



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1403/7/7/21

BETWEEN:

DR. RACHAEL KENT

Proposed Class Representative

and

(1) APPLE INC.

(2) APPLE DISTRIBUTION INTERNATIONAL LTD

Proposed Defendants

ORDER

UPON the Proposed Class Representative’s application dated 10 May 2021 for a collective proceedings order (the “**CPO Application**”) pursuant of section 47B of the Competition Act 1998 and Rule 75 of the Competition Appeal Tribunal Rules (S.I. 2015 No. 1648) (the “**Tribunal Rules**”).

AND UPON the Proposed Class Representative’s requests that certain information in the Proposed Class Representative’s first witness statement, the Proposed Class Representative’s curriculum vitae, the Litigation Funding Agreement, the After-the-Event Insurance Policy, and the Litigation Budget be treated as confidential or be redacted (the “**Confidentiality Requests**”).

AND UPON the parties agreeing the terms of a confidentiality ring order (the “**Confidentiality Ring**”).

AND UPON hearing Leading Counsel for the Proposed Class Representative and Leading Counsel for the Proposed Defendants at a case management conference on 14 December 2021.

AND UPON the Tribunal reserving its decision in respect of the Confidentiality Requests insofar as not already agreed between the parties.

IT IS ORDERED THAT:

Forum

1. Pursuant to Rules 18, 52 and 74 of the Tribunal Rules, the CPO Application be treated as proceedings in England and Wales.

Publicity

2. The Proposed Class Representative shall publicise the CPO Application in accordance with the terms of a notice approved by the Tribunal by **24 December 2021**.
3. The Proposed Class Representative shall publicise, in accordance with paragraphs 2, 11 and 12 of this Order, the right under Rule 76(10)(c) of the Tribunal Rules of persons with an interest to object to the CPO Application or the authorisation of the Proposed Class Representative by **24 December 2021**.
4. The Proposed Class Representative shall publicise, in accordance with paragraphs 2 and 11 of this Order, the right under Rule 79(5) of the Tribunal Rules of members of the proposed class to make an application to the Tribunal for permission to make oral submissions at the hearing of the CPO Application by **24 December 2021**.

Confidentiality ring

5. The Confidentiality Ring be established by separate order of, and in the form to be approved by, the Tribunal.

Amendment to the Claim Form

6. Pursuant to Rule 32(1)(a) of the Tribunal Rules, the Proposed Class Representative be permitted to amend the collective proceedings claim form to include a statement of truth in the form prescribed by the Civil Procedure Rules 1998 (S.I. 1998 No. 3132).

7. The Proposed Class Representative shall file and serve the amended collective proceedings claim form (excluding annexes) by **4pm on 17 December 2021**.

Further information

8. The Proposed Class Representative shall file and serve evidence from an individual at the Proposed Class Representative's funder addressing the issue of the assets available to Project Greve to fund the claims proposed to be brought by the Proposed Class Representative by **4pm on 7 January 2022**.

Responses and replies

9. The Proposed Defendants shall file and serve their response to the CPO Application, together with any economic expert evidence, and any application made pursuant to rule 79(4) of the Tribunal Rules, by **4pm on 12 January 2022**.
10. The Proposed Class Representative shall file and serve any reply to the Proposed Defendants' response, together with any economic expert evidence, and any response to any application made pursuant to rule 79(4) of the Tribunal Rules, by **4pm on 2 March 2022**.

Objections to the CPO Application and applications for permission to make observations

11. Any person with an interest (including any member of the proposed class) may object to the CPO Application or the authorisation of the Proposed Class Representative by writing to the Tribunal stating their reasons for objecting by **4pm on 4 February 2022**. Any member of the proposed class may also seek permission to make oral observations at the CPO Application hearing, by making an application for such permission, with reasons, as part of his/her written objections.
12. Any third party with a legitimate interest (who is not a member of the proposed class) who seeks permission to make written and/or oral observations at the CPO Application hearing is to make such application, supported by reasons, to the Tribunal by **4pm on 4 February 2022**.

Skeleton arguments and bundles

13. The parties shall file and serve skeleton arguments by **4pm on 19 April 2022**.
14. The Proposed Class Representative shall file an electronic version and six hard copies of the agreed hearing bundle by **4pm on 26 April 2022**.
15. The Proposed Class Representative shall file an electronic version of the agreed authorities bundle by **4pm on 26 April 2022**.

Hearing

16. The hearing of the CPO Application be listed for **3 to 5 May 2022**, with 6 May 2022 in reserve.

General

17. Costs in the case.
18. There be liberty to apply.

The Hon. Mr Justice Morris

Chairman of the Competition Appeal Tribunal

Made: 14 December 2021

Drawn: 22 December 2021