class Representative's pleaded case is struck out in part and/or re-pleaded (the "**Re-Pleading Application**"), which application consists of three parts: (a) an application to strike out

paragraphs 102-104 of the RRRACF (the "**CPUTR Part**"); (b) an application to strike out certain passages within the RRRACF as containing inadmissible evidence (the "**Admissibility Part**"); and (c) an application for a direction that the Class Representative is required to re-plead his case on causation and loss (the "**Causation and Loss Part**")

AND UPON the Defendants having filed a Revised Disclosure Report on 22 September 2026

AND UPON reading the evidence filed and hearing counsel for the parties at CMC3

IT IS ORDERED THAT:

A. RE-PLEADING APPLICATION

1. The CPUTR Part of the Re-Pleading Application is allowed in part, and the CR shall Re-plead and particularise the breaches of the CPUTR which are pleaded at paragraphs 102 to 104 of the RRRACF, without express reference to the CMA letter and substantially in the form annexed as Annex 2 to the CR's skeleton argument for CMC3.

2. The Admissibility Part of the Re-Pleading Application is allowed in part, and the offending passages of the RRRACF identified by the Tribunal at CMC3 should be amended as follows:

    (a) Strike out the following:

        (i) Paragraph 36, from the word after "*replacements*" onwards;

        (ii) Paragraph 46(b);

        (iii) Paragraph 57, after the colon only;

        (iv) Paragraph 71; and

        (v) The second sentence of paragraph 85.

3. The Causation and Loss Part of the Re-Pleading Application shall be adjourned to CMC4 in accordance with paragraph 22 below.

4. By 4pm on 28 October 2026, the CR shall amend and file a draft Re-Re-Re-Re-Amended Claim Form ("**RRRRACF**").

5. The draft RRRRACF provided by the CR in accordance with paragraphs 1-4 above shall remain in draft form until approved by the Tribunal.

6. The issue of the costs of and occasioned by the Re-Pleading Application, and the costs of and occasioned by the amendments to the pleadings are reserved to the next CMC.

B. LOID

7. By 5pm on 23 October 2026, the parties shall file an updated LOID which reflect the directions given by the Tribunal at CMC3.

C. DISCLOSURE

8. By 4pm on 4 November 2026, the Defendants shall file an Updated Disclosure Report covering the issues in the final LOID determined by the Tribunal in accordance with paragraph 7 above and including the Defendants' proposals as to appropriate repositories, custodians and search terms.

9. By 4pm on 18 November 2026, the Class Representative shall raise any questions in respect of the Updated Disclosure Report, including any proposed amendments to the Updated Disclosure Report.

10. By 4pm on 2 December 2026, the Defendants shall provide their response to any questions raised under paragraph 9 above.

11. Should the parties be unable to agree the contents of the Updated Disclosure Report by 9 December 2026, the parties shall promptly thereafter apply to the Tribunal to determine any issue in dispute on the papers or at a further case management conference as at paragraph 22 below.

D. DISTRIBUTION

12. By 4pm on 23 October 2026, the CR (if so advised) shall set out in writing for the Defendants' consideration any reasonable requests for information which the Defendants may hold and which is required to inform the CR's submissions that are relevant to the issue of how any damages awarded against the Defendants could or should be distributed to Class Members.

13. By 4pm on 23 November 2026, the Defendants shall respond to any requests made in accordance with paragraph 12 above.

14. Subject to receipt of satisfactory responses to any requests made pursuant to paragraph 13 above, the CR shall, by no later than 4pm on 18 December 2026, file a note setting out his updated proposal for distribution of damages to Class Members and any related submissions, supported by a supplementary expert report (if so advised), clarifying his proposed methodology for the assessment of damages.

E. EXPERT EVIDENCE

15. By 5pm on 42 days before the further case management conference as at paragraph 22 below, each party shall write to the other indicating whether they are seeking the permission of the Tribunal to rely upon expert evidence and, if so, the broad nature of the expert evidence and the broad issues in respect of which that evidence is sought to be adduced and (in summary) the basis on which permission is to be sought.

