IN THE COMPETITION APPEAL TRIBUNAL

Case Nos: 1582/7/7/23
1572/7/7/22

BETWEEN:

AD TECH COLLECTIVE ACTION LLP

Proposed Class Representative

- v -

(1) ALPHABET INC.
(2) GOOGLE LLC
(3) GOOGLE IRELAND LIMITED
(4) GOOGLE UK LIMITED

Proposed Defendants

(the "Proceedings")

ORDER (ADJOURNMENT)

UPON the application of the Proposed Defendants

AND UPON the Order of Tribunal dated 14 June 2023 (the "**June Order**")

AND UPON the Order of the Tribunal dated 9 January 2024 (the "**January Order**")

AND UPON the application of the Proposed Defendants dated 19 January 2024

AND UPON the letter from the Tribunal to the Parties dated 19 January 2024, the letter from the Proposed Class Representative to the Tribunal dated 22 January 2024, the letter from the Proposed Defendants to the Tribunal dated 22 January 2024, and the letter from the Proposed Class Representative to the Tribunal dated 23 January 2024

IT IS ORDERED THAT:

1. The certification hearing which is listed to commence on 29 January 2024 be adjourned.

2. A further hearing with a time estimate of no longer than four days be fixed for the first available date after 27 February 2024 (the "**CPO Application Hearing**").

3. The parties shall file and exchange skeleton arguments 10 days before the date of the CPO Application Hearing.

4. The parties shall seek to agree the hearing and authorities bundles in accordance with the Tribunal's Guide and Practice Direction of 25 February 2021 and file the agreed bundles 7 days before the date of the CPO Application hearing.

5. Costs in the case.

6. Liberty to apply.

REASONS

(1) The Proposed Defendants make this application to adjourn a hearing to determine the Proposed Class Representative's application for certification of collective proceedings. The application is opposed by the Proposed Class Representative.

(2) The Tribunal is generally very reluctant to adjourn hearings, particularly where as here (i) the hearing has been fixed well in advance, (ii) there will be some difficulty in finding a new date for the adjourned hearing and (iii) where an adjournment means that the ultimate trial (which is dependent on certification) is likely to be delayed by a number of months (assuming a successful application by the Proposed Class Representative).

(3) Nevertheless, an adjournment is, in this case, the only fair course. The Proposed Defendants have been criticised by the Proposed Class Representative for opposing certification on grounds that are too granular and which are inconsistent with the case law as regards certification of collective proceedings. The Tribunal cannot, in advance of the hearing, reach any view on this. It proceeds on the basis that the Proposed Defendants are appropriately defending the application.

(4) The Proposed Class Representative has, itself, filed voluminous materials in response to those of the Proposed Defendants. The volume of these materials is such that the Proposed Defendants have stated that they cannot properly be ready for the hearing. That is an assertion on the face of it not unreasonable, and the Tribunal (given its own assessment of this material) is not prepared to look behind the assertions of the Proposed Defendants on this occasion.

(5) As a matter of fairness, the hearing must therefore be adjourned.

Sir Marcus Smith Made: 23 January 2024

President of the Competition Appeal Tribunal Drawn: 23 January 2024