



**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 (together, “Google”)  
(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 (together, “Google”)  
(the “Coll Proceedings”)

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## CONSENT ORDER

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**UPON** the Tribunal's Order made on 7 October 2024 and drawn on 23 October 2024 in the Epic Proceedings and the Coll Proceedings (the **7 October 2024 Order**), as amended by the Tribunal's Order dated 4 March 2025 (the **4 March 2025 Order**)

**AND UPON** the Class Representative agreeing to the terms of this Consent Order, without prejudice to her position that hearsay notices should be dispensed with entirely (as to which Google and Epic reserve their rights)

**AND UPON** the parties agreeing to the terms of this Consent Order, without prejudice to any further variation to the following deadlines, including because the timetable to trial in these proceedings is subject to revision in light of the Tribunal's Order dated 24 March 2025, which provides for joint case management of the Epic Proceedings, the Coll Proceedings and *Professor Barry Rodger v Alphabet, Inc. & Ors* (Case 1673/7/7/24) to trial commencing in October 2026

**AND HAVING REGARD TO** the Tribunal's powers under the Competition Appeal Tribunal Rules 2015.

**BY CONSENT**

**IT IS ORDERED THAT:**

1. The 4 March 2025 Order is varied as follows:
  - (a) Paragraph 2(c) is deleted and replaced with: "*Paragraph 20: The parties to the Coll Proceedings and the Epic Proceedings shall file and serve hearsay notices where required by CPR r.33.2 by **5pm on 13 June 2025**, and the deadlines for filing and serving hearsay notices where required by CPR r.33.2 as set out at paragraph 8 of the Tribunal's Order of 16 December 2021 in the Coll Proceedings (as amended), and paragraph 10 of the Tribunal's Order made on 6 December 2021 and drawn on 21 December 2021 in the Epic Proceedings (as amended) are hereby amended accordingly.*"

2. The 7 October 2024 Order is varied as follows:
  - (a) Paragraph 21 is deleted and replaced with: "*Once Google has been served with Epic's hearsay notices, and vice versa, the parties shall:*
    - (a) *identify any Non-Party Confidential Information referred to in the other party's hearsay notices (insofar as the hearsay notices relate to prior testimony of that party's own witnesses in Epic Games Inc. v Google LLC et al., Case No. 3:20-cv05671-JD (the US Proceedings) or the Australian Proceedings); and*
    - (b) *promptly initiate any necessary third party notification procedure pursuant to paragraphs 18 to 21 of Schedule 1 of the Composite CRO*"
  - (b) Paragraph 22 is deleted and replaced with: "*The parties shall share their own hearsay notices and any corresponding underlying material with the Class Representative by **4pm on the date 21 days following the service of hearsay notices**, to the extent that such material has not already been made available in the Coll Proceedings. If the parties have identified any third party confidentiality issues that they have not yet been able to resolve pursuant to paragraphs 18 to 21 of Schedule 1 of the Composite CRO:*
    - (a) *the parties shall notify the other party by no later than **4pm on the date 19 days following the service of hearsay notices** in respect of any specific Non-Party Highly Confidential redactions that would need to be applied in the interim; and*
    - (b) *the parties shall then proceed to share their own hearsay notices and any corresponding underlying material with the Class Representative by **4pm on the date 21 days following the service of hearsay notices**, with redactions applied to Non-Party Highly Confidential Information only where necessary. The parties will then share non-redacted versions of these materials as soon as practically possible once the relevant confidentiality issues have been resolved."*
3. Costs in the case.
4. The parties shall have liberty to apply in respect of this order.

**Bridget Lucas KC**

Chair of the Competition Appeal Tribunal

Made: 4 April 2025

Drawn: 4 April 2025