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 (FUTURE CONDUCT OF PROCEEDINGS)

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 **November CMC**)

AND UPON the Order of the Tribunal dated 7 September 2026 setting directions for the November CMC (the **November CMC Directions Order**)

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

AND UPON 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 the 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 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 the Order of the Tribunal dated 9 October 2026 (as amended by the Order dated 14 October 2026) (i) directing that the NPU Claim is withdrawn; (ii) staying these proceedings until 4pm on 16 November 2026; (iii) directing the CR to apprise the Tribunal and the Defendants of any material developments relating to the CR's funding as soon as reasonably practicable after they occur, during the period of the stay; and (iv) maintaining the listing of the November CMC to address 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

AND UPON the Order of the Court of Appeal dated 11 November 2026 directing that the Appeal is discontinued and that all issues arising in respect of costs are remitted to the Tribunal

AND UPON the letter from the CR's solicitors to the Tribunal dated 16 November 2026 reporting no material developments relating to the CR's funding and requesting a further stay until 4pm on 16 February 2027

AND UPON the letter from the Defendants' solicitors to the Tribunal dated 18 November 2026 in relation to the CR's request for a further stay of the proceedings and that the November CMC listing be maintained for half a day in length with amended directions

AND UPON the letter from the CR's solicitors dated 19 November 2026 reiterating the request for a further stay and enclosed correspondence and draft consent order

AND UPON the letter from the Defendants' solicitors dated 20 November 2026 reiterating the request that the November CMC be maintained and enclosing a draft order

IT IS ORDERED THAT:

1. The November CMC is vacated and the directions set out in the November CMC Directions Order shall not apply.

2. The proceedings are further stayed until **4pm** on **5 February 2027**.

3. The CR is to apprise the Tribunal and the Defendants of any material developments relating to the CR's funding as soon as reasonably practicable after they occur, during the period of the stay under paragraph 2.

4. The CR shall file and serve its revised funding arrangements by **4pm** on **12 February 2027**.

5. A case management conference shall be listed for one day in length at **10.30am** on **22 February 2027** in order to set directions for the future conduct of the proceedings including, pending the filing of revised funding arrangements under paragraph 4 above, decertification of the proceedings (the **February CMC**).

6. The parties shall file and serve skeleton arguments for the February CMC by **10am** on **16 February 2027**.

7. Costs reserved.

8. There be liberty to apply.

The Hon. Mr Justice Waksman
Chair of the Competition Appeal Tribunal

Made: 25 November 2026
Drawn: 25 November 2026