



Claim Nos. IL-2021-000002 & IL-2021-000003

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
INTELLECTUAL PROPERTY LIST (ChD)

IL-2021-000002

THE HONOURABLE MR JUSTICE MARCUS SMITH

22 JUNE 2021

BETWEEN:

Claim No. IL-2021-000002)

(‘The FDC Claim’)

FOOTBALL DATA CO LIMITED

Claimant

- and -

- (1) SPORTRADAR AG
- (2) SPORTRADAR UK LIMITED
- (3) PETER KENYON
- (4) ISAIAH GARDNER
- (5) FLOYD MARCH
- (6) NICK MILLS
- (7) PRZEMYSŁAW DUBININ
- (8) PAVLIN RADKOV

Defendants

AND BETWEEN:

Claim No. IL-2021-000003)

(‘The Genius Claim’)

BETGENIUS LIMITED

Claimant

- and -

- (1) SPORTRADAR AG
- (2) SPORTRADAR UK LIMITED
- (3) PETER KENYON
- (4) ISAIAH GARDNER
- (5) FLOYD MARCH
- (6) NICK MILLS
- (7) PRZEMYSŁAW DUBININ
- (8) PAVLIN RADKOV

Defendants

ORDER

DEFINED TERMS USED IN THIS ORDER

The terms ‘**the FDC Claim**’ and ‘**the Genius Claim**’ respectively refer to one of the sets of proceedings, as per the heading to this Order.

The term ‘**Competition Law Issues**’ has the meaning given to it in this Order, which transfers the Competition Law Issues to the Competition Appeal Tribunal for determination.

The term ‘**Non-competition Law Issues**’ refers to all the issues in the FDC Claim and the Genius Claim except the Competition Law Issues.

The term ‘**HC Proceedings**’ refers to the FDC Claim and the Genius Claim insofar as those claims consist of Non-competition Law Issues.

The term ‘**CAT First Trial**’ refers to the trial of the Competition Law Issues in the FDC Claim and the Genius Claim, which the Competition Appeal Tribunal has decided to hear and determine in a joint trial alongside all issues other than quantum in ‘**the Sportradar Claim**’ (i.e. the claim brought in that Tribunal and allocated case number 1342/5/7/20).

The term ‘**HC First Trial**’ refers to the trial of liability (including causation and any other issues which may go to denying relief) and the claim for injunctive relief in respect of the HC Proceedings. Issues of quantification of quantum shall not be included within the HC First Trial.

The term ‘**CAT Proceedings**’ refers to the Competition Law Issues in the FDC Claim and the Genius Claim, together with the entirety of the Sportradar Claim.

The term “**Three Leagues**” means the Premier League, the English Football League and the Scottish Professional Football League.

Except where expressly indicated otherwise:

- (a) the term ‘**Sportradar**’ is used to refer to both Sportradar AG and Sportradar UK Limited
- (b) the term ‘**Scouts**’ is used to refer to the representative group of Defendant scouts in relation to the HC Proceedings;
- (c) ‘**FDC**’ refers to Football Dataco Limited; and
- (d) ‘**Genius**’ refers to both Betgenius Limited and Genius Sports Group Limited.

RECITALS

UPON considering the Judgment of Roth J dated 2 December 2020 ([2020] CAT 25) in the Competition Appeal Tribunal in the Sportradar Claim.

AND UPON hearing Counsel for the parties (Mr Alan Bates for Sportradar; Ms Kassie Smith QC for FDC; and Mr Ian Mill QC and Mr Tom de la Mare QC for Genius) at a case management conference (‘**CMC**’) held remotely by Microsoft Teams video conferencing platform on 22 June 2021 before Mr Justice Marcus Smith (‘**the Judge**’) sitting (a) in his capacity as a Chairman of the Competition Appeal Tribunal for the purposes of the CAT Proceedings, and (b) in his capacity as a Justice of the High Court for the purposes of these HC Proceedings, and dealing with the case management of all of those various proceedings together

AND UPON the Orders made by the Judge at this CMC in his capacity as a Chairman of the Competition Appeal Tribunal being recorded in a separate Order approved by him at the same time as this present Order.

IT IS ORDERED THAT:

Joint management of the claims

1. The Non-competition Law Issues in the FDC Claim and in the Genius Claim shall be jointly case managed and heard together.

Removal of a representative defendant

2. Pursuant to CPR 19.6(2), the Eighth Defendant to each of the FDC Claim and the Genius Claim shall be removed from the representative group which represents the Scouts across each of the Three Leagues.

Amended Claim Form and Particulars of Claim

3. FDC and Betgenius Limited have permission to amend their Claim Forms and Particulars of Claim in the forms attached to this Order.

