



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1601/7/7/23

BETWEEN:

DR SEAN ENNIS

Proposed Class Representative

- v -

(1) APPLE INC.

(2) APPLE DISTRIBUTION INTERNATIONAL LTD

(3) APPLE CANADA INC.

(4) APPLE PTY LIMITED

(5) APPLE SERVICES LATAM LLC

(6) ITUNES KK

(7) APPLE (UK) LIMITED

(8) APPLE EUROPE LIMITED

Proposed Defendants

ORDER

UPON the application of the Proposed Class Representative (“Dr Ennis” or the “PCR”) pursuant to section 47B of the Competition Act 1998 and Rule 75 of the Competition Appeal Tribunal Rules 2015 (the “Tribunal Rules”) for a collective proceedings order (the “CPO Application”)

AND UPON Dr Ennis’s proposed class being defined in the terms set out in paragraph 5 of the draft collective proceedings order filed with the CPO Application (individuals falling within that proposed class being, for the purpose of this Order, the “Proposed Class Members”)

AND UPON the Tribunal having made a collective proceedings order in case 1403/7/7/21 (the “*Kent Proceedings*”)

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

AND UPON hearing counsel for the parties at a case management conference on 7 June 2024

IT IS ORDERED THAT:

Forum

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

Publicity

2. By 4pm on 14 June 2024, Dr Ennis shall publicise the CPO Application in accordance with the terms of the notice approved by the Tribunal. In doing so, Dr Ennis shall publicise:
 - a. in accordance with paragraph 6 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 PCR; and
 - b. in accordance with paragraph 7 of this Order, the right under Rule 79(5) of the Tribunal Rules of the Proposed Class Members to make an application to the Tribunal for permission to make observations on the CPO Application.

Confidentiality Ring

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

Responses and replies

4. By 4pm on 26 July 2024, the Proposed Defendants shall file and serve their response to the CPO Application, together with any expert or factual evidence, and any application made pursuant to rule 79(4) of the Tribunal Rules.
5. By 4pm on 20 August 2024, Dr Ennis shall file and serve any reply to the Proposed Defendants' response, together with any expert or factual evidence, and any response to any application made pursuant to rule 79(4) of the Tribunal Rules.

Objections to and observations on the CPO Application

6. Any person with an interest (including the Proposed Class Members) may object to the CPO Application or the authorisation of the PCR by writing to the Tribunal, stating their reasons for objecting, by 4pm on 26 July 2024.
7. Any Proposed Class Member may apply to the Tribunal for permission to make written and/or oral observations at the hearing of the CPO Application, stating their reasons for wishing to do so, by 4pm on 26 July 2024.

Skeleton argument and bundles

8. The parties shall file and serve skeleton arguments by 4pm 14 days before the date of the hearing of the CPO Application.
9. Dr Ennis shall file an electronic version and six hard copies of the agreed hearing bundle by 4 pm 7 days before the date of the hearing of the CPO Application.
10. Dr Ennis shall file an electronic version of the agreed authorities bundle by 4pm 7 days before the date of the hearing of the CPO Application.

Hearing

11. The hearing of the CPO Application shall be listed for two days with one day in reserve in the week commencing 16 September 2024.

Case management of potential overlapping issues in these proceedings and the *Kent* Proceedings

12. The parties shall promptly liaise with the class representative in the *Kent* Proceedings and seek to agree any further arrangements as to confidentiality as may be required to accommodate the provision of confidential documents and information in both these proceedings and the *Kent* Proceedings.
13. A joint CMC in these proceedings and the *Kent* Proceedings shall be listed before the Chairs in both these proceedings and the *Kent* Proceedings on 23 September 2024, with a time estimate of one day.
14. The agenda for the CMC shall include the management of issues arising in both these proceedings and the *Kent* Proceedings.
15. In the event that the parties identify further directions that may be necessary or desirable for the appropriate case management of these proceedings, they shall seek such directions from the Tribunal.

General

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

Andrew Lenon KC
Chair of the Competition Appeal Tribunal

Made: 14 June 2024
Drawn: 14 June 2024