



**IN THE COMPETITION APPEAL TRIBUNAL**

**BETWEEN:**

Case No.: 1624/7/7/23

**JUSTIN GUTMANN**

Applicant/Proposed Class Representative

– and –

**(1) VODAFONE LIMITED**

**(2) VODAFONE GROUP PLC**

Respondents/Proposed Defendants

**AND BETWEEN:**

Case No.: 1625/7/7/23

**JUSTIN GUTMANN**

Applicant/Proposed Class Representative

– and –

**(1) EE LIMITED**

**(2) BT GROUP PLC**

Respondents/Proposed Defendants

**AND BETWEEN:**

Case No.: 1626/7/7/23

**JUSTIN GUTMANN**

Applicant/Proposed Class Representative

– and –

**HUTCHISON 3G UK LIMITED**

Respondent/Proposed Defendant

**AND BETWEEN:**

Case No.: 1627/7/7/23

**JUSTIN GUTMANN**

Applicant/Proposed Class Representative

– and –

**TELEFONICA UK LIMITED**

Respondent/Proposed Defendant

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**ORDER**

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**UPON** the Proposed Class Representative’s (the “**PCR**”) applications for collective proceedings orders (the “**CPO Applications**”) in each of the proceedings identified in the heading of this Order (the “**Four Related Proceedings**”) pursuant to section 47B of the Competition Act 1998 and Rule 75 of the Competition Appeal Tribunal Rules 2015 (the “**Tribunal Rules**”)

**AND UPON** the case management conference (“**CMC**”) in the Four Related Proceedings on 23 May 2024

**AND UPON** the applications of the PCR dated 2 May 2024 for (i) the Four Related Proceedings to be jointly case managed up to the hearing of the CPO Applications (the “**CPO Hearing**”) with evidence in one CPO Application to stand, as far as is relevant, as evidence in the other CPO Applications (the “**Joint Case Management Application**”); and (ii) the Proposed Defendants to file a joint response to the CPO Applications (“**Joint Response**”) together with a report of a single joint expert (“**Joint Expert**”)

**AND UPON** the applications of the Proposed Defendants dated 2 May 2024 (i) to strike out and/or for reverse summary judgment on claims which accrued before 1 October 2015 (the “**Limitation Applications**”), and seeking directions for the determination of the Limitation Applications at the first available opportunity after the CMC; and (ii) for an order for the PCR to disclose specified information in respect of costs and funding (the “**Disclosure Applications**”)

**AND UPON** review of the written submissions of the parties filed in advance of the CMC

**AND UPON** hearing Leading and Junior Counsel for the PCR and Leading Counsel for the Proposed Defendants at the CMC

**IT IS ORDERED THAT:**

**Forum**

1. Pursuant to Rules 18, 52 and 74 of the Tribunal Rules, the Four Related Proceedings are to be treated as proceedings in England and Wales.

**Confidentiality**

2. No order is made as to confidentiality.

**Joint case management**

3. The Four Related Proceedings shall be jointly case managed up to and including the CPO Hearing.
4. For the purposes of the CPO Hearing, evidence in one CPO Application shall stand, as far as is relevant, as evidence in the other CPO Applications.

**CPO Hearing**

5. The Limitation Applications shall be case managed alongside the CPO Applications and shall be heard at the CPO Hearing.
6. Any applications by the Proposed Defendants for permission to adduce expert evidence in the field of economics shall be filed by 4pm on 9 September 2024.
7. The Proposed Defendants shall file and serve a Joint Response to the CPO Applications, with liberty for each Proposed Defendant to file an annex to the Joint Response incorporating any individual responses on points that are not pursued by all Proposed Defendants. The Joint Response (and any individual annexes thereto), any factual evidence, and any further applications that the Proposed Defendants may make for determination at the CPO Hearing shall be filed by 4pm on 21 October 2024.
8. To the extent the Proposed Defendants seek and are granted permission to file expert

evidence in the field of economics, any such expert evidence shall be filed by 4pm on 21 October 2024.

9. The PCR shall file any reply to the Joint Response, any response to the Limitation Applications and any response to any further applications which the Proposed Defendants may make, by 4pm on 30 January 2025.
10. The PCR shall file agreed bundles for the CPO Hearing by 4pm on 21 March 2025.
11. The parties shall file and exchange skeleton arguments for the CPO Hearing by 4pm on 24 March 2025.
12. The CPO Hearing, the Limitation Applications and any further applications made by the Proposed Defendants shall be listed on 31 March 2025 with a time estimate of three days with one day held in reserve.

### **Publicity**

13. By 4pm on 31 July 2024 the PCR shall publicise:
  - (a) The CPO Applications in accordance with the proposal set out in Section 6 of the PCR's Notice and Administration Plan, as exhibited to the First Witness Statement of Justin Gutmann.
  - (b) The right of persons with an interest in the CPO Applications to object to the CPO Applications; and
  - (c) The right of members of the proposed classes to apply to the Tribunal for permission to make oral submissions at the CPO Hearing.

### **Objections to the CPO Applications and applications for permission to make observations**

The persons referred to in paragraphs 13(b) and 13(c) above may (as applicable) object to the CPO Applications and/or seek permission to make oral submissions at the CPO Hearing by 4pm on 31 October 2024.

### **Disclosure Application**

14. The Disclosure Application is dismissed.

## **General**

15. Costs reserved to the CPO Hearing.

16. There shall be liberty to apply.

**The Honourable Lord Richardson**

Chair of the Competition Appeal Tribunal

Made: 24 June 2024

Drawn: 24 June 2024