



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1378/5/7/20
1408/7/7/21

BETWEEN:

(1) EPIC GAMES, INC.
(2) EPIC GAMES ENTERTAINMENT INTERNATIONAL GMBH
Claimants (together, “Epic”)

- v -

(1) ALPHABET INC.
(2) GOOGLE LLC
(3) GOOGLE IRELAND LIMITED
(4) GOOGLE COMMERCE LTD
(5) GOOGLE PAYMENT LIMITED

Defendants
(the “Epic Proceedings”)

AND BETWEEN:

(1) ELIZABETH HELEN COLL

Class Representative

- v -

(1) ALPHABET INC.
(2) GOOGLE LLC
(3) GOOGLE IRELAND LIMITED
(4) GOOGLE COMMERCE LTD
(5) GOOGLE PAYMENT LIMITED

Defendants
(the “Coll Proceedings”)

CONSENT ORDER

UPON the Tribunal's Order in the Coll Proceedings and the Epic Proceedings made and drawn on 10 January 2025 (the **Order**) relating *inter alia* to the categories of disclosure sought by the Defendants set out in paragraph 35(b) of the Fifth Witness Statement of David Michael Cran dated 6 September 2024 (**Cran 5**)

AND UPON the parties agreeing that Epic will provide the disclosure pursuant to paragraphs 11 and 17 of the Order in two tranches: the first tranche comprising approximately 5,000 documents, which accounts for materially all responsive documents of Epic's R5 Proposed Custodians, save for documents (inclusive of any of their family members) that have been provisionally identified by Epic as potentially containing either privileged or Non-Party Highly Confidential material (**First Tranche**), and the second tranche of all remaining documents (**Second Tranche**).

AND UPON the parties agreeing in principle to extend the deadlines in paragraphs 12, 18 and 21 of the Order consequential on the below (such extensions to be agreed after 7 March 2025, and referred to the Tribunal for determination if not agreed).

BY CONSENT

IT IS ORDERED THAT:

1. Paragraph 11 of the Order shall be amended as follows:

Epic shall:

- (a) By 14 February 2025 provide disclosure to Google of the First Tranche of documents; and
- (b) By 7 March 2025 provide disclosure to Google of the Second Tranche of all remaining documents;

that are responsive to Request 5 for the period 1 December 2023 to 30 November 2024, for those search terms and custodians that have been agreed between the

parties and, failing agreement, at least so as to reflect Epic’s R5 Proposed Search Terms and R5 Proposed Custodians subject to a review for relevance, privilege, and Non-Party Highly Confidential Material (for the purposes of carrying out the third-party notification process as set out in paragraphs 18 to 21 of Schedule 1 to the Composite CRO).

2. Paragraph 17 of the Order shall be amended as follows:

Epic shall:

- (a) By 14 February 2025 provide disclosure to Google of the First Tranche of documents; and
- (b) By 7 March 2025 provide disclosure to Google of the Second Tranche of all remaining documents;

that are responsive to Request 7 for the period 1 December 2023 to 30 November 2024, for those search terms and custodians that have been agreed between the parties and, failing agreement, at least so as to reflect Epic’s R7 Proposed Search Terms and R5 Proposed Custodians, subject to a review for relevance, privilege, and Non-Party Highly Confidential Material (for the purposes of carrying out the third-party notification process as set out in paragraphs 18 to 21 of Schedule 1 to the Composite CRO).

Liberty to apply

2. The parties shall have liberty to apply in respect of this order.

Bridget Lucas KC

Chair of the Competition Appeal Tribunal

Made: 14 February 2025

Drawn: 14 February 2025