



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1527/7/7/22

BETWEEN:

ALEX NEILL CLASS REPRESENTATIVE LIMITED

Class Representative

- v -

- (1) **SONY INTERACTIVE ENTERTAINMENT EUROPE LIMITED**
(2) **SONY INTERACTIVE ENTERTAINMENT NETWORK EUROPE LIMITED**

Defendants

CONSENT ORDER

UPON the Class Representative filing its Re-Re-Amended Claim Form dated 14 April 2025 (the “**RRACF**”)

AND UPON the Defendants filing their Amended Defence dated 12 May 2025

AND UPON the Class Representative filing its Amended Reply dated 28 May 2025 (the “**Amended Reply**”)

AND UPON the Defendants refusing to consent to the amendments at paragraphs 103A – 103F of the RRACF (the “**Disputed Amendments**”) on the basis of their contentions that (i) a relevant period of limitation has expired, and (ii) the Tribunal may not permit the

Disputed Amendments under Rule 32(2) of the Competition Appeal Tribunal Rules 2015 (the “**Rules**”)

AND UPON the parties agreeing that the issue of whether the Tribunal may permit the Disputed Amendments under Rule 32(2) of the Rules shall be determined at trial

AND UPON the Defendants agreeing that, if it is determined at trial that the Tribunal may not permit the Disputed Amendments under Rule 32(2) of the Rules, they shall consent to those amendments being made insofar as the Class Representative claims damages in respect of the matters raised by those amendments only in respect of the period after 14 April 2019 (in respect of claims governed by English law) and 14 April 2020 (in respect of claims governed by Scottish law)

AND UPON the parties agreeing that the reservation of the issue referred to at paragraph 1 of this Order for determination at trial shall be without prejudice to paragraph 81 of the Class Representative’s Amended Reply averring that the claims prior to 14 April 2020 in respect of the Disputed Amendments are not prescribed in any event, by reason of section 11 of the Limitation (Scotland) Act 1973

AND UPON the parties having agreed by consent to the Order stated below

IT IS ORDERED THAT:

1. The issue of whether the Disputed Amendments may and, if so, ought to be permitted under Rule 32(2) of the Rules shall be reserved for determination at trial.
2. The Defendants’ agreement to the reservation of the issue referred to at paragraph 1 of this Order for determination at trial shall not, for the purposes of limitation, give rise to a relation back of the Disputed Amendments to the date of the issue of the proceedings unless the Class Representative can show that, in accordance with the test applicable under Rule 32(2) of the Rules:
 - (a) the Disputed Amendments do not seek to add or substitute a new claim or claims; or

- (b) in respect of the Disputed Amendments which do add or substitute a new claim or claims, each new claim arises out of the same facts or substantially the same facts as the claims which were pleaded in the Class Representative's Collective Proceedings Claim Form dated 19 August 2022.

3. Costs in the case.

Mr Ben Tidswell
Chair of the Competition Appeal Tribunal

Made: 18 June 2025
Drawn: 18 June 2025