16. Any applications for permission to adduce expert evidence shall be made by 5pm on 28 days before the further case management conference as at paragraph 22 below.

F. COSTS MANAGEMENT

17. The question of whether the Tribunal should make directions for the costs management of these proceedings pursuant to Rule 53(2)(m) of the Competition Appeal Tribunal Rules 2015 (including whether to approve the parties' costs budgets) shall be determined at the further case management conference listed in accordance with paragraph 22 below.

18. By 5pm on 9 November 2026, each party shall file and serve an updated costs budget:

    (a) in the form of an updated Precedent Z, adapted as necessary to reflect the anticipated phases of these proceedings;

    (b) distinguishing between costs incurred up to the date of and including CMC3 and estimated costs thereafter (with future costs broken down by phase), up to and including judgment in Trial 1;

    (c) setting out the principal assumptions on which the estimated costs are based; and

(d) verified by a statement of truth signed by the party's legal representative.

19. By 5pm on 25 November 2026, each party shall serve on the other party a budget discussion report, substantially in the form of Precedent R, identifying which phases of the other party's budget are agreed and, for each phase not agreed, the figure the responding party contends is reasonable and proportionate and brief reasons.

20. Any party that wishes to apply for an order that costs management should apply (whether in whole or in part) or any other order limiting the recoverable costs of any party, shall file and serve that application, with supporting evidence, by 4pm on 14 days before the case management conference listed in accordance with paragraph 22 below.

21. Any party may file and serve submissions in response to any application made pursuant to paragraph 20 above by 4pm on 7 days before the case management conference listed in accordance with paragraph 22 below.

G. CASE MANAGEMENT CONFERENCE

22. A further case management conference ("**CMC4**") shall be listed at the first available date, on or after 18 January 2027, with a time estimate of one day.

23. The provisional agenda for CMC4 shall include:

(a) Determination of the Causation and Loss Part of the Re-Pleading Application in accordance with paragraph 3 above.

(b) Any outstanding dispute(s) in relation to the Defendants' Updated Disclosure Report, pursuant to paragraph 11 above.

(c) Any application(s) to rely on expert evidence filed in accordance with paragraph 16 above.

(d) Any application(s) for costs management or to limit the recoverable costs of the other party filed in accordance with paragraph 20 above.

(e) Consideration of matters concerning the assessment of loss, class size and their impact on certification.

(f) The CR's proposal on distribution.

(g) The List of Issues for Trial.

(h) Directions to Trial 1.

24. By 4pm on 28 days before CMC4, the parties shall file and serve any applications (including any accompanying evidence) for determination at CMC4.

25. By 4pm on 14 days before CMC4, the parties shall file and serve any evidence in response to applications filed and served pursuant to paragraph 24 above.

26. By 4pm on 7 days before CMC4, the Class Representative shall file electronic and hard copy hearing bundles (as required by the Tribunal) for CMC4, with the parties having used reasonable endeavours to agree their contents in advance.

27. By 4pm on 7 days before CMC4, the parties shall file and exchange their respective skeleton arguments.

28. By 4pm on 5 days before CMC4, the Class Representative shall file an electronic copy of the authorities bundle, with the parties having used reasonable endeavours to agree its contents in advance.

29. By 4pm on 3 days before CMC4, the parties shall file and exchange skeleton arguments updated (only) to contain cross-references to the authorities bundle.

H. MISCELLANEOUS

30. The parties may, by agreement, vary any deadline in this Order for a period or periods of up to 28 days in total without reference to the Tribunal, provided that they inform the Tribunal of such agreement in advance of the expiry of the relevant deadline and the extension does not affect the date of CMC4, the pre-trial review, or Trial 1.

31. Liberty to apply.

32. Costs other than those expressly reserved in paragraph 6 above to be in the case.

Justin Turner KC Made: 29 October 2026

Chair of the Competition Appeal Tribunal Drawn: 29 October 2026