



IN THE COMPETITION APPEAL TRIBUNAL

Case No: 1433/7/7/22

BETWEEN:

DR LIZA LOVDAHL GORMSEN

Class Representative

- v -

(1) META PLATFORMS, INC.

(2) META PLATFORMS IRELAND LIMITED

(3) FACEBOOK UK LIMITED

Defendants

- and -

COMPETITION AND MARKETS AUTHORITY

Intervener

ORDER

UPON the Tribunal making a Collective Proceedings Order on 2 May 2024

AND UPON the Tribunal's order of 10 January 2025, in which the Tribunal directed that (*inter alia*): (i) a Case Management Conference be listed on 4 April 2025 (“**CMC2**”) to consider directions to trial, including whether the trial should proceed on a split basis or through the trial of preliminary issues; and (ii) a further Case Management Conference be listed on 15 July 2025 with a day in reserve to address disclosure (“**CMC3**”)

AND UPON the Class Representative stating in correspondence and in written submissions that she intends

to issue an application to amend the Amended Claim Form to claim user damages as a remedy in the Collective Proceedings (the “**Amendment Application**”)

AND UPON the Defendants stating in correspondence and in written submissions that they will contest the Amendment Application

AND UPON the parties having filed evidence and written submissions in relation to the issues that the Tribunal listed to be heard at CMC2

AND UPON the Defendants having filed and served a Disclosure Report and an Electronic Documents Questionnaire (“**EDQ**”) pursuant to the Tribunal's order of 10 January 2025

AND UPON the Competition and Markets Authority’s (“**CMA**”) letter to the Tribunal dated 3 August 2022 notifying the Tribunal of its intention to make written submissions in the proceedings pursuant to Rule 50 (2) of the Competition Appeal Tribunal Rules 2015 (the “**Tribunal Rules**”) and the letter from the CMA to the Tribunal dated 27 March 2025 confirming that the CMA is content to file its written submissions by 31 July 2025

AND UPON considering written submissions and witness evidence filed by the parties in advance of, and hearing Leading Counsel for the parties, at CMC2

AND UPON the understanding that the draft list of issues for disclosure (the “**LOIFD**”) is the version of the draft list of issues for disclosure that exists from time to time pursuant to the parties' obligations in paragraphs 7(a), 8, and 10 (in circumstances where an agreed version is filed with the Tribunal) or, if not agreed, any subsequent version following a ruling of the Tribunal in accordance with paragraph 10

IT IS ORDERED THAT:

Trial Listing

1. A single trial shall be listed for 10 weeks to commence on **20 September 2027** and to conclude by **30 November 2027**.

Expert Evidence

2. Both the Class Representative and the Defendants shall, in principle, have permission to adduce written and oral expert evidence in the field of accounting, subject to the expert issues on accounting being identified in a list which is to be agreed, or if not agreed, ordered by the Tribunal.

3. The Defendants shall serve on the Class Representative a draft list of expert issues on accounting by **4pm on 16 May 2025**.
4. The Class Representative shall serve on the Defendants her comments on the draft list of expert issues on accounting by **4pm on 23 May 2025**.
5. Any agreed list of expert issues on accounting shall be filed by the Defendants by **4pm on 1 July 2025** for the Tribunal's approval. If the parties cannot agree the list of expert issues on accounting, the Defendants shall, by **4pm on 1 July 2025**, file with the Tribunal a composite draft list of accounting expert issues indicating the areas in dispute, for determination at CMC3.
6. Both the Class Representative and the Defendants shall have permission to adduce written and oral expert evidence in the field of competition economics. Such permission shall be limited to one expert for each of the Class Representative and the Defendants.

Disclosure

7. By **4pm on 29 April 2025**, the Class Representative shall serve on the Defendants:
 - (a) A draft LOIFD; and
 - (b) A draft agenda ("**Agenda**") for a meeting between the parties' competition economics and accounting experts to discuss the issues on which disclosure is required as directed at paragraph 11 below.
8. By **4pm on 13 May 2025**, the Defendants shall serve on the Class Representative their comments on the draft LOIFD and draft Agenda.
9. The parties will seek to agree finalised versions of the draft LOIFD and draft Agenda, including, if necessary, through a meeting of the parties' solicitors. In the event that such a meeting is required, it shall take place in the week commencing **19 May 2025**.
10. The Class Representative shall file with the Tribunal any agreed LOIFD and Agenda by **4pm on 27 May 2025**. In the event that the parties have not agreed the LOIFD and Agenda, by **4pm on 27 May 2025**:
 - (a) The Class Representative shall file with the Tribunal a composite draft of the LOIFD and Agenda which indicate the areas of dispute; and

- (b) The parties shall each file short written submissions on the areas in dispute for determination by the Tribunal, if possible without the need for a further hearing.
- 11. By **10 June 2025** the parties' respective experts in the fields of competition economics and accountancy shall meet to discuss the matters set out in the Agenda having regard to the LOIFD (in the form agreed or otherwise ordered).
- 12. By **4pm on 17 June 2025**, the Defendants shall:
 - (a) File and serve an updated disclosure report that complies with Rule 60(1)(b) of the Tribunal Rules, including: (i) identifying the custodians who do or may hold documents relevant to the issues identified in the LOIFD and provide an explanation of the roles of those custodians and where they sit within the Defendants' organisation; (ii) providing further detail in relation to the 480,000 documents referred to at 4.28.3 of Meta's Disclosure Report dated 20 March 2025 and disclosed in *Maximilian Klein, et al. v. Meta Platforms, Inc.* to include how some or all of those documents are said to be relevant to the issues identified in the LOIFD; and (iii) an estimate of the costs that would be involved in giving disclosure in this case.
 - (b) File and serve an updated EDQ as defined by Rule 60(1)(c) of the Tribunal Rules. The EDQ shall include the Defendants' proposals, with reference to the issues identified in the LOIFD, in relation to: (i) date ranges; (ii) custodians; and (iii) keyword searches.

Amendment Application

- 13. By **4pm on 9 May 2025**, the Class Representative shall file and serve the Amendment Application.
- 14. By **4pm on 20 June 2025**, the Defendants shall file and serve any response to the Amendment Application.
- 15. The hearing of the Amendment Application shall be listed with a time estimate of one day on **29 September 2025**.

CMA's Intervention under Rule 50(2) of the Tribunal Rules

- 16. Subject to a specific liberty to apply for inspection, the CMA shall not be provided with the disclosure given by the parties in these proceedings.

17. The parties shall serve non-confidential versions of any further statements of case, factual witness statements, expert reports and skeleton arguments, on the CMA as soon as reasonably practicable after those documents are otherwise served. The CMA shall have specific liberty to apply in respect of the confidential versions of the aforementioned documents.
18. The CMA shall file and serve its written observations pursuant to Rule 50(2) of the Tribunal Rules by **4pm** on **31 July 2025**.
19. The parties shall have specific liberty to apply for permission to file and serve written observations in response to the CMA's written observations.
20. The CMA shall have liberty to apply at the Pre-Trial Review for permission to make oral submissions at trial.

Further Directions to Trial

21. Further directions as to disclosure, witness evidence and expert evidence will be considered at CMC3.

General

22. Costs in the case.
23. There be liberty to apply.
24. By agreement the parties may vary without further order any deadline in this Order for a period of up to 28 days without the permission of the Tribunal provided that they inform the Tribunal of such agreement in advance of the expiry of the relevant deadline and the extension does not affect the dates of any listed hearings.

Mrs Justice Joanna Smith
Chair of the Competition Appeal Tribunal

Made: 8 May 2025
Drawn: 8 May 2025