Transfer of Competition Law Issues

4. All of the issues in the claim, and the pleadings related thereto, which relate to the competition law defences of the First to Seventh Defendants including those matters of competition law raised by the Defendants in their Defence at §§9-12 of the Defence (the ‘**Competition Law Issues**’), be transferred to the Competition Appeal Tribunal pursuant to section 16(4) of the Enterprise Act 2002 and regulation 2 of the Section 16 Enterprise Act 2002 Regulations 2015, to be heard and determined alongside the Sportradar Claim.

Trial of the Non-competition Law Issues

5. The HC First Trial shall be heard together with the CAT First Trial and shall commence on 4 October 2022 with a time estimate of 23 days. (The time estimate may be adjusted downwards by agreement of the parties or by the Court closer to the time of the trial, if appropriate.) Issues of quantification of damages in the HC Proceedings shall be determined (if and insofar as required) subsequently at a second trial.
6. The Judge presiding at the HC First Trial shall be the Judge who will also be the Chairman of the Competition Appeal Tribunal presiding at the trial in the Tribunal of the CAT First Trial. The time estimate for the HC First Trial has been set on the basis that the Judge will hear the HC First Trial alongside and concurrently with the CAT First Trial.

7. Evidence filed in the CAT Proceedings shall stand as evidence in the HC Proceedings generally (irrespective of whether that evidence relates to the Competition Law Issues or the HC Proceedings), so that such evidence can be referred to and relied on in the HC Proceedings insofar as it may be relevant to the matters that remain for this Court to decide.

Disclosure

8. Disclosure in respect of and for the HC Proceedings shall be provided concurrently with disclosure in the CAT Proceedings and shall mirror the procedure in respect of the CAT Proceedings (the latter disclosure being governed by the separate Order of the Tribunal made on the same date as this Order of the Court) as a single overall disclosure process. Any disclosure provided for the purposes of any of those proceedings shall be taken to have been provided for the purposes of all the claims comprised within those proceedings.
9. In the event that the parties are unable to resolve by agreement between themselves any matters relating to disclosure, the parties are to inform the Court (via the Clerk to Mr Justice Marcus Smith) as soon as possible so that the relevant matters can be determined expeditiously by the Court. Where possible, the Court will determine such matters on the papers. If the Court considers that it is necessary to hear the parties orally, the Court will list a short hearing to take place by remote video platform.
10. Any copies of electronic documents are to be provided in native electronic form, with metadata preserved where possible.

Witness statements

11. Witness evidence in respect of and for the HC Proceedings shall be prepared in accordance with CPR Part 32 and Practice Direction 57AC and shall be prepared and served concurrently with witness evidence in the CAT Proceedings. Where a witness is providing evidence in both the CAT Proceedings and the HC Proceedings, the witness need not give separate witness statements in the separate proceedings and may instead give a witness statement that addresses issues in all the relevant proceedings. Witness

evidence shall be prepared in accordance with the same timetable as is laid down by the Tribunal for witness evidence in the CAT Proceedings.

12. Witness evidence and expert reports filed for the purposes of the CAT Proceedings shall be treated as evidence in the HC Proceedings and may accordingly be relied on in the HC Proceedings insofar as it may be relevant.

Costs budgets

13. The parties are to prepare costs budgets in accordance with CPR Practice Direction 3E in respect of and for the HC First Trial. Where possible, a party's budget shall be set out as a single document that incorporates costs of the trial in the CAT First Trial which is to take place simultaneously with the HC First Trial.
14. Costs budgets shall be prepared, exchanged and filed in accordance with the same timetable as is laid down by the Tribunal in respect of costs budgets in the CAT Proceedings.

Pre-Trial Review

15. A Pre-Trial Review in advance of the HC First Trial shall take place on the same date, and concurrently with, the PTR listed by the Competition Appeal Tribunal in the CAT Proceedings in advance of the CAT First Trial.

Trial skeleton arguments and Trial bundles

16. Trial bundles for the HC First Trial shall be prepared in accordance with the same arrangements and timetable as is laid down by the Tribunal for trial bundles for the CAT First Trial.
17. The parties shall seek, where possible, to incorporate skeleton arguments for the HC First Trial into a single skeleton argument which includes their arguments in the concurrent CAT First Trial. Likewise, where possible, bundles for the HC First Trial shall be incorporated into a combined bundle for the HC First Trial and the CAT First Trial.

Miscellaneous

18. Where CPR rule 2.11 applies, the parties may agree to extend any time period in the proceedings for up to 28 days in total without reference to the court, provided that this does not affect the date of the Pre-Trial Review or the HC First Trial.
19. Costs in the case.
20. Liberty to apply.
21. This Order shall be served by Sportradar on FDC and Genius.

Service of order

The court has provided a sealed copy of this order to the serving party: Sheridans, 76 Wardour Street, London W1F 0UR, Ref: 703/815/026298-21